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CHAPTER 19.

 SCHOOL TRUSTEES

ARTICLE 1.

 GENERAL PROVISIONS

**SECTION 59‑19‑10.** School districts shall be under management of boards of trustees.

Each school district shall be under the management and control of the board of trustees provided for in this article, subject to the supervision and orders of the county board of education.

**SECTION 59‑19‑20.** Composition of boards of school trustees; terms.

Unless it be specially provided otherwise by law, the boards of school trustees in this State shall be composed of three members, each of whom when appointed, pursuant to the terms hereof, shall hold office for a term of three years.

**SECTION 59‑19‑30.** Appointment of members.

The original trustees having been appointed for terms of one, two and three years, respectively, the county boards of education shall, during the first week of April in each year, appoint one trustee for each district from the qualified electors and taxpayers residing in the district for which the appointment is made to succeed the trustee whose term expires during that year and to serve with the holdover members until his successor has been appointed and qualified.

**SECTION 59‑19‑40.** Appointment of members; special provisions shall not be superseded by Section 59‑19‑30.

The provisions of Section 59‑19‑30 shall neither repeal, supersede nor annul any special act providing for the appointment or election of school trustees in any school district or in any of the several counties of the State.

**SECTION 59‑19‑45.** Orientation for school district boards of trustees and county boards of education.

(A) Within one year of taking office, all persons elected or appointed as members of a school district board of trustees after July 1, 1997, shall complete successfully an orientation program in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, superintendent and board relations, instructional programs, district finance, school law, ethics, and community relations.

(B) The orientation shall be approved by the State Board of Education and conducted by public or private entities approved by the State Board of Education such as the South Carolina School Boards Association.

(C) The provisions of this section also apply to members of county boards of education appointed or elected after July 1, 1997, in the same manner the provisions of this section apply to members of school district boards of trustees.

(D) The provisions of this section do not apply to a school board trustee or county board of education member who was serving in such office on July 1, 1997, and who is continuously reelected or reappointed to office thereafter.

(E) The State Department of Education shall reimburse a school district or county board of education conducting an orientation for a new board member as required by this section at the rate of eighty dollars for a member, provided that the total reimbursements by the department in one fiscal year must not exceed ten thousand dollars. If the total projected cost of these reimbursements for a year as determined by the department exceeds ten thousand dollars, the eighty‑dollar reimbursement for each new member must be reduced proportionately. If funds are not available for these reimbursements, the board member orientation is not required but may be conducted at the option of a school district or county board of education. The State Board of Education shall establish guidelines and procedures for these reimbursements.

(F) The State Department of Education must keep a record of the school board trustees who complete the orientation program.

**SECTION 59‑19‑50.** Appointment and term of trustees for consolidated districts.

When school districts are consolidated, the county board of education shall appoint, from within the consolidated district, five trustees to serve as trustees of the new district, two for a term of one year, two for a term of two years and one for a term of three years. Thereafter the successors of all such trustees shall be elected for a term of three years or be appointed as provided by law.

**SECTION 59‑19‑60.** Removal of trustees; vacancies.

School district trustees shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59‑19‑560. Vacancies occurring in the membership of any board of trustees for any cause shall be filled for the unexpired term by the county board of education in the same manner as provided for full‑term appointments.

**SECTION 59‑19‑70.** Chairman and clerk of board.

The trustees shall, as soon as practicable after the appointment of any new trustee, organize by the election of one of their members as chairman and another as clerk of the board. The chairman shall preside at meetings of the board and perform other duties imposed on him under the law, and the clerk shall keep a record of the proceedings of all meetings in a book provided for that purpose and perform all other duties required of him by law.

**SECTION 59‑19‑80.** Requirements as to purchases and teacher employment.

No teacher or other employee shall be employed or any purchase made except in a duly called meeting of the board, of which meeting each member has been notified in writing by the clerk of the board at least three days in advance thereof, unless a written waiver of such notice of meeting is signed by each member of the board, and unless such action or the memoranda of the terms of any such contract of employment or purchase shall be duly recorded in the minutes of such meeting and approved by the board. No contract shall be entered into with teachers who are under a teaching contract in South Carolina before April fifteenth of each year. In lieu of making a particular purchase, the board may request the Purchasing and Property Division of the Budget and Control Board to make such purchase.

**SECTION 59‑19‑90.** General powers and duties of school trustees.

The board of trustees shall also:

(1) Provide schoolhouses. Provide suitable schoolhouses in its district and make them comfortable, paying due regard to any schoolhouse already built or site procured, as well as to all other circumstances proper to be considered so as best to promote the educational interest of the districts;

(2) Employ and discharge teachers. Employ teachers from those having certificates from the State Board of Education, fix their salaries and discharge them when good and sufficient reasons for so doing present themselves, subject to the supervision of the county board of education. In reaching a decision as to whether or not to employ any person qualified as a teacher, consideration may be given to the residence of such person but it shall not be the deciding factor or a bar to employing such person.

(3) Promulgate rules and regulations. Promulgate rules prescribing scholastic standards of achievement and standards of conduct and behavior that must be met by all pupils as a condition to the right of such pupils to attend the public schools of such district. The rules shall take into account the necessity of proper conduct on the part of all pupils and the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils shall be promoted notwithstanding that such rules may result in the ineligibility of pupils who fail to observe the required standards, and require the suspension or permanent dismissal of such pupils;

(4) Call meetings of electors for consultation. Call meetings of the qualified electors of the district for consultation in regard to the school interests thereof, at which meetings the chairman or other member of the board shall preside, if present;

(5) Control school property. Take care of, manage and control the school property of the district;

(6) Visit schools. Visit the public schools within its district from time to time and at least once in every school term and take care that they are conducted according to law and with the utmost efficiency;

(7) Control educational interest of district. Manage and control local educational interests of its district, with the exclusive authority to operate or not to operate any public school or schools;

(8) Charge matriculation and incidental fees. Charge and collect matriculation and incidental fees from students; however, regulations or policies adopted by the board regarding charges and collections must take into account the students’ ability to pay and must hold the fee to a minimum reasonable amount. Fees may not be charged to students eligible for free lunches and must be reduced pro rata for students eligible for reduced price lunches;

(9) Transfer and assign pupils. Transfer any pupil from one school to another so as to promote the best interests of education, and determine the school within its district in which any pupil shall enroll; and

(10) Prescribe conditions and charges for attendance. Be empowered to prescribe conditions and a schedule of charges based on cost per pupil as last determined, for attendance in the public schools of the school district for

(a) children of parents temporarily residing within the school district;

(b) children whose parents or legal guardians live elsewhere but who are residing with residents of the school district; and

(c) children of parents residing on Federal property or military or naval bases of the United States located within or adjacent to the boundaries of such school district; and

(d) all other children specially situated and not meeting the eligibility requirements of Section 59‑63‑30, but who shall have petitioned the trustees in writing seeking permission to attend the public schools of the school district.

(11) Provide school‑age child care program or facilities therefor. Provide:

(a) a school‑age child care program for children aged five through fourteen years that operates before or after the school day, or both, and during periods when school is not in session;

(b) a school‑age child care program that operates during periods when school is in session for students who are enrolled in a half‑day kindergarten program; or

(c) classrooms, other space, or both, in a school for use by an organization that is operating a school‑age child care program before or after the school day, or both, and during periods when school is not in session for children aged five through fourteen years.

All latchkey programs operating pursuant to this item must be licensed.

(12) Establish the annual calendar. Have the authority to establish an annual school calendar for students, faculty, and staff to include starting dates, ending dates, holidays, make‑up days, in‑service days, and professional development days.

**SECTION 59‑19‑93.** Adoption of procurement code by school district; suspension of distribution of funds for noncompliance.

Distributions of funds to a school district pursuant to the South Carolina Education Improvement Act of 1984 must be suspended after June 30, 1985, unless the school district has adopted and filed with the Division of General Services of the State Budget and Control Board a procurement code modeled on the South Carolina Consolidated Procurement Code or the model set forth in the Report of the Local Government Task Force on Procurement. All suspended funds must be released to the district at the time the district files an adopted procurement code and all subsequent distributions must be made as provided by law.

**SECTION 59‑19‑95.** Implementation of student promotion policy.

The governing body of every school district of this State shall implement a student promotion policy which at least meets the minimum criteria established by the State Board of Education under Section 59‑5‑65 of the 1976 Code.

**SECTION 59‑19‑97.** Teacher’s evaluation system for continuing contract teachers.

The teacher’s evaluation system for continuing contract teachers, mandated by Act 187 of 1979, must be fully implemented in all school districts by school year 1984‑85. A formal evaluation of continuing contract teachers must take place not less than every three years. Nothing in this section shall prohibit the governing bodies of the school districts of this State from establishing higher standards for the evaluation of teachers.

**SECTION 59‑19‑100.** Circumstances under which educational governing body of county shall have powers and duties of school trustees.

Where the county educational system operates as a unit, the county board of education or the educational governing body of the county shall have all the powers and duties of school trustees.

**SECTION 59‑19‑110.** Rule‑making power.

The boards of trustees of the several school districts may prescribe such rules and regulations not inconsistent with the statute law of this State as they may deem necessary or advisable to the proper disposition of matters brought before them. This rule‑making power shall specifically include the right, at the discretion of the board, to designate one or more of its members to conduct any hearing in connection with any responsibility of the board and to make a report on this hearing to the board for its determination.

**SECTION 59‑19‑117.** Criminal record search for individuals hired by district; adoption of written policy; training; National Sex Offender Registry check on certain district employees; training; adoption of written policy.

(A) An individual hired by a local school district board of trustees to serve in any capacity in a public school in this State shall undergo a name‑based South Carolina criminal record search conducted by the local school district using records maintained by the State Law Enforcement Division pursuant to regulations contained in subarticle 1, Article 3, Chapter 73 of the Code of Regulations. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts hiring decisions. The district policy must stipulate whether the district assumes the cost of the criminal record search or that the applicant assumes the cost. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 and hiring recommendations relative to felony convictions and relevant just‑cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in criminal record searches.

(B) Each school district of this State shall perform a National Sex Offender Registry check on all district employees hired to serve in any capacity in a public school and all volunteers who work in a school on an interim or regular basis as mentors, coaches, or any other capacity, or volunteers who serve as student chaperones or any other capacity having direct interaction with students. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate district personnel on the appropriate uses of the database. By August 1, 2010, the district board of trustees shall adopt a written policy that specifies the sex offender registry check as well as how information received from the search impacts hiring decisions. The policy must include, at a minimum, a prohibition of hiring individuals required to register as sex offenders pursuant to Section 23‑3‑430.

**SECTION 59‑19‑120.** Rules and regulations governing use of school buildings.

Each district board of trustees may adopt rules and regulations which are not inconsistent with State law or the rules and regulations of the State Board of Education governing the use of school buildings for purposes other than normal school activity.

**SECTION 59‑19‑125.** Leasing school property for particular purposes.

Each district board of trustees may lease any school property for a rental which the board considers reasonable or permit the free use of school property for:

(1) civic or public purposes; or

(2) the operation of a school‑age child care program for children aged five through fourteen years that operates before or after the school day, or both, and during periods when school is not in session, if the property is not needed for school purposes. Under this section the board may enter into a long‑term lease with a corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school‑age child care program. However, if the property subject to a long‑term lease is being paid for from money in the district’s debt service fund, then all proceeds from the long‑term lease must be deposited in that school district’s debt service fund so long as the property has not been paid for.

**SECTION 59‑19‑130.** Acquisition of supplies and equipment.

Each district board of trustees shall have the power to purchase, rent, lease, or otherwise acquire the supplies and equipment necessary for the operation of the public schools and other school facilities of the district.

**SECTION 59‑19‑140.** Rules and regulations governing use of equipment.

Each district board of trustees may adopt rules and regulations which are not inconsistent with State law or the rules and regulations of the State Board of Education governing the use of school equipment for purposes other than normal school activity.

**SECTION 59‑19‑150.** Maintenance of equipment.

Each district board of trustees shall keep its equipment in good repair.

**SECTION 59‑19‑160.** Gifts to school district; bond as prerequisite to receipt.

The trustees of any school district of this State may take and hold in trust for their particular school district any property granted, devised, given or bequeathed to such school district and apply the same in the interest of the schools of their district in such manner as in their judgment seems most conducive to the welfare of the schools when not otherwise directed by the terms of the grant, devise, gift or bequest. Before such trustees shall assume control of any grant, devise, gift or bequest, they shall give a bond, to be approved by the county board of education of the county in which such grant, devise, gift or bequest is made, conditioned for the faithful discharge of the trust reposed in them in respect to such property, which bond shall be deposited with the clerk of the court of the county.

**SECTION 59‑19‑170.** Acceptance and holding of property by trustees.

The district board of trustees of any school district may accept and hold in trust for its particular school district any property granted, devised, given or bequeathed to the district and use it in such manner as in its judgment seems most conducive to the welfare of the schools when not otherwise directed by the terms of the grant, devise, gift or bequest.

**SECTION 59‑19‑180.** Purchase of lands by trustees.

Whenever a board of school trustees deems it expedient to acquire lands for the erection thereon of any public schoolhouse or building or making any addition to or extension of any public schoolhouse or building already established or for public school playgrounds or other use for such public schools, it may purchase the lots or parcels of land necessary for such purposes and the fee simple title of such land shall be vested in such board of school trustees from the day of the sale.

**SECTION 59‑19‑190.** Purchase of land by trustees; reassignment or disposal of land purchased with State funds.

Whenever a board of trustees deems it expedient to acquire lands for public school purposes with any State funds, it may purchase, subject to the prior written approval of the State Board of Education, the lots or parcels of land necessary for such purchase. The reassignment or disposal of such parcels of land purchased after 1952 with any State funds shall be subject to the prior written approval of the State Board of Education.

**SECTION 59‑19‑200.** Condemnation of lands by trustees.

In case any owner of any lot or parcel of land refuses to sell it or demands what may be considered by the authorities an unreasonable price, the authorities may proceed to condemn the land pursuant to the Eminent Domain Procedure Act (Chapter 2 of Title 28).

**SECTION 59‑19‑250.** Sale or lease of school property by trustees.

The school trustees of the several school districts may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of any such sale or lease to the school fund of the district. The consent of the county board of education or, in those counties which do not have a county board of education, the governing body of the county, shall be first obtained by the trustees desiring to make any such sale or lease. The board of trustees, within thirty days after making any such sale or lease, shall send a report thereof to the county board of education or, in those counties which do not have a county board of education, the governing body of the county, setting forth the terms and amount of the sale or lease.

**SECTION 59‑19‑260.** Trustees authorized to insure motor vehicles.

The board of trustees of any school district is hereby authorized to secure such insurance as it deems necessary relating to the operation of motor vehicles owned by the district.

**SECTION 59‑19‑270.** Trustees may employ medical, technical and clerical personnel.

Every district board of trustees may employ physicians, dentists, podiatrists, ophthalmologists, other medical specialists, optometrists, nurses, dental hygienists, and other technical and clerical personnel as may be needed.

**SECTION 59‑19‑280.** Trustees may be members of School Boards Association.

Any member of the board of trustees of any school district in this State may become a member of the South Carolina School Boards Association, and the fees and dues necessary to acquire and maintain membership in this organization shall be paid by the school district.

**SECTION 59‑19‑290.** Contracts in excess of apportioned funds shall be void.

All contracts which boards of trustees may make in excess of the funds apportioned to their districts shall be void.

**SECTION 59‑19‑300.** Propriety of trustee’s receiving pay as teacher.

It shall be unlawful for a school trustee to receive pay as a teacher of a free public school that is located in the same school district of which such person is a trustee.

**SECTION 59‑19‑310.** Exercising office of trustee after termination of office.

If a trustee of any school district shall attempt to act or discharge the duties of such office after he has been removed or after his successor shall have qualified, he shall be guilty of a misdemeanor and, after conviction, be punished by a fine of not less than one hundred and one dollars or by imprisonment for not less than thirty days, or both, at the discretion of the court.

**SECTION 59‑19‑315.** Commencement of trustee’s term of office.

The term of office of every elected trustee of a school district must commence one week following the certification of his election.

**SECTION 59‑19‑320.** Trustees may cross bridge or ferry free of charge.

The school trustees shall be allowed to cross all bridges or ferries free of charge when they are traveling on official business.

**SECTION 59‑19‑330.** Annual report of trustees of certain special and graded school districts.

The trustees of special and graded school districts created by acts of the General Assembly shall make annual reports to the State Superintendent of Education in such form and at such time as he shall prescribe.

**SECTION 59‑19‑340.** Child development programs for three and four‑year‑old children.

The board of trustees of each school district may establish and provide for the education of children who will attain the age of four on or before September first of the applicable school year in child development programs. The board of trustees of school districts having programs serving three and four‑year‑olds on the date of enactment of this section may continue to serve three‑year‑old children.

ARTICLE 3.

 APPEAL FROM ACTION OF TRUSTEES

**SECTION 59‑19‑510.** Right to appeal to county board of education; petition.

Subject to the provisions of Section 59‑19‑90, any parent or person standing in loco parentis to any child of school age, the representative of any school or any person aggrieved by any decision of the board of trustees of any school district in any matter of local controversy in reference to the construction or administration of the school laws or the placement of any pupil in any school within the district, shall have the right to appeal the matter in controversy to the county board of education by serving a written petition upon the chairman of the board of trustees, the chairman of the county board of education and the adverse party within ten days from the date upon which a copy of the order or directive of the board of trustees was delivered to him by mail or otherwise. The petition shall be verified and shall include a statement of the facts and issues involved in the matter in controversy.

**SECTION 59‑19‑520.** Appeal in counties where functions of trustees and board of education have been combined.

In counties where the functions of the boards of trustees and those of the county board of education have been combined, the appeal provided in Section 59‑19‑510 shall lie to the county board of education from its original action disposing of the matter in controversy before hearing.

**SECTION 59‑19‑530.** Hearing; separate hearing for each child in controversies involving children of school age.

The parties shall be entitled to a prompt and fair hearing by the county board of education, which shall try the matter de novo and in accordance with its rules and regulations. Where individual children of school age are involved in the matter in controversy, the case of each child shall be heard and disposed of separately.

**SECTION 59‑19‑540.** Hearing; appearance of parties and evidence.

At any hearing provided for in Section 59‑19‑530, the parties may appear in person or through an attorney licensed to practice in South Carolina and may submit such testimony, under oath, or other evidence as may be pertinent to the matter in controversy.

**SECTION 59‑19‑550.** Order of board of education; service on parties.

After the parties have been heard, the county board of education shall issue a written order disposing of the matter in controversy, a copy of which shall be mailed to each of the parties at interest.

**SECTION 59‑19‑560.** Appeal to court of common pleas.

Any party aggrieved by the order of the county board of education shall have the right to appeal to the court of common pleas of the county by serving a written verified petition upon the chairman of the county board of education and upon the adverse party within ten days from the date upon which copy of the order of the county board of education was mailed to the petitioner. The parties so served shall have twenty days from the date of service, exclusive of the date of service, within which to make return to the petition or to otherwise plead, and the matter in controversy shall be tried by the circuit judge, de novo, with or without reference to a master or special referee.

The county board of education shall certify to the court the record of the proceedings upon which its order was based, and the record so certified shall be admitted as evidence and considered by the court, along with such additional evidence as the parties may desire to present. The court shall consider and dispose of the cause as other equity cases are tried and disposed of, and all parties at interest shall have such rights and remedies, including the right of appeal, as are now provided by law in such cases.

**SECTION 59‑19‑570.** Appeal shall not act as supersedeas.

Until the matter in controversy has been finally disposed of, no appeal shall act as a supersedeas or suspension of the order of the board having original jurisdiction of the cause.

**SECTION 59‑19‑580.** Appeal from decision to operate or not to operate school.

Any provision of this article to the contrary notwithstanding, the decision of any board of trustees of any school district to operate or not to operate a school or schools shall not be subject to the appellate procedures specified in this article. Any such decision may be appealed directly to the court of common pleas of the county in which any school to be operated or not to be operated is located; provided, however, that questions considered by the court upon such appeal shall be limited to questions of law.