AMENDED

May 11, 2017

**S. 662**

Introduced by Senators J. Matthews and Hutto

S. Printed 5/11/17--H.

Read the first time May 3, 2017.

**A** **BILL**

TO CONSOLIDATE THE SCHOOL DISTRICTS IN ORANGEBURG COUNTY INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE ORANGEBURG COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE ORDERLY TRANSITION TO A SINGLE SCHOOL DISTRICT; TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF TRUSTEES, ITS ELECTION, POWERS, AND DUTIES; TO PROVIDE THAT A DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES.

Amend Title To Conform

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

SECTION 1. (A) Effective July 1, 2019, Orangeburg County shall consist of one school district to be known as the Orangeburg County School District. To provide for continuity of representation throughout the consolidation process, the school district elections scheduled for 2017 are suspended, and any member’s term that would have expired following the 2017 school district elections is extended until the election provided for in SECTION 2 of this act is conducted.

(B) The three present school districts of the county must be abolished on July 1, 2019, and the powers and duties of the respective boards of trustees of each district devolved upon the board of trustees for the school district.

SECTION 2. (A)(1) The school district must be governed by a board of trustees of nine members, one of whom must be elected from each of the seven districts as outlined in this section and two members elected from Orangeburg County at large. A member of the board must be a resident of the election district from which he is elected. Beginning in 2018, members of the board must be elected at nonpartisan elections to be conducted at the same time as the general election. Members of the board must be elected for four‑year terms and until their successors are elected and qualify, except that of the nine members of the board elected in 2018, the members elected from election districts one, three, five, and the at-large member who received the second highest number of votes in the 2018 election shall serve for initial terms to expire in November 2020 when their successors elected at the 2020 election qualify and take office. The members elected from election districts two, four, six, seven, and the at-large member who received the highest number of votes in the 2018 election shall serve for initial terms to expire in November 2022 when their successors elected at the 2022 election qualify and take office. In the event of a vacancy on the board occurring for any reason other than the expiration of a term, the vacancy must be filled for the unexpired term through appointment by the county legislative delegation. All persons desiring to qualify as a candidate shall file written notice of candidacy with the county election commission on forms furnished by the commission. This notice of candidacy must be a sworn statement and must include the candidate’s name, age, election district in which he resides and from which he seeks election, voting precinct, period of residence in the county and election district, and other information that the county election commission requires. The county commissioners of election shall conduct and supervise the elections for members of the board in the manner governed by the election laws of this State, mutatis mutandis. The commissioners shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results. The commission shall publish notices of the elections pursuant to Section 7‑13‑35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5‑15‑61. The members of the board elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59‑19‑315.

(B)(1) Beginning with the Orangeburg County School District elections in 2018, the seven single‑member election districts from which members of the Orangeburg County School District Board of Trustees must be elected are as shown on the Orangeburg County School District Board of Trustees map S‑75‑00‑17A as maintained in the Revenue and Fiscal Affairs Office.

(2) The demographic information shown on this map is as follows:

District Pop Dev. %Dev. NH WHT %NH WHT NH BLK %NH BLK

1 13,149 -65 ‑0.49% 4,041 30.73% 8,624 65.59%

2 13,248 34 0.26% 4,004 30.22% 8,832 66.67%

3 13,078 ‑136 -1.03% 7,097 54.27% 5,509 42.12%

4 13,205 -9 -0.07% 6,611 50.06% 6,134 46.45%

5 13,328 114 0.86% 2,566 19.25% 10,021 75.19%

6 13,135 -79 0.60% 5,079 38.67% 7,408 56.40%

7 13,358 144 1.09% 1,808 13.53% 11,093 83.04%

Total 92,501 31,206 33.74% 57,621 62.29%

District VAP NHWVAP %NHWVAP NHBVAP %NHBVAP AllOth AllOthVAP

1 10,004 3,371 33.70% 6,307 63.04% 484 326

2 10,218 3,437 33.64% 6,509 63.70% 412 272

3 9,755 5,501 56.39% 3,922 40.21% 472 332

4 9,954 5,224 52.48% 4,405 44.25% 460 325

5 10,144 2,093 20.63% 7,509 74.02% 741 542

6 10,146 4,300 42.38% 5,383 53.06% 648 463

7 10,841 1,488 13.73% 9,031 83.30% 457 322

Totals 71,062 25,414 35.76% 43,066 60.60% 3,674 2,582

SECTION 3. (A) The members of the board shall elect a chairman and other officers necessary to serve for terms of two years in these capacities.

(B) The board of trustees of the district has the power, duty, and responsibility provided by law including to:

(1) employ a superintendent as the chief executive officer;

(2) establish other administrative departments upon the recommendation of the superintendent;

(3) adopt the proposed budget of the school district;

(4) inquire into the conduct of any office, department, or agency of the school district;

(5) adopt attendance zones of schools within the school district except that, through school year 2021‑2022, existing attendance zones cannot be changed unless the federal court order regarding attendance zones is rescinded or amended during this period. However, no elementary, middle, or high school may be closed until three public hearings are held at least two weeks apart within the affected attendance area, with information to include, among other things, a delineation of the cost factors involved in keeping the school open and transporting the students to another school. In addition to the public hearings requirement, if a school in an attendance area that existed before consolidation is to be closed and the students of that school moved to a school in another attendance area, the qualified electors within the attendance area where the school is to be closed also first must approve the closing by referendum. This referendum may not be held at the same time as a school bond referendum. A school building that is the responsibility of the board of trustees of the school district must be maintained in conformity with all applicable building code standards and requirements to protect and ensure the health, safety, and welfare of students, faculty, administrators, and the general public;

(6) provide for an independent annual audit of the books and business affairs of the school district and for a general survey of school district business;

(7) cooperate to establish and maintain a central purchasing system for the purchase of contractual services, equipment, and supplies;

(8) cooperate to establish and maintain educational consortia;

(9) be responsible for policymaking action and the review of regulations established to put these policies into operation; and

(10) set by majority vote of the board a salary that each member shall receive for attending meetings of the board, which on an annual basis shall not exceed six thousand five hundred dollars. The salary set by the board may be paid on a per meeting, monthly, annual, or other basis so long as the total paid to a member for any year does not exceed the limits provided above.

SECTION 4. The district superintendent is the chief operating officer of the district and is responsible to the board for the proper administration of all affairs of the district and subject to all other provisions of law relating to his or her duties. He or she shall:

(1) appoint and, when necessary for the good of the district, remove an appointive officer or employee of the district and fix the salaries of these officers and employees, unless otherwise provided by law and except as he or she may authorize the head of a department or office to appoint and remove subordinates in the department or office;

(2) prepare the budget annually, submit it to the board, and be responsible for its administration after adoption;

(3) prepare and submit to the board at the end of each fiscal year a complete annual report on the finances and administrative activities of the board for the preceding year and make other financial reports from time to time that may be required by the board or by law;

(4) keep the board advised of the financial condition and future needs of the district and make recommendations that seem desirable;

(5) perform other duties prescribed by law or required of him by the board not inconsistent with the provisions of law; and

(6) centralize all administrative functions, including, but not limited to, human resources, accounting, procurement, transportation, school bus services, and maintenance.

SECTION 5. (A) The board of trustees of the school district, before July first of each year, shall prepare a school district budget for the ensuing school year. Before September second of each year, the board shall notify the county auditor and treasurer in writing of the millage required for the operation of the schools in the district for the ensuing school year. The notice by the board constitutes authority for the levying and collection of the millage upon all of the real and personal property within the school district. The levy must be placed to the credit of the district and expended for the district. Beginning in 2019, the school district may raise its millage by not more than two mills over that levied for the previous year, in addition to any millage needed to adjust for the EFA inflation factor and sufficient to meet the requirements of Section 59‑21‑1030. An increase above this two mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the district school board and conducted by the county election commission.

(B) The board shall hold a public hearing prior to its final approval of the budget for the district. Notice of this public hearing must be placed in a newspaper of general circulation in the district at least fifteen days before the public hearing.

(C) For purposes of determining the previous year’s millage of the district upon its creation, the millage levy for the district must be determined and calculated by the board based on the 2018 levy in each of the three districts and the value of a mill in each district as well as the 2018 countywide school millage levy and the value of a mill in the county.

(D) In allocating funds distributed to the new Orangeburg County School District which are derived from bond proceeds or general fund appropriations administered by the Department of Education for the benefit of those plaintiff school districts in the Abbeville litigation, the Orangeburg School District board of trustees must allocate these funds to the schools in the district which have the greatest need, using in part those needs studies previously developed by the department.

SECTION 6. (A) On July 1, 2019, the assets and liabilities of the three present school districts must be transferred to the district. The records and employees of the three present school districts of the county must be transferred to and, if applicable, assumed by the school district.

(B) The constitutional debt limitation on the issuance of general obligation bonds applicable to the district is to be computed based on the assessed value of all taxable property in the county minus that bonded indebtedness of each of the present school districts made a part of the district that was includable against the constitutional debt limitation of those present school districts.

(C) During the transition period, from July 1, 2017, to July 1, 2019, no new general obligation bonds may be issued against the constitutional debt limitation of the present three districts, except in the case of an emergency. If new general obligation bonds are issued, then the board of trustees of the issuing school district must adopt an ordinance declaring the emergency and specifying the necessity of the issue.

SECTION 7. (A) The three present school districts of Orangeburg County are abolished on July 1, 2019, at which time the school district of the county must be established as provided in this act. The terms of all members of the boards of trustees of the three present school districts of the county will expire on this date. However, members of the board of trustees of the school district elected at the 2018 nonpartisan election shall take office one week following certification of their election pursuant to Section 59‑19‑315. From this date and until July 1, 2019, the boards may organize, begin planning for the changeover to the district, enter into contracts to effectuate these purposes, and perform other related matters, except that the responsibility and authority to manage the schools of the county rest solely with the individual boards for each of the three present districts until July 1, 2019, and the board may not interfere with this authority.

(B) Funding for the activities of the board, from the date the members assume office until July 1, 2019, must be provided from funds available to the three present school districts for operating purposes, each paying their portion based on their proportionate average daily membership report for 2018.

(C) A member of one of the three present school boards of the county may seek election to the school district board of trustees in 2018. However, if he is elected to the Orangeburg County School District Board of Trustees, prior to assuming the duties of this board, then he must first resign as a member of the present board. In this event and notwithstanding another provision of law, the vacancy on the present board that is vacated must be filled for the remainder of the unexpired term by appointment of the county legislative delegation.

SECTION 8. (A) There must be created, within sixty days of the effective date of this act, the Orangeburg Consolidation Transition Committee with the purpose to coordinate the consolidation of the three present districts into the Orangeburg County School District. The committee shall be composed of the following thirteen voting members:

(1) chairmen of the present three districts or their designees;

(2) one board member from each of the present three districts, appointed by each board; and

(3) seven members appointed by the Orangeburg County Legislative Delegation. Of the seven members appointed by the Orangeburg County Legislative Delegation, one voting member must be a parent or guardian of a student who attends an Orangeburg County public school; one voting member must represent the Orangeburg County business community; one nonvoting member must be a public school teacher at an Orangeburg County school; and one nonvoting member must be a school administrator at one of the Orangeburg County school districts affected by consolidation. The public school teacher member and the school administrator member fully shall participate in all committee meetings, discussions, and deliberations; however, the teacher member and the administrator member shall serve as nonvoting members.

In addition to the thirteen voting members of the committee, the three superintendents from the present three school districts shall serve as nonvoting, ex officio members.

(B) Names of the members of the transition committee must be submitted to the county legislative delegation within sixty days of this act being signed by the Governor. The committee shall elect a chairman from one of the seven members appointed by the legislative delegation. A vacancy on the committee must be filled for the unexpired term in the same manner as the committee member whose departure from the committee created the vacancy.

(C) The committee may organize, begin planning for the changeover to the district, enter into contracts to effectuate these purposes, and perform other related matters.

(D) No later than November first, the Orangeburg Consolidation Transition Committee shall prepare a budget to be submitted to the county legislative delegation. The proposed budget shall ensure the Orangeburg County Consolidated School District pays each certified teacher or administrator an annual salary at least equal to the salary stated in the statewide minimum salary schedule for the person’s experience and class, which at a minimum must equal the southeast region’s average salary for certified teachers or administrators. No teacher or administrator employed in the same position, over the same time period, shall receive less total salary, including any normal incremental increase, than that teacher or administrator is required to receive under this subsection. When approved by the delegation, the budget must be funded by the school districts, each paying their portion based on their proportionate average daily membership report for 2017, from funds provided by the districts from their respective budgets. The consolidated school district fiscal commission may increase the districts’ budgets to meet these requirements.

(E) The committee must be insured and indemnified in the same manner as the present school districts are insured and indemnified.

(F) Members of the committee shall receive per diem allowed by law for members of state boards, committees, or commissions but are not entitled to mileage and subsistence.

(G) The committee must be abolished after making its recommendations to the consolidated district board of trustees.

(H) The administrations and staffs of the present three school districts are expected and encouraged to cooperate with the transition committee and the board of the school district.

(I) In creating the Orangeburg County School District, it is anticipated that there will be savings in the total district level administrative costs from the former individual districts. The committee shall review the current administrations and recommend to the board the number and type of positions needed for the consolidated district level administration.

SECTION 9. All local acts concerning a school district of Orangeburg County inconsistent with the provisions of this act are repealed as of July 1, 2017, it being the intent of the General Assembly to have this act and the general law be the only provisions of law governing the school district of the county.

SECTION 10. If any provision of this act for any reason is held by a court of competent jurisdiction to be unconstitutional or invalid, that holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly declares that it would have passed this act and each and every provision in it, irrespective of the fact that any one or more provisions of it may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 11. This act takes effect upon approval by the Governor.

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