RECALLED

May 3, 2018

**S. 596**

Introduced by Senators Peeler, Nicholson, Sheheen and Gambrell

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Read the first time April 18, 2017.

**A** **JOINT RESOLUTION**

TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF JOHN DE LA HOWE SCHOOL AND DEVOLVE THE BOARD’S POWERS UPON AN INTERIM BOARD OF TRUSTEES WHO SHALL SERVE UNTIL JUNE 30, 2019, OR UNTIL A FULL NEW BOARD OF TRUSTEES IS APPOINTED AND QUALIFIED; TO PROVIDE THAT THE INTERIM BOARD OF TRUSTEES IS RESPONSIBLE FOR THE SELECTION, PERIODIC EVALUATION, RETENTION, AND TERMINATION OF THE SCHOOL’S PRESIDENT; TO PROVIDE FOR OTHER SPECIFIC DUTIES OF THE INTERIM BOARD OF TRUSTEES; AND TO DIRECT THE INTERIM BOARD OF TRUSTEES, IN CONSULTATION WITH THE PRESIDENT OF THE SCHOOL, TO REVIEW EDUCATIONAL ACCREDITATION AND THE PAST AND CURRENT FINANCIAL SITUATION OF THE SCHOOL AND MAKE RECOMMENDATIONS TO DIRECT THE SCHOOL OUT OF THE CURRENT FINANCIAL CRISIS, WITH AN EMPHASIS ON DETERMINING THE MOST FEASIBLE PATH THE STATE MUST PURSUE TO BE IN COMPLIANCE WITH THE LAST WILL AND TESTAMENT OF JOHN DE LA HOWE.

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

SECTION 1. (A) Immediately upon the appointment of an Interim John de la Howe Board of Trustees pursuant to subsection (B), the current members of the Board of Trustees of John de la Howe School are thereby removed from service, and their positions, powers, and duties are transferred to and devolved upon the newly appointed interim board of trustees pursuant to subsection (B).

(B) Section 59‑49‑20 of the South Carolina Code, relating to the John de la Howe Board of Trustees and the appointments and terms of its members, is suspended until June 30, 2019. There is established a new Interim Board of Trustees of John de la Howe School, to be composed of:

(1) one member appointed by the Governor;

(2) one member appointed by the State Treasurer;

(3) one member appointed by the Chairman of the Ways and Means Committee of the House of Representatives;

(4) one member appointed by the Chairman of the Finance Committee of the Senate;

(5) one member appointed by the State Superintendent of Education;

(6) one member appointed by the Chairman of the Education and Public Works Committee of the House of Representatives;

(7) one member appointed by the Chairman of the Education Committee of the Senate;

(8) one member appointed by the Speaker of the South Carolina House of Representatives; and

(9) one member appointed by the President Pro Tempore of the South Carolina Senate.

The members of the interim board of trustees must be appointed no later than seven days following the effective date of this joint resolution. The interim board of trustees shall meet as soon as practical and elect a chairman and other officers from its membership. Vacancies must be filled in the manner of the original appointment.

(C) Unless extended by the General Assembly, the interim board of trustees established pursuant to subsection (B) shall serve until June 30, 2019, or until a full, new board of trustees is appointed and qualified pursuant to Chapter 49, Title 59. The term of office for each seat on the board of trustees shall be suspended as of the date of removal pursuant to subsection (A) until a new member of the board of trustees is appointed to that seat pursuant to Chapter 49, Title 59, after June 30, 2019. Initial terms of the new members of the Board of Trustees shall be the unexpired terms of the seats to which they are elected.

(D) The interim board of trustees is responsible solely for the selection, periodic evaluation, and retention or termination of the school’s president.

(E) The interim board of trustees shall ensure that there is a clear and appropriate distinction between the policy‑making functions of the interim board of trustees and the responsibility of the school’s president, administration, and faculty to administer and implement policies and that the school has a clearly defined organizational structure that delineates responsibility for the administration of policies.

(F) The interim board of trustees shall ensure that the school has qualified administrative and academic officers with the experience and competence necessary to lead the school.

(G) Notwithstanding any other provision of law, the interim board of trustees is authorized to develop programmatic, personnel, and related policies it deems necessary to ensure that the school operates within its appropriated and authorized budget. The policies the interim board of trustees develops may be across all operations of the school, including, but not limited to, administration, academics, and auxiliary operations. Programmatic and personnel policies developed by the interim board of trustees pursuant to this subsection must be reported as information to the appointing authority of the interim board of trustees, respectively, as soon as is practicable after implementation.

(H) The interim board of trustees, in consultation with the president, shall review both the educational accreditation of the school and the past and current financial situation of the school and make recommendations regarding the path that the State must pursue in order to be in compliance with the last will and testament of John de la Howe. Any recommendations made by the interim board of trustees also shall be provided as information to the General Assembly and made public on the school’s website.

(I) The interim board of trustees shall be indemnified in the same manner as members of the Retirement System Investment Commission, mutatis mutandis.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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