**South Carolina General Assembly**

120th Session, 2013-2014

**A308, R155, S798**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Malloy and Williams

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Companion/Similar bill(s): 4205

Introduced in the Senate on June 19, 2013

Introduced in the House on March 25, 2014

Passed by the General Assembly on April 2, 2014

Governor's Action: April 7, 2014, Signed

Summary: Marlboro County School Board

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 6/19/2013 Senate Introduced, read first time, placed on local & uncontested calendar ([Senate Journal‑page 3](file:///H%3A%5CSJ%20Archive%5C2013%5C06-19-13.docx))

 6/20/2013 Scrivener's error corrected

 3/20/2014 Senate Read second time ([Senate Journal‑page 24](file:///H%3A%5CSJ%20Archive%5C2014%5C03-20-14.docx))

 3/20/2014 Senate Unanimous consent for third reading on next legislative day ([Senate Journal‑page 24](file:///H%3A%5CSJ%20Archive%5C2014%5C03-20-14.docx))

 3/21/2014 Senate Read third time and sent to House

 3/25/2014 House Introduced, read first time, placed on calendar without reference ([House Journal‑page 17](file:///H%3A%5CHJ%20Archive%5C2014%5C03-25-14.docx))

 3/26/2014 House Debate adjourned until Tues., 4‑1‑14 ([House Journal‑page 20](file:///H%3A%5CHJ%20Archive%5C2014%5C03-26-14.docx))

 4/1/2014 House Read second time ([House Journal‑page 18](file:///H%3A%5CHJ%20Archive%5C2014%5C04-01-14.docx))

 4/1/2014 House Roll call Yeas‑57 Nays‑1 ([House Journal‑page 18](file:///H%3A%5CHJ%20Archive%5C2014%5C04-01-14.docx))

 4/2/2014 House Read third time and enrolled ([House Journal‑page 7](file:///H%3A%5CHJ%20Archive%5C2014%5C04-02-14.docx))

 4/3/2014 Ratified R 155

 4/7/2014 Signed By Governor

 4/9/2014 Effective date 04/07/14

 9/8/2014 Act No. 308

**VERSIONS OF THIS BILL**

[6/19/2013](file:///p%3A%5Cpprever%5C2013-14%5C798_20130619.docx)

[6/19/2013-A](file:///p%3A%5Cpprever%5C2013-14%5C798_20130619A.docx)

[6/20/2013](file:///p%3A%5Cpprever%5C2013-14%5C798_20130620.docx)

[3/25/2014](file:///p%3A%5Cpprever%5C2013-14%5C798_20140325.docx)

(A308, R155, S798)

**AN ACT TO AMEND ACT 256 OF 1981, AS AMENDED, RELATING TO THE SCHOOL DISTRICT OF MARLBORO COUNTY, SO AS TO REVISE THE MANNER IN WHICH CANDIDATES FOR ELECTION TO THE COUNTY SCHOOL BOARD ARE DEEMED TO BE ELECTED, TO PROVIDE THE COUNTY SCHOOL BOARD MAY DETERMINE SALARIES AND ALLOWANCES OF BOARD MEMBERS AND APPROVE LOCAL TAX FUNDS NEEDED FOR THESE SALARIES AND ALLOWANCES, AND TO DELETE PROVISIONS REQUIRING THE BOARD MEMBERS TO RECEIVE A PER DIEM AND THE CHAIRMAN TO RECEIVE ADDITIONAL COMPENSATION.**

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

**Determination of election results**

SECTION 1. Section 4 of Act 256 of 1981, as last amended by Act 611 of 1992, is further amended to read:

 “Section 4. The members of the Marlboro County Board of Education must be elected in a nonpartisan election to be held at the same time as the general election for terms of office of four years each. Successors to members must be elected in a nonpartisan election to be held at the same time as the general election. Members of the board shall serve until their successors are elected and qualify. Members shall take office on the first day of January following their election. In any election, the results thereof shall be determined in accordance with the nonpartisan election and runoff method provided for in Section 5‑15‑62 of the 1976 Code.

 A vacancy occurring for a reason other than expiration of a term must be filled by election of the board by majority vote until the next scheduled election at which time a successor must be elected for the remainder of the unexpired term or for a full term as the case may be.”

**Per diem and compensation provisions deleted**

SECTION 2. Section 7 of Act 256 of 1981, as last amended by Act 611 of 1992, is further amended to read:

 “Section 7. The board shall hold regular monthly meetings upon the call of the chairman and shall hold special meetings at other times as may be necessary, also upon call of the chairman, or upon the call of three members. The board shall elect a vice chairman, a secretary, and other officers as it considers necessary, who shall hold office for a term of one year and until their successors are elected by the board. The board may designate the county superintendent of education as assistant secretary of the board.”

**Powers to determine salaries and approve necessary local funds**

SECTION 3. Section 10 of Act 256 of 1981 is amended to read:

 “Section 10. In addition to the powers conferred by Section 9, the board of education shall be empowered to:

 (1) Adopt and alter a corporate seal.

 (2) Exercise all powers now or hereafter vested by general law in the boards of trustees of the several school districts of the State.

 (3) Employ the county superintendent of education.

 (4) Upon recommendation of the county superintendent of education, employ such personnel as is necessary for the efficient operation of all of the schools in the district.

 (5) Distribute all state and federal funds received by the school district.

 (6) Adopt administrative policies and procedures.

 (7) Purchase land, plan and construct new buildings and keep existing buildings in good repair and usable condition.

 (8) Borrow in anticipation of the collection of taxes, state aid, or federal aid. The borrowing shall be in the form of notes, maturing not later than one year from the date of issue, bearing such rate, or rates, of interest as the board shall determine. Such notes shall be payable, both principal and interest, from the funds in anticipation of the receipt of which they are issued, and to the payment of the principal of an interest on such notes such funds shall be pledged.

 (9) Borrow in anticipation of allotments from the State Educational Finance Commission for construction of school buildings, and pledge as security for the loan the proceeds of the allotment, or allotments, of the State Educational Finance Commission. The borrowing shall be in the form of notes maturing and bearing such rate, or rates, of interest as the board of education shall determine. The board shall have the right to pledge such other funds or expected income for the repayment of principal of or interest on the notes, as it may appear to the best interest of the School District of Marlboro County.

 (10) Exercise eminent domain. The procedure for exercising eminent domain may be any of those prescribed by law for public bodies or political divisions of the State.

 (11) Determine and evaluate the educational program in the schools.

 (12) Establish and maintain a central purchasing system for the purchase of all contractual services, equipment, and supplies. All equipment and supplies shall be purchased by the board of education, or pursuant to rules promulgated by the board.

 (13) Establish and operate a comprehensive pupil transportation system throughout the school district. The board shall provide an efficient, businesslike, safe, and adequate transportation system for the school children of the School District of Marlboro County, and operate it under such rules and regulations as it deems necessary to effect this function.

 (14) Cause regular annual audits and, when necessary, special audits of all school funds in the School District of Marlboro County, including the funds of the administrative areas. One copy of each such audit shall be kept in the office of the board of education and another copy shall be filed in the office of the clerk of court for Marlboro County, to be open to the public.

 (15) Carry out a continuous school census.

 (16) Keep an accurate record of board proceedings.

 (17) Control the expenditure of all state and federal aid to the public schools within the school district.

 (18) Arrange with adjoining counties or with North Carolina for interchange of pupils or educational services.

 (19) Adopt a system of budgetary controls, and annually, adopt, with power to revise when necessary, a budget sufficient to meet the educational needs of the school district.

 (20) Prescribe regulations to govern teachers’ salaries in all the schools of the district, and, through the means of such regulations, fix the salaries of all of the teachers of all of the schools of the district.

 (21) Conduct surveys, and, upon the results being obtained, reorganize administrative areas, attendance areas, the curricula, the supervisory program, auxiliary services, and any other part of the educational program of the schools of the district.

 (22) Regulate admission of pupils to the public schools of Marlboro County and designate the schools the various pupils, when and if admitted, shall attend, under such regulations as it shall prescribe; all acts or regulations of the board of education with reference hereto, heretofore done or adopted, are hereby ratified, confirmed, and approved.

 (23) Draw warrants upon school funds in the hands of the treasurer for the payment for services contracted for by the board, for payment of insurance premiums, for teachers’ retirement, for workmen’s compensation premiums, for the payment of withholding taxes from salaries, and for all other purposes authorized by law.

 (24) Equalize educational opportunity among the children of Marlboro County.

 (25) Control and supervise the expenditures of all monies for capital outlay.

 (26) Establish high schools and other schools in the district as may appear necessary or appropriate.

 (27) Establish policies within the schools of each administrative area for the placement of pupils.

 (28) Set up, in addition to the schools provided for in item (26) of this section, centers of instruction for vocational training, adult education, and other courses which cannot be offered in the individual schools of the county.

 (29) Determine salaries and allowances of members of the board and determine and approve local tax funds necessary for this purpose.”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 3rd day of April, 2014.

Approved the 7th day of April, 2014.

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