

Educational and Cultural Subcommittee Meeting

Wednesday, October 4, 2017

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AGENDA

South Carolina House of Representatives



Legislative Oversight Committee

EDUCATION AND CULTURAL SUBCOMMITTEE

Chairman James E. Smith Jr.

The Honorable Raye Felder

The Honorable Joseph H. Jefferson Jr.

The Honorable Tommy M. Stringer

Wednesday, October 4, 2017

10:00 a.m.

Room 110 -Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AGENDA

- I. Approval of Minutes**
- II. Discussion of study of the John de la Howe School**
- IV. Adjournment**

MEETING MINUTES

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Katherine E. (Katie) Arrington
Gary E. Clary
MaryGail K. Douglas
Phyllis J. Henderson
Joseph H. Jefferson Jr.
Mandy Powers Norrell
J. Todd Rutherford
Tommy M. Stringer
Bill Taylor*

*William K. (Bill) Bowers
Neal Collins
Raye Felder
William M. "Bill" Hixon
Robert L. Ridgeway III
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*Carmen J. McCutcheon Simon
Research Analyst/Auditor*

Education and Cultural Subcommittee

May 11, 2017 at 9:00 am

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Education and Cultural Subcommittee meeting was called to order by Chair James E. Smith, Jr., on Thursday, May 11, 2017, in Room 321 of the Blatt Building. All members were present for some or all of the meeting, except Representative Tommy M. Stringer.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Felder moved to approve the minutes from the Subcommittee's meeting on April 25, 2017. A roll call vote was held, and the motion passed.

Representative Felder's motion to approve the minutes from the April 25, 2017, meeting:	Yea	Nay	Not Voting: Present	Not Voting: Absent
Raye Felder	✓			
Joseph H. Jefferson, Jr.	✓			
James E. Smith, Jr.	✓			
Tommy Stringer				✓

Discussion of the Department of Archives and History

- I. Chairman Smith explained that the purpose of this meeting is to discuss any study recommendations or questions that the subcommittee may have relating to Archives. At the last meeting, the subcommittee had some recommendations, and there has been some evaluations, updates, and changes as to those recommendations.
- II. Chairman Smith reminded the agency representatives that they remained under oath.
- III. Director Emerson presented additional information pertaining to the agency and regarding questions asked by the Subcommittee referencing comments on DHEC and Local Health Clinics and Records. Further, Director Emerson presented recommendations and problems to the language of the Subcommittee's proposed legislation.
- a. Director Emerson responded to Members' questions on his presentation and other issues, including:
- i. Record collection and DHEC

Motions

Rep. Felder's motion (with multiple recommendations) that the record retention questions be retained to ask every agency whether or not they are up to date in transferring these records; that the agency create a white page to share with municipal associations to raise awareness of the certified local government program; that a fee is implemented for processing state tax credit applications; that the agency review	Yea	Nay	Not Voting: Present	Not Voting: Absent

it's charges for services to commercial customers to ensure that they sufficiently cover the agency's cost to research and prepare the materials; that the department consider having the voluntary contribution on the state tax return; that money to be used to purchase or preserve collections with historical or significant value to our state; that there needs to be accountability on funds that pass through state agencies and other state entities; and that state procurement of proprietary software include a provision that allows the transfer of records to the Department of Archives and History with there being no financial burden with no financial burden to the Department of Archives and History.				
Representative Raye Felder	✓			
Representative Joseph H. Jefferson, Jr.	✓			
Representative James E. Smith, Jr.	✓			
Representative Tommy Stringer				✓

- IV. Chairman Smith thanked the agency and staff. He reminded everyone that the staff will include any subcommittee written statements pursuant to standard practice of 12.4, which staff will receive prior to 5 pm on Thursday June, 1, 2017 with the subcommittee study, so to the extent any members wish to add written statements to be included in the report. Unless we receive an alternative request by 5 pm on Friday, May 12, 2017, provided pursuant to standard practice 12.5, that the study is available for consideration by the full committee.
- V. There being no further business, the meeting was adjourned

STUDY TIMELINE

Study Update - John de la Howe School

- March 2015 - Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.
- January 12, 2016 - Agency submits its **2016 Annual Restructuring Report**, which is available online.
- January 10, 2017 - **Full committee votes to schedule John de la Howe School for study**. Video of the meeting is available online.
- February 9, 2017-March 13, 2017 - Committee solicits input from the public about the agency in the form of an **online public survey**. The results of the public survey are available online.
- March 2, 2017 - Committee holds **public input meeting** about Department of Archives and History; DDSN; and John de la Howe School. Video of the meeting is available online.
- March 31, 2017 - Agency submits its **Program Evaluation Report**, which is available online.
- May 10, 2017 - Committee votes to place study on hold, pending completion of the 2017-2018 General Appropriations Act.
- Ongoing - Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website (www.scstatehouse.gov).

AGENCY OVERVIEW

Snapshot

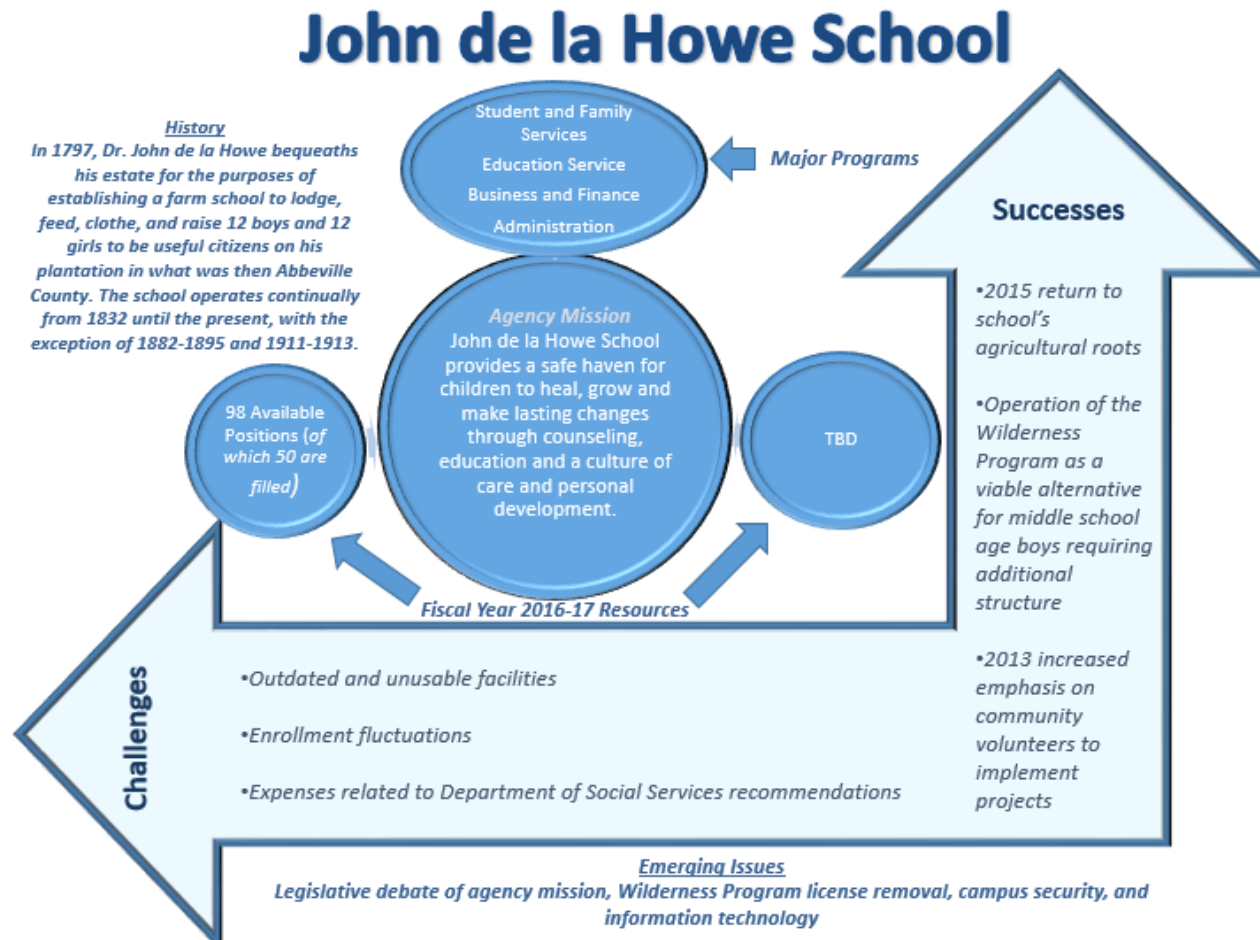


Figure 1. Snapshot of agency that includes its history, mission, resources, successes, challenges, and emerging issues

History

John de la Howe has provided the Committee with an overview of the agency's history.¹ In addition, Committee staff will confirm the accuracy of any assertion of legislative action.

Dr. John de la Howe left his native France and, like a number of other French Huguenots of that time, immigrated to North America. Arriving in Charleston, SC in 1764, he set up a medical practice and eventually began acquiring land in different sections of South Carolina, including acreage near the Long Cane area in the South Carolina backcountry. He moved to the New Bordeaux settlement at Long Cane and established a farm he named "Lethe." In 1797 he died at Lethe Farm and was interred in a tomb there according to the provisions of his will. In his will, he left his estate for the establishment of a farm school to educate, lodge, feed and clothe "twelve poor boys, and twelve poor girls." The school was finally established in 1832 and was commonly known as "Lethe" until the 1880s, at which time it took the name of its benefactor. School operations ceased in 1882 but reopened in 1895. In the interim, the land was managed by various farmers in the area. The school again closed from 1911-13.

The first recorded minutes of a JDLHS Board of Trustees minutes is dated Nov. 11, 1913. A review of these minutes from then until the present reveals much, according to "Still Caring, Still Dreaming," a history of John de la Howe School published in 1996 as the school approached its bicentennial celebration. *"First, God in his wisdom provided to this place succession of individuals who would weave their dreams through those of Dr. John de la Howe, resulting in the John de la Howe School, worthy of admiration, which exists today. These individuals, these dreamers, leap from the pages of the minutes through their years of dedicated service, leadership qualities, innovative practices and, above all, their compassion for children. They include trustees, superintendents, staff of every rank and, in more recent years, non-board member volunteers. The second revelation from the minutes is the certainty of the swinging pendulum: The money comes, the money goes. Institutions are valued in the child welfare arena, then they become "bad places" as compared to private foster homes, and then once again they offer perhaps the best hope for troubled children and their families. The state decides every few decades to reorganize its governmental structure, with government leaders never quite certain where John de la Howe fits or what it does. As evidenced by the de la Howe which exists today, after each swing of the pendulum, a stronger place emerged. A place where Dr. de la Howe's dream continues."*

- January-February, 1918, SC General Assembly and Gov. R.I. Manning, at the request of Sen. J.M. Nickles of Abbeville County, appoint a board of trustees to take charge of the John de la Howe Industrial School. Board opts to retain the Rev. H.B. Blakely as Superintendent. The transfer to state control is in line with Dr. de la Howe's will: "And it is my will, that in the case the Agricultural Society of South Carolina should against my expectation decline or neglect, I beg the Honorable Legislature to be graciously pleased to keep the Institution under its fatherly protection."
- July, 1919, the Rev. J.B. Branch named Superintendent. Main campus of JDLHS moved from Lethe to its present location.
- 1926: New administrative building was constructed and named de la Howe Hall. This allowed school's capacity to grow from the original 24 to more than 100. JDLHS is included among the original grantees of what would become The Duke Endowment thanks to an appeal by the Rev. Branch.
- 1927: JDLHS expanded, new roads were built, water and sewer issues were resolved, forests were managed.

- 1931: The Rev. Branch died unexpectedly and E.F. Gettys followed him as Superintendent. Gettys would serve until 1966 and placed added emphasis on the primacy of the family as JDLHS served children from across the state. Vocational training was introduced, giving children a practical means of earning a livelihood.
- 1937: Fire destroyed de la Howe Hall. While tragic, this allowed Gettys the opportunity to make significant changes in the manner services would be delivered to children. In addition to a new administrative building, nine new cottages were constructed to offer a more family friendly environment.
- 1940s: Understanding the day of the traditional orphanage was fast fading, Gettys guided the school to serve “more unpromising, yet needy children.” In a 1949 letter to the State Reorganization Commission, Gettys points out the state insists JDLHS is an educational institution, but also notes every community in the state has a school. “We are really a social institution,” he writes, noting the majority of the children served are from broken homes and require temporary training and care. “The children manifest behavior patterns which local communities will not tolerate,” he adds. “We look forward to the restoration of children to their home, but the institution has to afford 24-hour care and training so that the total family unit may have an opportunity to work out their problems and live together again.” Gettys called services at JDLHS unique (we take children from homes that are sick and children who need care and training in an institution), adding JDLHS should not be placed under any other agency. Gettys said another role of the school is “to help parents be helpful and not hurtful.” Contrary to popular belief, JDLHS never served as a traditional orphanage, instead focusing on children with behavior issues, some of whom happened to be orphaned.
- 1966: L.S. Brice, principal of the school since 1949, is named Superintendent.
- 1970s: Brice establishes relationship with SC Forestry Commission to help manage its timber resources. Three new cottages are built, plus an infirmary, cafeteria, educational facility including a new gym, shop and recreational area.
- 1971: JDLHS becomes one of the first two children’s home in the state to integrate racially.
- 1979: To comply with the passage of federal law 94-142 in 1975 guaranteeing a free public education to children with disabilities, SC Gov. Richard Riley looks to JDLHS to address our state’s children facing emotional and behavioral issues. Palmetto Cottage is designated to house these students on JDLHS campus.
- 1979: John Shiflet is named Superintendent. Ninth and tenth graders are returned to campus for schooling, while eleventh and twelfth graders remain at McCormick High. Use of volunteers, especially seniors, is expanded. The agency’s “family-centered” approach to treatment is enhanced, leading to the creation of a center for family and program enrichment.
- 1986: Children with emotional and behavioral challenges formerly housed in Palmetto Cottage are moved to a new therapeutic Wilderness Program on campus. This is funded through a \$100,000 grant from the Duke Endowment along with SC Education Improvement Act funding.
- 1997: Bicentennial celebrated. Book detailing school’s history is published.
- 1999: Rubert Austin is named Superintendent. The John de la Howe School Foundation is established to support JDLHS’s mission of positively impacting the behavioral, educational, and social needs of children and their families.
- 2004: Board of Trustees adopts a code of ethics as a guide to effective and efficient service.
- 2005: Mark Williamson is named Superintendent.
- 2010: Thomas Mayer is named Superintendent.

- 2013: Volunteers associated with the local Habitat for Humanity program begin working at least one day each week on remodeling projects on the JDLHS campus. All resources for the projects are donated and projects are carried out with no state money involved.
- 2014: Dr. Danny Webb is named Superintendent. Board approves a new mission statement for JDLHS, namely to “Provide a safe haven for children to heal, grow and make lasting changes.”

Legal Directives

The operation of John de la Howe School is governed by the will of Dr. John de la Howe and Title 59 Chapter 49 of the SC Code of Laws. They are both included here.

John de la Howe Will

Dr. John de la Howe's will is included in its entirety in a case interpreting the will, *Mars v. Gilbert* (93 S.C. 455).

"State of South Carolina, Abbeville County.

"In the name of God-Amen.

"I, John de la Howe, of the county of Abbeville, in the state of South Carolina, M. D., being of sound and disposing mind, memory and understanding, do make, ordain and publish this my last will and testament.

"*In primis*, it is my will and desire that my remains shall be buried as near as can be to the spot where those of the late Miss Rebecca Woodin are deposited, on the hill opposite to the dwelling house wherein we both resided together, and I still do reside, on my plantation or farm named Lethe, as the last mark and testimony of my friendship and sense which I ever have retained of her merit; and it is further my will, that as soon as it can conveniently be done after my decease, a substantial brick wall shall be build 'round our sepulchers, not less than 10 feet square in the clear, eight feet above ground, and two bricks thick; with a substantial door and lock, and that the whole of it, shall forever be kept up and in good order, and the area within clear of bushes and weeds; that the following inscription in large iron capitals shall forever be kept incased in the door, 'Rebecca Woodin obiet 4th Oct. ris 1788-Joes de la Howe *fundator Seminarie Agriculturalis*,' with the date of my decease.

"I give and devise all my real and personal estate of whatsoever nature it may be, so in possession as in right (excepting what is hereafter by this my last will otherwise disposed of), to the president and Agricultural Society of this state of South Carolina, now or lately holding their usual meetings in the city of Charleston, and to such of their members as the said society pro tempore shall name and appoint to take the execution and trust contained in this my last will and testament upon them, and to their successors in said appointment forever. That is to say, in trust for the following intent, uses, and purposes, and for no *other use*, intent, or purpose, whatsoever, viz.: For causing and procuring, to be erected, established, organized, and forever kept up on that part of the plantation where I now reside or any other part between the springs and mouth of the branch which runs through the yard, and Little river, as Agricultural or Farm School, *in conformity as near as can be (mutatis mutandis) as occasional circumstances may render advisable*, and the wisdom of the society shall suggest, to a plan proposed in the Columbian Magazine for the month of April, one thousand seven hundred and eighty- seven; with this difference-*that this farm school is principally by me intended* for by the yearly income of the estate by me devised and bequeathed by this my last will, forever both educating in conformity to the said plan, and also lodging, feeding and uniformly clothing twelf poor boys and twelf poor girls, whose parents, or who themselves have resided in Abbeville county aforesaid, not less than six years, and actually continue to reside within the compas or extent of said county; but that orphan children (*cateris parebus*) shall have the preference. And it is my will that they shall manufacture such of their clothing themselves, as can be made out of the produce of the farm, and that the trustees shall be pleased to procure out of the ready money which I shall leave at my decease, such implements for facilitating labour, as may not only answer

that purpose *but contribute at the same time to the facilitating the labour of the neighbors and making them more industrious*; provided that not above one hundred pounds sterling be employ'd in the purchase of said implements. And I do wish and recommend, the use of beach leaves gathered before the frost, and dried in the shade for bedding, as the leaves of the beach tree, cured as mentioned, make a comfortable, and by far more healthy bedding than feathers, as they will remain good for four or five years, and may be easily renewed, and as being introduced *132 amongst the poorer class of citizens (whose bedding is now a blanket) they may thereby enjoy one that is comfortable and healthy.

“And it is my will that such part of my personal estate as the trustees shall not think immediately necessary or particularly useful for carrying on the farm and farm school, shall be by them sold in such manner and such terms as they may think the most advantageous; but that in particular my surveying compass, chain, and instrument case, shall be reserved for the *use of the farm school*, as likewise such books as in their judgment may be useful to the master, and particularly, Shaw's Chemistry, so that he thereby may be enabled to comply with the next following article, if unacquainted with the principles, viz.: That it shall be the duty of the master, that besides having the boys instructed in reading, writing, arithmetic, principles of geography, and of geometry so far as to render them versed in practical surveying, and the girls in reading, writing and four common rules of arithmetic, he will and shall instruct both boys and girls (so as occasion offers), in such chemical principles, as the success of their different operations depends upon, as malting, brewing, distilling, baking, fixing different colours, making vinegar, soap, cheese, butter, etc., etc.

“*And it is my will that such children as reside conveniently in the neighborhood for attending the school, may be allowed to be instructed as the children of the farm school*, those of parents not able to pay the schooling, *gratis*, and those who can afford it, at such rate as they and the master can agree upon, but to such number only as the trustees shall judge that the master can conveniently instruct, provided that all children admitted into the said farm school shall be obliged to conform to such rules and regulations, as the trustees or master shall from time to time reasonably make for the government thereof. “And it is further my will, that in the choice of a master for the said farm school, skill, industry, and morals shall be the only qualifications attended to, and that in the admittance of poor children, no manner of regard shall be paid to what religion or sect they or their parents possess; and that it shall be a particular charge to the master, to teach and instruct them only, in the general, plain, and practical parts of religion and morality, without meddling with speculative and controverted points, or with such as constitute the particular character of any sect.

“In case that it should appear to the society that the yearly income of the estate by this my last will given and devised, should not be sufficient to carry immediately my above disposition into full effect (which however is not expected), I in that case request them to make such beginning as the yearly income may bear the expenses of, in such manner that the stock on the farm, as horses, mares in particular, horn cattle & sheep may be kept up for the use of the farm, but as I shall leave a considerable sum in ready money, I recommend that such suitable but simple buildings in the way of my present overseer's house may be immediately erected to answer the plan to the whole extent, but that all the outward timber may be of chestnut.

“It is also my will that my tract of land, part of which I do now keep inclosed and reside on, made up of twenty-one original tracts, and by a late resurvey containing two thousand six hundred and thirty acres, shall be forever so far indivisible as that five hundred acres shall be laid out for the farm, including what is under fence, and that one thousand acres shall forever remain in wood or forest, in order to supply the farm with convenient range and with fuel and timber, and in process of time contribute to the support of

the institution, but that the surplus land over and above the five hundred, and one thousand acres before specified, may be by the trustees to farm let in such tracts as they shall think to the best advantage, provided that no tracts of land by this my last will devised shall ever be let on a more extensive lease than that of fourteen years, and that every such lease shall contain a condition that the lessee shall not cut or wilfully suffer to be cut any timber or wood from the said thousand acres reserved for the use of the farm school, unless by and with the express permission of the trustees.

“And it is my will, that in case the Agricultural Society of South Carolina, should against my expectation (the plan being relative to the institution of the society) should decline or neglect appointing trustees for taking upon themselves the execution of this my last will and testament or the trust contained in the same, or that the said society should at any time be dissolved or annihilated, that then and in each of these cases, the execution of this my last will or the trust contained in it, shall devolve upon such trustees as the Hon. Legislature of this state shall please to name and appoint; *and as the aim of this my last will and testament is, to raise useful citizens*, I do hereby humbly request the Honorable Legislature that in the above case they may be pleased to incorporate such trustees as they shall think proper to appoint, under such clauses and regulations as in their great wisdom shall seem meet; and for the same reason of intending to raise useful citizens to the state many whereof would without such an institution be a nuisance. I begg the Honorable Legislature graciously pleased to keep the *Institution under their fatherly protection*.

“It is further my will, that wherever the yearly income of the estate by me bequeathed *133 and devised, shall be adequate to it, such children as shall have completed their education at the farm school provided they have not resided there a less time than five years, and behaved to the satisfaction of the trustees during their residence, shall receive such gratification in cattle from the trustees, as in their judgment they shall think expedient.

“I give and devise to the heirs of the Rev'd Mr. Samuel Frederick Lucius, in his lifetime, V. D. M., the immediately hereafter to be mentioned three contiguous tracts of land, viz.: One tract of one hundred and fifty acres, one Do. of one hundred acres adjoining the first and one tract of fifty acres adjoining the two former, making together a valuable plantation of three hundred acres, more or less, situate on Savannah river and Swift creek in Edgefield county, below the mouth of Little river, in compensation of such ballance of a conditional bond, by me given to the said Mr. Lucius, as the heirs think unpaid (no matter whether any is due by me or not) as the executrix and heirs have hitherto been unwilling or unable to produce the said bond, tho' repeatedly by me required and solicited to it in order to verify the different receipts of the said Mr. Sam'l Fred'k Lucius for large sums on the back of the said bond by which, and such other vouchers as are in my possession, I believe that the este. rather would be found in my debt; Provided nevertheless that the said executrix (now Mrs. Susanna Gibson of the Gongarees), and the said heirs, shall and do within one year immediately succeeding the date of my decease, manifest, declare, and make it known to the president and Agricultural Society of South Carolina, that they do accept of the said three tracts of land, or plantation of three hundred acres, more or less, in full compensation of what ballance may possibly be due by me on the said conditional bond; but it is my will that in case the above mentioned heirs, shall not manifest, declare, and make known as aforesaid, that they accept of the said plantation on the conditions above specified, that then the said three tracts of land, shall make part of the map, and remain annex'd to the bulk of the estate by me given and devised, and that in that case, on the said heirs or executrix verifying any ballance to be due by me, my said executors or trustees shall please discharge the same. It is my will that immediately after my decease, my old negro man Bacchus shall be free and manimitted, as I have considered him to be many years ago, and as that notwithstanding, his voluntary services have been performed with equal honesty and fidelity, it is

my will, that all my common wearing apparel by me given to him, and during the small remainder of his life, he be maintained out of the income of my estate, both in sickness and health, with every possible ease and comfort, as his meritorious services deserve every comfort in my power to procure him. I therefore particularly recommend this to my executors and trustees.

"To my worthy and much respected friends Dr. Edward Jenkins, V. D. M., and his lady, James Linah and his lady, and Capt. Edward Linah, son of the said James, and to his lady, and to each of them, I give one mourning ring of the value of one guinea, which I wish them to accept as a testimony that I have only lost the grateful sense of their friendship with my breath; knowing that in their circumstances, any thing valuable would be beneath their acceptance. To Miss Anne Cook my present housekeeper, I leave ten pounds sterling in compensation for her services.

"I do name, request, make and appoint the honorable president, and South Carolina Agricultural Society, and such of their members as they shall please *pro tempore* to name and appoint to take the execution and trust of this my last will and testament upon them, and their successors in said appointment forever, executors and trustees to this my last will and testament; and I do request Peter Gibert, Esq., of Mill Creek, in said county of Abbeville, to take the execution of it to himself untill such of the members as the Agricultural Society shall please to name and appoint do take the same upon themselves-and I do by this revoke and annul all former testaments which I may have made at any time previous to this seventh September, in the year of our Lord one thousand seven hundred and ninety-six. Whatever ready money I shall leave at my decease (in case it pleases God it should be shortly) is known to my above named executor Peter Gibert, Esq.

"John de la Howe [L. S.]

"Sig'd, seal'd, declared and published by the said John de la Howe, the testator, as his last will and testament, in the presence of P. Gibert, I. Eymerie Mark, Anna Cook.

"I now do hereby declare and republish my above will and in order of having the said will and testament more properly executed, I do name and join and appoint Mr. William Hutton, of Abbeville county, planter, as a joint executor with Peter Gibert, Esqr.

"John de la Howe. "January 2d, 1797."

Statute

John de la Howe School is primarily governed by Title 59, Chapter 49 of the SC Code of Laws. In addition SC Code §63-11-20 exempts John de la Howe from the group of child welfare agencies that fall under the Department of Social Services' administration of child welfare laws, unless the Board of Trustees requests, by resolution, that DSS license the school.

Title 59, Chapter 49 is included in its entirety here.

CHAPTER 49 John De La Howe School

SECTION 59-49-10. Establishment of John De La Howe School.

There is hereby established under the provisions of this chapter an institution to be known as the John De La Howe School.

HISTORY: 1962 Code Section 22-501; 1952 Code Section 22-501; 1942 Code Section 5480; 1932 Code Section 5676; Civ. C. '22 Section 2757; 1918 (30) 803; 1937 (40) 216.

CROSS REFERENCES

Exemption of certain agencies, homes and institutions from provisions governing child welfare agencies, see Section 63-11-20.

LIBRARY REFERENCES

Schools 11.

Westlaw Key Number Search: 345k11.

C.J.S. Schools and School Districts Sections 4, 6, 74, 76, 396 to 398.

SECTION 59-49-20. Trustees of School; appointment; term; vacancies.

The business, property, and affairs of the school must be under the control of a board of trustees, consisting of nine members, appointed by the Governor, subject to confirmation by the Senate. The terms of the members of the board must be for terms of five years. Appointments to fill vacancies must be for the remainder of the terms in the same manner of original appointments.

HISTORY: 1962 Code Section 22-502; 1952 Code Section 22-502; 1942 Code Section 5482; 1932 Code Section 5678; Civ. C. '22 Section 2759; 1918 (30) 803; 1920 (31) 723; 1937 (40) 216; 1985 Act No. 35, Section 1.

LIBRARY REFERENCES

Schools 47.

Westlaw Key Number Search: 345k47.

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

SECTION 59-49-30. Removal of trustees; failure to attend meetings as resignation.

The members of the board may at any time be removed by the Governor for good cause. The failure of any member of the board to attend at least one meeting thereof in any year, unless excused by formal vote of the board, may be construed by the Governor as the resignation of such nonattending member.

HISTORY: 1962 Code Section 22-503; 1952 Code Section 22-503; 1942 Code Section 5482; 1932 Code Section 5678; Civ. C. '22 Section 2759; 1918 (30) 803; 1920 (31) 723; 1937 (40) 216.

LIBRARY REFERENCES

Schools 47.

Westlaw Key Number Search: 345k47.

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

SECTION 59-49-40. Meetings of trustees.

The said board shall meet quarterly and oftener as may be required, at least one meeting each year being held at the school.

HISTORY: 1962 Code Section 22-504; 1952 Code Section 22-504; 1942 Code Section 5482; 1932 Code Section 5678; Civ. C. '22 Section 2759; 1918 (30) 803; 1920 (31) 723; 1937 (40) 216.

LIBRARY REFERENCES

Schools 47.
Westlaw Key Number Search: 345k47.
C.J.S. Schools and School Districts Sections 81 to 92, 174.

SECTION 59-49-60. Compensation of trustees.

All members of the board shall receive per diem and mileage as provided by law for members of state boards, committees, and commissions.

HISTORY: 1962 Code Section 22-506; 1952 Code Section 22-506; 1942 Code Section 5482; 1932 Code Section 5678; Civ. C. '22 Section 2759; 1918 (30) 803; 1920 (31) 723; 1937 (40) 216; 1985 Act No. 35, Section 3.

LIBRARY REFERENCES

Schools 47.
Westlaw Key Number Search: 345k47.
C.J.S. Schools and School Districts Sections 81 to 92, 174.

SECTION 59-49-70. School declared a body corporate; powers.

The John De La Howe School is hereby declared to be a body corporate and, as such, may sue and be sued and plead and be impleaded in its corporate name, may have and use a proper seal, which it may alter at its pleasure and may acquire by purchase, deed, devise, lease for a term of years, bequest or otherwise such property, real and personal, in fee simple without limitations as may be necessary or proper for carrying out the purposes of its organization as herein declared.

HISTORY: 1962 Code Section 22-507; 1952 Code Section 22-507; 1942 Code Section 5481; 1932 Code Section 5677; Civ. C. '22 Section 2758; 1918 (30) 803; 1937 (40) 216.

LIBRARY REFERENCES

Schools 11.
Westlaw Key Number Search: 345k11.
C.J.S. Schools and School Districts Sections 4, 6, 74, 76, 396 to 398.

SECTION 59-49-80. Superintendent; employees.

The board shall elect a superintendent for said school at such salary and for such term as it may fix. The superintendent shall employ and discharge all employees of the school, subject to the approval of the board.

HISTORY: 1962 Code Section 22-508; 1952 Code Section 22-508; 1942 Code Section 5483; 1932 Code Section 5679; Civ. C. '22 Section 2760; 1918 (30) 803; 1937 (40) 216.

LIBRARY REFERENCES

Schools 63.
Westlaw Key Number Search: 345k63.
C.J.S. Schools and School Districts Sections 253, 264 to 265, 725.

Attorney General's Opinions

While there is no provision in the law, nor in the will of John De La Howe, for the appointment of an interim superintendent the public interest requires that some official be designated to act instead of the superintendent during a period of his disability, thus an acting superintendent appointed by the board of trustees to perform the duties of the superintendent during the period of his disability would, at the very least, act in a de facto capacity and his acts and doings as such would be valid in all respects. 1965-66 Op Atty Gen, No 2065, p 158.

SECTION 59-49-90. Oath of trustees; oath and bond of superintendent.

All of the members of the board and the superintendent of the school shall, before entering upon the discharge of their duties, take an oath faithfully to perform any and all duties imposed upon them under this chapter. The superintendent shall execute a bond payable to the State in such sum as shall be required by the board, with sufficient security, which shall be filed in the office of the Secretary of State.

HISTORY: 1962 Code Section 22-509; 1952 Code Section 22-509; 1942 Code Section 5484; 1932 Code Section 5680; Civ. C. '22 Section 2761; 1918 (30) 803; 1937 (40) 216.

LIBRARY REFERENCES

Schools 63(1).

C.J.S. Schools and School Districts Sections 114, 116, 129, 173 to 175, 183 to 190, 194 to 195, 218, 244, 248, 259, 264 to 265, 725.

Westlaw Key Number Search: 345k63(1).

SECTION 59-49-100. Purpose of School.

It is declared to be the purpose and policy of the State to maintain and develop the school property in accordance with the purposes of the will of Dr. John De La Howe as interpreted by the Supreme Court of South Carolina, *Mars v. Gibert*, 93 SC 455, which for historical reference reads: "First, the establishment and maintenance of an agricultural and mechanical school as an institution in Abbeville County, stimulating and improving the industrial life of the entire community; second, the training, free of charge, of twenty-four boys and girls, not as college men and women, but in the beginning of school life; and, third, the like training of the children of the neighborhood not supported by the fund." It is declared that the term "Abbeville County" shall be understood to mean that portion of South Carolina known as Abbeville County at the time the will of Dr. John De La Howe was dated, namely January 2, 1797. The property is now in McCormick County. It is further declared that, given the above historical perspective, the Board of Trustees of John De La Howe School shall instruct the Superintendent of the school to implement programs which shall meet the needs of children from all of South Carolina who for some urgent reason need to be separated from their home or community.

HISTORY: 1962 Code Section 22-510; 1952 Code Section 22-510; 1942 Code Section 5485; 1932 Code Section 5681; Civ. C. '22 Section 2762; 1918 (30) 803; 1937 (40) 216; 1985 Act No. 35, Section 4.

LIBRARY REFERENCES

Schools 11.

Westlaw Key Number Search: 345k11.

C.J.S. Schools and School Districts Sections 4, 6, 74, 76, 396 to 398.

Attorney General's Opinions

Discussion of unearned comp time and payment of salary not due for certain staff members employed with the John de la Howe School. S.C. Op.Atty.Gen. (November 17, 2014) 2014 WL 6705713.

SECTION 59-49-110. Improved forestry and farm practices.

The trustees of the John De La Howe School may carry out improved forestry and farm practices on the timber holdings and farmland of the school property and apply the revenues derived from them and any other revenue source on the property for the further improvement and development of the school forest and farmlands and for other school purposes.

HISTORY: 1962 Code Section 22-510.1; 1953 (48) 439; 1985 Act No. 35, Section 5.

SECTION 59-49-120. Funds of estate of Dr. John De La Howe.

All of the money in the hands of trustees of the estate of Dr. John De La Howe shall by them be delivered to the board of trustees created by this chapter when so requested to do by the board of trustees. All amounts received from said estate and its operation shall be appropriated for the support and development of the school, in the discretion of the board of trustees.

HISTORY: 1962 Code Section 22-511; 1952 Code Section 22-511; 1942 Code Section 5487; 1932 Code Section 5683; Civ. C. '22 Section 2764; 1918 (30) 803.

SECTION 59-49-130. Use of moneys received for property of School.

The John De La Howe School may use all moneys received by it through condemnation or otherwise for land and other properties of the school used in connection with the development of what is known as the Clark's Hill Project or for the development of any other similar project in the construction, erection and building of permanent improvements of and for the school and for the equipping of such improvements.

HISTORY: 1962 Code Section 22-512; 1952 Code Section 22-512; 1950 (46) 1878.

SECTION 59-49-140. Rules and regulations.

In accordance with the purposes of the school as herein defined the board of trustees shall make such rules and regulations for its own government and for the management of the school as it may deem necessary, consistent with the laws of this State and with the terms of the will of Dr. John De La Howe.

HISTORY: 1962 Code Section 22-513; 1952 Code Section 22-513; 1942 Code Section 5486; 1932 Code Section 5682; Civ. C. '22 Section 2763; 1918 (30) 803; 1937 (40) 216; 1939 (41) 107.

LIBRARY REFERENCES

Schools 20.

Westlaw Key Number Search: 345k20.

C.J.S. Schools and School Districts Sections 7, 74, 76, 195.

SECTION 59-49-150. Expenses of students.

Pupils at the school whose estates are sufficient or the relatives of the pupils liable in law for their support whose estates are sufficient shall pay for the maintenance of the pupils in whole or in part. Policies concerning the manner and method of determining financial ability and the collecting and retention of amounts required to be paid must be determined by the Board of Trustees, in accordance with state policy.

HISTORY: 1962 Code Section 22-514; 1952 Code Section 22-514; 1942 Code Section 5486; 1932 Code Section 5682; Civ. C. '22 Section 2763; 1918 (30) 803; 1937 (40) 216; 1939 (41) 107; 1985 Act No. 35, Section 6.

LIBRARY REFERENCES

Schools 159.

Westlaw Key Number Search: 345k159.

C.J.S. Schools and School Districts Sections 726 to 733.

Agency Deliverables

In its PER, the agency provides the Committee with a list of deliverables. They are included in Table 1 below.

Table 1. Agency deliverables..

Deliverable	Applicable Laws	Does the law(s)... A) Specifically REQUIRE the agency provide it (must or shall)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Does the agency evaluate customer satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than \$ and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or proviso to charge for it? (Y/N)	Does the agency know the...		
								cost per unit? (Y/N)	annual # of potential customers? (Y/N)	annual # of customers served? (Y/N)
Agricultural practice	59-49-100. John de la Howe will; 59-49-110. Ag practice	Require	Yes	(1) No career path for state's youth with behavioral, family issues. (2) More efficient use of agency land means more efficient operation of agency.	(1) Support Senate Proviso 7.5 transitioning JDLHS into an agricultural educational program (2) Encourage relationship between JDLHS, Clemson University and Piedmont Tech to move such program forward. (3) Allow JDLHS Board to carry out wishes of Dr. John de la Howe will as stated in 59-49-100.	Clemson University; Piedmont Technical College	Yes	No	No	No

Forestry practice	59-49-110. Forestry practice	Not Address	No	(1) No career path for state's youth with behavioral, family issues. (2) More efficient use of agency land means more efficient operation of agency.	(1) Support Senate Proviso 7.5 transitioning JDLHS into an agricultural educational program. (2) Encourage relationship between JDLHS, Clemson University and Piedmont Tech to move such program forward. (3) Allow JDLHS Board to carry out wishes of Dr. John de la Howe will as stated in 59-49-100.	Clemson University; Piedmont Technical College	Yes	No	No	No
Mechanical training	59-49-100. John de la Howe will.	Not Address	No	(1) No career path for state's youth with behavioral, family issues. (2) More efficient use of agency land means more efficient operation of agency.	(1) Support Senate Proviso 7.5 transitioning JDLHS into an agricultural educational program (2) Encourage relationship between JDLHS, Clemson University and Piedmont Tech to move such program forward. (3) Allow JDLHS Board to carry out wishes of Dr. John de la Howe will as stated in 59-49-100.	Clemson University; Piedmont Technical College	Yes	No	No	No

ORGANIZATION

Governing Body (i.e. director, commissioners, trustees, etc.)

The governing body of the department is the John de la Howe Board of Trustees. SC Code §59-49-10 and 20 provide the composition and responsibilities of the Board.

The business, property, and affairs of the school must be under the control of a board of trustees, consisting of nine members, appointed by the Governor, subject to confirmation by the Senate. The terms of the members of the board must be for terms of five years. Appointments to fill vacancies must be for the remainder of the terms in the same manner of original appointments. The members of the board may at any time be removed by the Governor for good cause. The failure of any member of the board to attend at least one meeting thereof in any year, unless excused by formal vote of the board, may be construed by the Governor as the resignation of such nonattending member.

Table 1 lists the current agency board members, congressional district represented, and date the member's term expires.

Table 2. Agency board members, and date term expires.

Position Title	Current Members	Appointed By	Appointed Date	Expiration Date
Member	Donna Moore Wesby	Governor Nikki R. Haley	6/28/2013	4/1/2016
Member	Patricia Sara Silva	Governor Nikki R. Haley	2/21/2014	4/1/2018
Member	Thomas R. Love	Governor Nikki R. Haley	4/17/2014	4/1/2019
Member	Melissa A. Tilden	Governor Nikki R. Haley	1/26/2015	4/1/2018
Member	Barbara Devinney	Governor Nikki R. Haley	6/28/2013	4/1/2014
Member	Jerry Michael Griffin	Governor Nikki R. Haley	4/7/2016	4/1/2020
Chair	Daniel B. Shonka	Governor Nikki R. Haley	4/8/2014	4/1/2018
Member	Steven E. Lize	Governor Nikki R. Haley	6/4/2014	4/1/2019
Member	VACANT			
Interim Superintendent	James Franklin, Sr.	the Board of Trustees	6/29/2017	

Internal Audits

In the Program Evaluation Report, the Committee asks the agency to provide information about internal audit process, if it has one.

The agency has staff members who perform dual duties to include performance of internal audit duties. The audit policy is contained in the John de la Howe's Procurement and Business Procedures and are in compliance with South Carolina state law 11-35-1230.

- Internal auditors report to Sylvester Coleman, Director of Finance/Business Operations
- Subject matters audited include: inventory (cafeteria (dry and frozen goods)/facilities (buildings and equipment/business operation practices and processes.
- Director of Finance makes audit decisions on finance and business operations. HR Director makes decisions on HR matters.
- Audits are conducted on the agency's improvement systems. According to the current records on file, three audits have been conducted during the last five fiscal years. The most recent Peer Review Self-Assessment by the SC State Internal Auditors Association or other entry was performed on April 18, 2016.

Organizational Units

The agency's Program Evaluation Report (PER) includes information about its organizational units.² Every agency has some type of organization and hierarchy. Within the organization are separate units. An agency may refer to these units as departments, divisions, functional areas, cost centers, etc. Each unit is responsible for contributing to the agency's ability to provide services and products.

To ensure agency employees understand how their work contributes to the agency's overall ability to provide effective services and products in an efficient manner, each organizational unit has at least one (and in most cases multiple), objectives, strategies, or goals for which it is solely responsible.

John de la Howe is comprised of four organizational units: (1) Student and Family Services; (2) Education Service; (3) Business and Finance; and (4) Administration (President, HR, Support Services).

Student and Family Services is one of the agency's organizational units. This unit includes Residential & Wilderness Programs, Clinical, and Admissions. It supports the agency's core mission by providing direct care in the residential and wilderness programs; providing clinical therapy support to students; and overseeing the enrollment of new students in care of the agency. Table 2 provides additional information about the unit.

Table 3. John de la Howe School Organizational Unit: Student and Family Services

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	50%	30%	4%
Is employee satisfaction evaluated?	Yes		

Is anonymous employee feedback allowed?	Yes
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	Yes
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	Some

Education Service is one of the agency's organizational units. This unit includes principals and teachers. This unit provides academic education to the client students in care of the agency. Table 3 provides additional information about the unit. Table 3 provides additional information about the unit.

Table 4. John de la Howe School Organizational Unit: Education Service

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	12%	3%	18%
Is employee satisfaction evaluated?	Yes		
Is anonymous employee feedback allowed?	Yes		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	Yes		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	Some		

Business and Finance is one of the agency's organizational units. This unit includes Procurement, Trades, Dining Services, and IT. It manages the fiscal accountability through purchasing and dining services and to maintain the physical plant of the agency. Table 4 includes additional information about the unit.

Table 5. John de la Howe School Organizational Unit: Business and Finance

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	3%	2%	2%
Is employee satisfaction evaluated?	Yes		
Is anonymous employee feedback allowed?	Yes		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	Yes		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	Some		

Administration is one of the agency's organizational units. This unit includes the President, Human Resources, and Support Services. This unit manages the day-to-day operations and human capital of the agency. Table 5 provides additional information about the unit.

Table 6. John de la Howe Organizational Unit: Administration.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	7.05%	10.28%	9.03%
Is employee satisfaction evaluated?	No	No	No
Is anonymous employee feedback allowed?	No	No	No
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	Yes	Yes	Yes
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	All	All	All

Figure 2 includes an organizational chart, current as of March 13, 2017.

John de la Howe School Organizational Chart

John de la Howe School Organizational Chart

(07.14.2014)

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graph TD
    Principal[Principal  
Dr. Thany Wicks]
    
    Principal --- CS[Consulting Superintendent  
Dr. Janet Franklin  
Temporary]
    Principal --- LEO[Law Enforcement Officer  
JC99  
Phone: 48023944]
    Principal --- PC2[Program Coordinator II  
M4035Hand 6  
4804596  
Dana Peterson]
    Principal --- EA1[Executive Assistant I  
Vice President  
A4035Hand 8  
61807050 (personal)]
    Principal --- HRM2[Human Resources Manager II  
A4035Hand 6  
Phone: 48023618]
    Principal --- EA2[Executive Assistant I  
Executive Assistant for Administration and Planning  
A3035Hand 6 (personal) 48023579]
    
    PC2 --- AdminSpec1[Admin. Specialist II  
A4035Hand 3  
Wanda Gable - 48023716]
    PC2 --- AdminSpec2[Admin. Specialist II  
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Christ Peterson - 48023759]
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    HRM2 --- HRM1[Human Resources Manager I  
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Phone: 48023794]
    HRM2 --- HRMSpec1[Human Resources Specialist I  
A4035Hand 4  
Patricia Thomas - 48023755]
    
    PC2 --- PC1[Program Coordinator I  
B4035Hand 6  
A3045Hand 7  
Vince - 48023769]
    PC2 --- PC2[Program Coordinator II  
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HUMAN RESOURCES

The Department of Administration's Division of State Human Resources provided the numbers of authorized, actual, and filled full time employee (FTE) positions for the last five fiscal years. Tables 7, 8, and 9 provide that information.

The Authorized Total FTE is as of July 1 of the fiscal year, as stated in the Appropriations Act. The Actual Total FTE is the sum of Filled FTE and Vacant FTE. It is based on what the agency has entered in SCEIS and is as of June 30. If Actual is more than Authorized, it may be because during the course of the year, the Executive Budget Office can authorize interim FTE positions, which the agency typically requests authorization for in the next budget. If Actual is less than Authorized, it is because the agency has not setup all of the Authorized positions in SCEIS yet. Filled FTEs are positions the agency has setup in SCEIS in which someone is actually working.

Table 7. John de la Howe Authorized FTE Positions (FY13-FY17)

Authorized					
	2012-13	2013-14	2014-15	2015-16	2016-17
Total	107.410	107.410	107.410	106.410	98.390
State	94.950	94.520	94.520	93.520	86.750
Federal	1.490	1.490	1.490	1.490	1.170
Other	10.970	11.400	11.400	11.400	10.470

Table 8. John de la Howe Actual FTE Positions (FY13-FY17)

Actual					
	2012-13	2013-14	2014-15	2015-16	2016-17
Total	105.118	105.636	106.314	106.314	105.314
State	97.400	96.534	95.642	95.642	94.642
Federal	0.808	0.000	0.000	0.000	0.000
Other	6.910	9.102	10.672	10.672	10.672

Table 9. John de la Howe Filled FTE Positions (FY13-FY17)

Filled					
	2012-13	2013-14	2014-15	2015-16	2016-17
Total	67.505	68.929	77.678	76.082	64.984
State	62.702	63.794	69.672	68.362	58.244
Federal	0.000	0.000	0.000	0.000	0.000
Other	4.803	5.135	8.006	7.720	6.740

The Division of State Human Resources also provided the total salaries associated with the agency's filled FTEs. Figure 2 is a chart that shows the agency's gain/loss of filled FTEs and the gain/loss of salary burden on the agency at the same time.

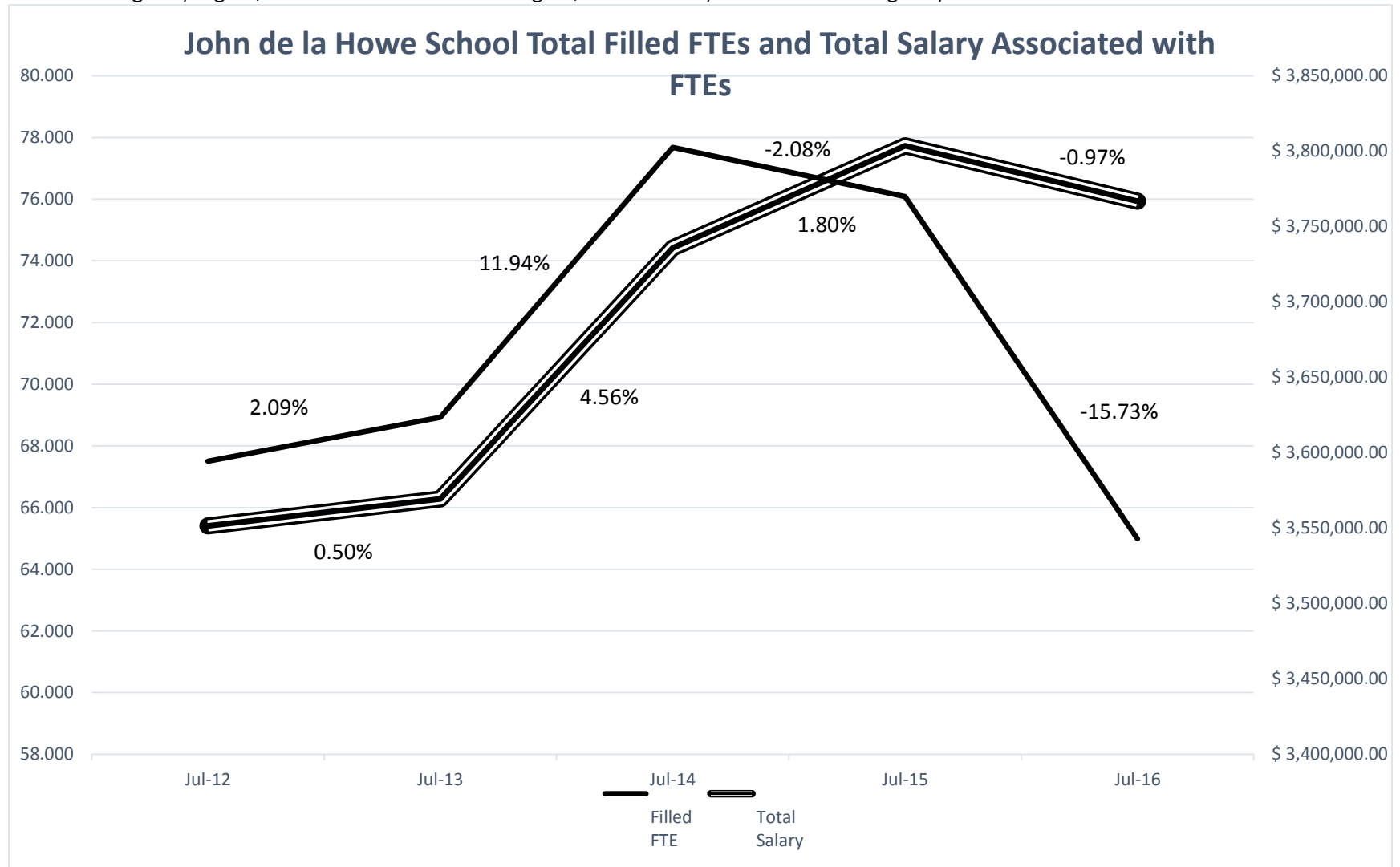


Figure 2. John de la Howe Filled FTEs and Salary

COMMITTEE CONTACT INFORMATION



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¹ SC House of Representatives, House Legislative Oversight Committee, "Program Evaluation Report (March 31, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "John de la Howe School"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Program%20Evaluation%20Report%20with%20attachments.pdf>. Hereinafter, "Agency PER."

² Agency PER at page 369.