CHAPTER 6

Monitoring Implementation of Education Improvement Program

**SECTION 59‑6‑10.** Appointment of committee.

(A) In order to assist in, recommend, and supervise implementation of programs and expenditure of funds for the Education Accountability Act and the Education Improvement Act of 1984, the Education Oversight Committee is to serve as the oversight committee for these acts. The Education Oversight Committee shall:

(1) review and monitor the implementation and evaluation of the Education Accountability Act and Education Improvement Act programs and funding;

(2) make programmatic and funding recommendations to the General Assembly;

(3) report annually to the General Assembly, State Board of Education, and the public on the progress of the programs;

(4) recommend Education Accountability Act and EIA program changes to state agencies and other entities as it considers necessary.

Each state agency and entity responsible for implementing the Education Accountability Act and the Education Improvement Act funded programs shall submit to the Education Oversight Committee programs and expenditure reports and budget requests as needed and in a manner prescribed by the Education Oversight Committee.

The committee consists of the following persons:

(1) Speaker of the House of Representatives or his designee;

(2) President Pro Tempore of the Senate or his designee;

(3) Chairman of the Education and Public Works Committee of the House of Representatives or his designee;

(4) Chairman of the Education Committee of the Senate or his designee;

(5) Governor or his designee;

(6) Chairman of the Ways and Means Committee of the House of Representatives or his designee;

(7) Chairman of the Finance Committee of the Senate or his designee;

(8) State Superintendent of Education or the superintendent’s designee who shall be an ex officio nonvoting member;

(9) five members representing business and industry who must have experience in business, management, or policy to be appointed as follows: one by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee; and

(10) five members representing public education teachers and principals to be appointed as follows: one by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee.

Initial appointment must be made by July 31, 1998, at which time the Governor or his designee shall call the first meeting. At the initial meeting, a chairman elected from the members representing the business and industry appointees and a vice chairman representing the education members shall be elected by a majority vote of the committee. The members appointed pursuant to items (1) through (8) may serve notwithstanding the provisions of Section 8‑13‑770. Their terms of office on the committee must be coterminous with their terms of office as Governor, Superintendent of Education, or members of the General Assembly.

(B) The terms of office of the members of the Education Oversight Committee, except for the legislative members, Governor, and State Superintendent of Education, are four years and until their successors are appointed and qualify except of those first appointed the terms must be staggered as follows:

(1) initial terms of two years shall be served by the two members of the business and industry community appointed by the chairmen of the Education Committees;

(2) initial terms of three years shall be served by the members of the education community appointed by the President Pro Tempore of the Senate and the Speaker of the House; and

(3) all other voting members shall serve initial four‑year terms. The terms of chairman and vice chairman shall be two years. At the end of each two‑year term, an election must be held for the chairmanship and vice chairmanship by majority vote of the members attending with quorum present. No member shall serve more than four consecutive years as chairman or vice chairman.

Members of the committee shall meet no less than once a quarter and annually shall submit their findings and recommendations to the General Assembly before March first of each fiscal year. The staff positions of the Education Oversight Committee and the people presently in those positions initially shall be transferred to the Education Oversight Committee as administrative staff to carry out its functions.

HISTORY: 1984 Act No. 512, Part II, Section 9, Division II, Subdivision E, SubPart 3, Section 1; 1985 Act No. 201, Part II, Sections 9(E), 9A; 1987 Act No. 88 Section 1; 1988 Act No. 658, Part II, Section 28; 1998 Act No. 400, Sections 8, 15; 2002 Act No. 327, Section 1.

CROSS REFERENCES

Education Oversight Committee to act as Oversight Committee for provisions of Target 2000‑School Reform for the Next Decade Act, see Section 59‑1‑453.

Parent Education Programs, see Section 59‑1‑450.

Public school employee cost saving program, see Section 59‑1‑452.

Reports by Public Accountability Division to Education Oversight Committee, see Section 59‑6‑20.

LIBRARY REFERENCES

Schools 47.

Westlaw Key Number Search: 345k47.

C.J.S. Schools and School Districts Sections 81 to 92, 174.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Lieutenant Governor Section 11, Appointments to Committees and Commissions.

Attorney General’s Opinions

Service on both the South Carolina Education Oversight Committee and the Pickens County School Board would constitute a violation of the constitutional prohibition against dual office holding. 2014 S.C. Op.Atty.Gen. (November 18, 2014) 2014 WL 6705712.

Six legislators serving on the South Carolina Education Oversight Committee are serving in an ex officio capacity. 2014 S.C. Op.Atty.Gen. (November 18, 2014) 2014 WL 6705712.

**SECTION 59‑6‑15.** Business‑Education Partnership for Excellence in Education; Business‑Education Subcommittee.

(A) There is created the Business‑Education Partnership for Excellence in Education and a permanent standing subcommittee of the partnership for the purpose of reviewing the implementation of the South Carolina Education Improvement Act of 1984 and recommending other major education initiatives.

The Business‑Education Partnership for Excellence in Education consists of the following persons:

(1) Thirty‑two prominent civic and business leaders of which fourteen are appointed by the Governor; six appointed by the State Superintendent of Education; three appointed by the Speaker of the House of Representatives; three appointed by the President of the Senate; three appointed by the Chairman of the Education and Public Works Committee of the House of Representatives; and three appointed by the Chairman of the Education Committee of the Senate;

(2) Twenty educators of which eight are appointed by the State Superintendent of Education; four appointed by the Governor; two appointed by the Speaker of the House of Representatives; two appointed by the President of the Senate; two appointed by the Chairman of the Education and Public Works Committee of the House of Representatives; and two appointed by the Chairman of the Education Committee of the Senate;

(3) Lieutenant Governor or his designee;

(4) Chairman of the Committee on Children or his designee;

(5) Chairman of the Education Oversight Committee or his designee;

(6) The Governor and State Superintendent of Education shall serve as ex officio members.

The term of office of the members of the Business‑Education Partnership must be four years except that of those first appointed an equal number must serve terms of two, three, and four years respectively as determined by lot. Except in those cases where the term of a member of the Business‑Education Subcommittee has not expired, no member of the Business‑Education Partnership may serve more than two consecutive terms. The number of appointments provided for in items (1) and (2) above must be reduced proportionately by the membership requirements of subsection (B).

The chairman of the Business‑Education Partnership for Excellence in Education must be elected by the members of the partnership and must be chosen from among the thirty‑two business and civic leaders serving on the partnership. The Business‑Education Partnership must meet at the call of the chairman but not less than quarterly. The Governor must preside at all regular and special meetings of the partnership in which he is in attendance; at those meetings at which the Governor is not in attendance the State Superintendent of Education must preside, and in the absence of the Superintendent, the chairman of the partnership must preside.

The partnership in conjunction with the State Department of Education may cause to be held statewide public forums for the purpose of fostering open discussions regarding the impact of the Education Improvement Act on the state’s education system and education reform in general.

(B) The Business‑Education Partnership must establish a permanent standing subcommittee called the Business‑Education Subcommittee. The subcommittee must be composed of sixteen members of the Business‑Education Partnership elected by the Business‑Education Partnership. The composition of the subcommittee must be:

(1) ten civic and business leaders; and

(2) six educators.

The eighteen members serving on the Joint Business‑Education Subcommittee must remain on the Business‑Education Subcommittee as reconstituted on the effective date of this section. The term of office for members of the Business‑Education Subcommittee must be six years except that of the initial members an equal number must serve terms of two, four, or six years respectively as determined by lot. The chairman of the subcommittee is to be elected by the members of the subcommittee and must be one of the ten civic and business leaders serving on the subcommittee. Vacancies on the subcommittee must be filled from the membership of the Business‑Education Partnership by a majority vote of the members of the partnership.

HISTORY: 1989 Act No. 191, Section 1; 1989 Act No. 194, Section 24; 1991 Act No. 248, Section 6; 1998 Act No. 400, Section 15.

CROSS REFERENCES

Parent education programs, see Section 59‑1‑450.

Public school employee cost saving program, see Section 59‑1‑452.

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C.J.S. Schools and School Districts Sections 81 to 92, 174.

RESEARCH REFERENCES

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S.C. Jur. Lieutenant Governor Section 11, Appointments to Committees and Commissions.

**SECTION 59‑6‑16.** Leadership network.

The State Board of Education in consultation with the Business‑Education Subcommittee shall appoint a leadership network of representatives from the private sector. The leadership network shall assist the State Board of Education business‑education partnership program by: (1) promoting business‑education partnerships, (2) evaluating business‑education partnerships, (3) disseminating the benefits of business‑education partnerships, and (4) formulating recommendations on goals and activities for the business‑education partnership program. The leadership network shall meet at least quarterly and make regular reports to the Business‑Education Subcommittee, State Board of Education, and Education Oversight Committee.

HISTORY: 1989 Act No. 194, Section 31; 1998 Act No. 400, Section 15.

CROSS REFERENCES

Responsibility of the State Board of Education to work with the leadership network established pursuant to this section, see Section 59‑5‑65.

LIBRARY REFERENCES

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Westlaw Key Number Search: 345k47.

C.J.S. Schools and School Districts Sections 81 to 92, 174.

**SECTION 59‑6‑17.** School attendance as requirement for licensing for operation of motor vehicle.

The Business‑Education Subcommittee in consultation with the Education Oversight Committee shall study requiring school attendance as a condition of licensing for the privilege of the operation of a motor vehicle and shall provide a report to the General Assembly by January 1, 1990.

HISTORY: 1989 Act No. 194, Section 36; 1998 Act No. 400, Section 15.

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Automobiles 138.

Westlaw Key Number Search: 48Ak138.

C.J.S. Motor Vehicles Sections 154 to 155.

**SECTION 59‑6‑20.** Public Accountability Division.

The State Board of Education and State Superintendent of Education must establish within the State Department of Education a special unit at the division level called the Public Accountability Division. This special unit must be eliminated on July 1, 1991. The unit head shall hold a position comparable to a deputy superintendent and must be under the direct supervision of and shall report to the State Superintendent of Education.

The deputy superintendent must provide all reports to the Governor, Education Oversight Committee, Business‑Education Partnership for Excellence in Education, Business‑Education Subcommittee, and State Board of Education, and respond to any inquiries for information.

The Business‑Education Subcommittee shall serve as a screening committee for the selection of the unit head. The screening committee shall recommend for consideration three applicants. Final selection of the unit head must be made by the State Superintendent of Education after consulting with the Governor. All other positions must be filled following current state personnel and State Department of Education employment procedures.

The new unit is responsible for planning, monitoring, and reviewing programs developed under the Education Improvement Act and shall provide information, recommendations, and an annual assessment of the Education Improvement Act to the Governor, Education Oversight Committee, and Business‑Education Subcommittee.

The operating procedures for the new unit are the same as the operating procedures for the three established divisions in the State Department of Education. The Business‑Education Subcommittee shall review and approve all products produced by the new unit and make recommendations to the State Board of Education for final approval.

HISTORY: 1984 Act No. 512, Part II, Section 9, Division II, Subdivision E, SubPart 3, Section 2, 1987 Act No. 81 Section 1; 1989 Act No. 191, Section 2; 1989 Act No. 194, Section 25; 1998 Act No. 400, Section 15.

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C.J.S. Schools and School Districts Sections 81 to 92, 174.

**SECTION 59‑6‑30.** Reports by State Board of Education; Business‑Education Subcommittee to report to Business‑Education Partnership; recommendations by Partnership; Business‑Education staff to serve Business‑Education Partnership.

The State Board of Education shall provide an assessment of the South Carolina Education Improvement Act of 1984 for consideration by the Business‑Education Subcommittee and the General Assembly. A special assessment shall be provided on March 1, 1985. Commencing in 1985, an annual assessment must be provided by December first of each year and an appropriate amount of funding must be provided for this purpose. The Business‑Education Subcommittee shall provide a report on the assessment to the Business‑Education Partnership, and the partnership shall submit its recommendations to the General Assembly prior to February first. The staff of the Business‑Education Subcommittee shall serve as the primary staff to the Business‑Education Partnership and may solicit the assistance of the staffs of the House Education and Public Works Committee, the Senate Education Committee, the Education Oversight Committee, the Public Accountability Division, and the Governor’s Office.

HISTORY: 1984 Act No. 512, Part II, Section 9, Division II, Subdivision E, SubPart 3, Section 3; 1985 Act No. 201, Part II, Section 9(M); 1989 Act No. 191, Section 3; 1989 Act No. 194, Section 26; 1998 Act No. 400, Section 15.

**SECTION 59‑6‑100.** Accountability Division established within Education Oversight Committee; selection of executive director.

Within the Education Oversight Committee, an Accountability Division must be established to report on the monitoring, development, and implementation of the performance based accountability system and reviewing and evaluating all aspects of the Education Accountability Act and the Education Improvement Act.

The Education Oversight Committee will employ, by a majority vote, for a contract term of three years an executive director for the Accountability Division. The director must be chosen solely on grounds of fitness to perform the duties assigned to him and must possess at least the following qualifications: a demonstrated knowledge of public education, experience in program evaluation, and experience in a responsible managerial capacity. No member of the General Assembly nor anyone who will have been a member for one year previously will be contracted to serve as director. The director will have the authority to employ, with the approval of the subcommittee, professional and support staff as necessary to carry out the duties of the division, which shall be separate from the administrative staff of the Education Oversight Committee.

HISTORY: 1998 Act No. 400, Section 9.

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C.J.S. Schools and School Districts Sections 81 to 92, 174.

**SECTION 59‑6‑110.** Duties of Accountability Division.

The division must examine the public education system to ensure that the system and its components and the EIA programs are functioning for the enhancement of student learning. The division will recommend the repeal or modification of statutes, policies, and rules that deter school improvement. The division must provide annually its findings and recommendations in a report to the Education Oversight Committee no later than February first. The division is to conduct in‑depth studies on implementation, efficiency, and the effectiveness of academic improvement efforts and:

(1) monitor and evaluate the implementation of the state standards and assessment;

(2) oversee the development, establishment, implementation, and maintenance of the accountability system;

(3) monitor and evaluate the functioning of the public education system and its components, programs, policies, and practices and report annually its findings and recommendations in a report to the commission no later than February first of each year; and

(4) perform other studies and reviews as required by law.

The responsibilities of the division do not include fiscal audit functions or funding recommendations except as they relate to accountability. It is not a function of this division to draft legislation and neither the director nor any other employee of the division shall urge or oppose any legislation. In the performance of its duties and responsibilities, the division and staff members are subject to the statutory provisions and penalties regarding confidentiality of records as they apply to students, schools, school districts, the Department of Education, and the Board of Education.

HISTORY: 1998 Act No. 400, Section 9.

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C.J.S. Schools and School Districts Sections 81 to 92, 174.

**SECTION 59‑6‑120.** Collaboration between Accountability Division and other agencies.

The State Department of Education, the State Board of Education, and the school districts and schools shall work collaboratively with the Division of Accountability to provide information needed to carry out the responsibilities and duties of its office. The Division of Accountability may call on the expertise of the state institutions of higher learning and any other public agencies for carrying out its functions and may coordinate and consult with existing agency and legislative staff.

HISTORY: 1998 Act No. 400, Section 9.

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C.J.S. Schools and School Districts Sections 81 to 92, 174.