INTRODUCED

January 18, 2012

**H. 4632**

Introduced by Rep. Battle

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Read the first time January 18, 2012.

**A** **BILL**

TO FORM ALL SCHOOL DISTRICTS IN MARION COUNTY INTO A SINGLE SCHOOL DISTRICT ENTITLED THE “MARION COUNTY SCHOOL DISTRICT” ON JULY 1, 2012, TO PROVIDE THAT THERE MUST BE NO ELECTED COUNTY SUPERINTENDENT OF EDUCATION FOR MARION COUNTY WITH ALL POWERS AND DUTIES OF THIS OFFICE DEVOLVED UPON THE MARION COUNTY BOARD OF EDUCATION WHICH MUST BE THE GOVERNING BODY OF THE MARION SCHOOL DISTRICT, TO PROVIDE FOR THE MANAGERIAL AND OTHER ADMINISTRATIVE STAFF FOR THE DISTRICT, TO PROVIDE FOR THE MANNER IN WHICH CONTRACTS OF EMPLOYMENT FOR TEACHERS AND OTHER PROFESSIONAL PERSONNEL OF THE DISTRICT MUST BE OFFERED, TO PROVIDE FOR THE FISCAL AUTHORITY AND AFFAIRS OF THE DISTRICT, INCLUDING THE MANNER IN WHICH AD VALOREM TAXES FOR THE BENEFIT OF THE DISTRICT MUST BE LEVIED FOR OPERATING AND GENERAL OBLIGATION DEBT PURPOSES, AND TO PROVIDE FOR OTHER RELATED PROVISIONS TO EFFECTUATE THIS FORMATION ON JULY 1, 2012.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A) Pursuant to Sections 59‑17‑40 and 59‑17‑20(A) of the 1976 Code, effective July 1, 2012, all of the present school districts of Marion County must be formed into a single school district embracing the entire county and named the ‘Marion County School District’, and the powers and duties of the respective boards of trustees of each district must be transferred as provided in and subject to Section 5 of this act to the existing Marion County Board of Education as the educational governing body of the county pursuant to Section 59‑19‑100 of the 1976 Code.

(B) The Marion County Board of Education immediately shall commence transitional planning and budgeting activities preparatory to the operation of the Marion County School District, and in addition to all powers of the Marion County Board of Education heretofore provided by law, the Marion County Board of Education has all powers and exercises all functions as proper and necessary for these purposes.

SECTION 2. (A) There must be no elected County Superintendent of Education for Marion County on and after July 1, 2012, and all powers and duties of the Marion County Superintendent of Education with regard to any school district, to the extent not already so devolved, are devolved upon the Marion County Board of Education as of July 1, 2012.

(B) The Marion County Board of Education shall select and appoint an individual possessing appropriate qualifications to serve as the superintendent of the Marion County School District. The appointment must be made in advance of the formation implemented by Section 1 of this act. The superintendent is the chief executive officer of the Marion County Board of Education and the Marion County School District and is responsible to the Marion County Board of Education for the proper administration of all affairs of the school district and subject to all other provisions of law relating to his duties.

(C) The appointed superintendent has the powers granted to county superintendents of education by Section 59‑1‑310 of the 1976 Code, as well as all other express and implied powers and duties of school district superintendents of the State, subject to any special provisions made by the Marion County Board of Education within the scope of its authority. Within the scope of both all previously existing powers and all additional preparatory powers granted by this act, the superintendent may exercise such powers before July 1, 2012.

(D) Before July 1, 2012, the Marion County Board of Education may employ in its own name such other subordinate operational, financial, managerial, professional, administrative, and clerical staff as necessary and prudent in anticipation of the establishment of the Marion County School District. As of July 1, 2012, any employment relationship existing pursuant to this subsection in the name of the Marion County Board of Education as employer is automatically assigned and transferred to the Marion County School District as employer.

SECTION 3. (A) As a result, the Marion County School District shall assume all liabilities of the presently existing school districts. The Marion County Board of Education is granted sole responsibility and authority to prescribe the Marion County School District staffing allocations and responsibilities of all personnel for Fiscal Year 2013, as well as sole responsibility and authority to establish the locally determined elements of all Fiscal Year 2013 salary schedules and other terms and conditions of employment for use in letting any contract commencing or extending into Fiscal Year 2013, which will be assumed by the Marion County School District.

(B) Accordingly, after the effective date of this act, no employment contract must be executed by any of the present school districts of Marion County except as affirmatively permitted by action of the Marion County Board of Education. The Marion County Board of Education may choose, for anyone or more classes of personnel, to establish general plans for purposes of this section, and may delegate to its superintendent the specific implementation of these plans including, but not limited to, the power to grant approval on behalf of the Marion County Board of Education of individual Fiscal Year 2013 contracts for execution by the presently existing school districts.

(C) Contracts of employment let pursuant to this subsection for which the employee is to be compensated pursuant to a salary schedule or other general compensation policy subsequently to be developed pursuant to subsection (A) of this section are deemed to be let subject to the subsequent adoption or modification of such salary schedules or other compensation policies.

SECTION 4. (A) As of July 1, 2012, the provisions of Section 59‑17‑70 of the 1976 Code must be applied to all property, other assets, and liabilities of all the school districts of Marion County formed into the Marion County School District.

(B) Subject to the general laws of the State, fiscal authority for the budget and operating millage of the Marion County School District is devolved and vested in the Marion County Board of Education. The Marion County Board of Education has authority to adopt a Marion County School District Fiscal Year 2013 budget before July 1, 2012.

(C) From July 1, 2012, and on a continuing basis thereafter, the Marion County School District shall operate on the disbursement method provided in Section 59‑69‑215 of the 1976 Code, all of its provisions requiring concurrence of the governing body of the county notwithstanding.

(D) All state and local governmental calculations and projections concerning Fiscal Year 2012 or Fiscal Year 2013 for purposes of the finances of the public education system in Marion County must be made on the basis of the Marion County School District as the sole school district of Marion County.

(E) Notwithstanding any other provision of law, the school operating millage for the Marion County School District must be uniform. All taxes now authorized or existing under local legislation for public school operating purposes including, but not limited to, millage to service real property lease‑purchase agreements or any other capital acquisition related obligation not constituting general obligation debt and millage levied for particular programs or affiliated entities of any of the school districts in Marion County, which operate on less than a county‑wide basis are abolished as of the conclusion of tax year 2011; provided, however, that where the revenues of such levies have previously been pledged or otherwise are deemed a necessary revenue source for the operation of the Marion County School District by the Marion County Board of Education, it may incorporate millage necessary to secure such revenues into its initial school operating ad valorem tax for tax year 2012.

(F) The tax year 2012 school operating millage of the Marion School District must be deemed to comply with Section 6‑1‑320(A) of the 1976 Code so long as the projected revenue to be derived from the levy subject to Section 6‑1‑320(A) is not more than the Marion County Board of Education’s good‑faith estimate of the aggregate revenue of all public school operating millage levied for tax year 2011 in Marion County plus additional revenue of ten percent from tax year 2013 forward, the general laws of the State apply to the imposition of the school operating ad valorem tax for the Marion County School District.

(G) For all general obligation debt of the school districts formed into the Marion County School District, as of tax year 2012 the Marion County School District is the sole operating school unit of Marion County for purposes of Section 59‑17‑150 of the 1976 Code.

SECTION 5. Subject to existing provisions of law and the provisions of this act, the boards of trustees of the school districts of Marion County in existence as of the effective date of this act shall continue until June 30, 2014, at which time they are dissolved. During this time and subject to the orders, rules, and regulations of the county board of education, these boards of trustees continue to exercise their respective duties and powers under the federal and state constitutions and Title 59 of the 1976 Code with regard to matters arising within the area comprising their respective school districts.

SECTION 6. (A) The formation of the Marion County School District includes the merger into that school district of any joint programs or entities operated by or between any two or more of the presently existing school districts. As of formation of the Marion County School District, all powers and duties of any participating school districts with regard to such joint programs or entities are transferred to the Marion County School District.

(B) Without reducing the generality of subsection (A), as of July 1, 2012, the Marion County vocational school program, the Marion County alternative school, and the Marion County adult education program are declared constituent programs of the Marion County School District. As such, the budgets and any operating millage to be levied on behalf of such programs are subsumed within the budget and operational millage of the Marion County School District, and the Marion County Board of Education is empowered to manage and control these programs as it deems proper subject to applicable federal and state laws and regulations pertaining to such programs.

SECTION 7. (A) All powers previously granted to the Marion County Board of Education for the purposes of governing the public education system of Marion County, unless inconsistent with the provisions of this act, are preserved.

(B) All powers previously granted to the boards of trustees of the several school districts of Marion County, unless inconsistent with the provisions of this act, are preserved and transferred to the Marion County Board of Education as of July 1, 2012.

SECTION 8. If a provision of this act is held by a court of competent jurisdiction to be unconstitutional or invalid, the holding will not affect the constitutionality or validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act and each and every provision herein irrespective of the fact that a provision of this act may be declared unconstitutional, invalid, or otherwise ineffective.

SECTION 9. Any local act or parts of any local act pertaining to the Marion County Board of Education, or any school district of Marion County inconsistent with the provisions of this act or otherwise inconsistent with the intent that the Marion County School District shall operate and be formed as a single unit, is repealed.

SECTION 10. This act takes effect upon approval by the Governor.

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