**South Carolina General Assembly**

118th Session, 2009-2010

**A309, R136, H4432**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. H.B. Brown

Document Path: l:\council\bills\agm\19587bh10.docx

Companion/Similar bill(s): 1113

Introduced in the House on January 27, 2010

Introduced in the Senate on February 3, 2010

Passed by the General Assembly on February 5, 2010

Governor's Action: February 24, 2010, Vetoed

Legislative veto action(s): Veto overridden

Summary: Fairfield County Board of Trustees

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-27-10.docx)‑11

1/27/2010 House Referred to **Fairfield Delegation** [HJ](file:///h:\HJ%20Archive\2010\01-27-10.docx)‑12

1/27/2010 House Delegation report: Favorable **Fairfield Delegation** [HJ](file:///h:\HJ%20Archive\2010\01-27-10.docx)‑28

1/28/2010 Scrivener's error corrected

2/2/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\02-02-10.docx)‑58

2/3/2010 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2010\02-03-10.docx)‑10

2/3/2010 Senate Introduced, read first time, placed on local & uncontested calendar [SJ](file:///h:\SJ%20Archive\2010\02-03-10.docx)‑28

2/3/2010 Senate Unanimous consent for second and third readings on next two consecutive legislative days [SJ](file:///h:\SJ%20Archive\2010\02-03-10.docx)‑28

2/4/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\02-04-10.docx)‑7

2/5/2010 Senate Read third time and enrolled [SJ](file:///h:\SJ%20Archive\2010\02-05-10.docx)‑1

2/18/2010 Ratified R 136

2/24/2010 Vetoed by Governor

3/2/2010 House Veto overridden by originating body Yeas‑44 Nays‑21 [HJ](file:///h:\HJ%20Archive\2010\03-02-10.docx)‑21

3/4/2010 Senate Veto overridden Yeas‑1 Nays‑0

3/10/2010 Effective date 03/04/10

9/9/2010 Act No. 309

**VERSIONS OF THIS BILL**

[1/27/2010](file:///p:\pprever\2009-10\4432_20100127.docx)

[1/27/2010-A](file:///p:\pprever\2009-10\4432_20100127A.docx)

[1/28/2010](file:///p:\pprever\2009-10\4432_20100128.docx)

[2/3/2010](file:///p:\pprever\2009-10\4432_20100203.docx)

(A309, R136, H4432)

**AN ACT TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES, TO REVISE COMPENSATION OF BOARD MEMBERS, TO PROVIDE FOR THE FILLING OF VACANCIES, TO PROVIDE FOR THE ABOLITION OF CERTAIN BOARD SEATS UPON CERTAIN CONDITIONS, AND TO REQUIRE THE SCHOOL DISTRICT BOARD AND SUPERINTENDENT TO COOPERATE WITH NEWLY APPROVED BOARD MEMBERS.**

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

**Composition of board of trustees**

SECTION 1. Section 1 of Act 191 of 1991 is amended to read:

“Section 1. (A) The Board of Trustees of the School District of Fairfield County consists of nine members until July 1, 2022, or until the State Department of Education certifies that seventy percent of the school district budget is allocated to classroom instructional expenditures and the district receives a rating of ‘average’ pursuant to the Education Accountability Act provided in Chapter 18, Title 59 of the 1976 Code, whichever occurs first, at which time the two appointed seats are abolished. Two members of the board must be appointed by the Legislative Delegation of Fairfield County. Seven members of the board of trustees of the school district must be elected, one trustee from each of seven defined single‑member election districts established pursuant to the provisions of a plan ordered by a court of competent jurisdiction on April 10, 1990, for election of members of Fairfield County Council. If the district lines from which members of the county council are elected change, the applicable district lines for the election of the board of trustees for the school district change accordingly.

(B) For purposes of this act, ‘classroom instructional expenditures’ mean expenditures directly related to classroom instruction, including instructional staff and instructional materials, within In$ite categories. Classroom instructional expenditures include activities dealing directly with interaction between students and teachers, teachers’ aides, special education instructors, tutors, and others assigned to instruct students regularly in a learning situation. Classroom instructional expenditures also include books, classroom computers, general instruction supplies, instructional aides, libraries and librarians, class activities such as field trips, athletics, arts, music, and multidisciplinary learning, and extracurricular activities including, but not limited to, drama, sports, and band.”

**Filling of board vacancies**

SECTION 2. Section 3 of Act 191 of 1991, as last amended by Act 513 of 1996, is further amended to read:

“Section 3. The terms of office of all members are for four years and until their successors are elected or appointed and qualify. Seven members must be elected in a nonpartisan election held at the time of the general election. A vacancy that occurs in an elected seat on the board must be filled by special election conducted by the Fairfield County Election Commission. A vacancy that occurs in an appointed seat on the board must be filled by the Fairfield County Legislative Delegation by appointment.”

**Board member terms**

SECTION 3. Section 4 of Act 191 of 1991, as last amended by Act 513 of 1996, is further amended to read:

“Section 4. The members of the board elected by nonpartisan election take office on the first day of the month following certification of the candidates’ election. The members of the board appointed by the Fairfield County Legislative Delegation take office on July 1, 2010, and serve for four years. Upon expiration of each four‑year term, the Fairfield County Legislative Delegation shall appoint two members to fill those seats, until July 1, 2022, or until the State Department of Education certifies that seventy percent of the school district budget is allocated to classroom instructional expenditures and the district receives a rating of ‘average’ pursuant to the Education Accountability Act provided in Chapter 18, Title 59 of the 1976 Code, whichever occurs first, at which time those two appointed seats are abolished and the board consists of seven elected members. For purposes of this section, ‘classroom instructional expenditures’ mean expenditures directly related to classroom instruction, including instructional staff and instructional materials, within In$ite categories. Classroom instructional expenditures include activities dealing directly with interaction between students and teachers, teachers’ aides, special education instructors, tutors, and others assigned to instruct students regularly in a learning situation. Classroom instructional expenditures also include books, classroom computers, general instruction supplies, instructional aides, libraries and librarians, class activities such as field trips, athletics, arts, music, and multidisciplinary learning, and extracurricular activities including, but not limited to, drama, sports, and band.”

**Board member compensation**

SECTION 4. Section 5 of Act 191 of 1991 is amended to read:

“Section 5. Members of the board of trustees serve without pay. Each member of the board may receive per diem allowed by law for boards and commissions for attendance at board meetings and may be paid mileage to and from these meetings, but may be paid for no more than one meeting each month. A member may not receive per diem and mileage unless in actual attendance upon a duly constituted meeting of the board. When a member of the board is directed to travel outside the county or school district on official business of the board, he may be allowed actual expenses incurred payable from the school district budget, but may not be reimbursed for more than one overnight trip each year and more than one local trip not requiring overnight stay every six months.”

**Cooperation of current board members with new members**

SECTION 5. Act 191 of 1991, as last amended by Act 431 of 2002, is further amended by adding:

“Section 10. The present members of the Board of Trustees and the Superintendent of the School District of Fairfield County shall cooperate fully with newly appointed members of the board to ensure a smooth transition upon implementation of this act. In addition, the Fairfield County local government shall assist in the implementation of this act and must be reimbursed for all related expenses with school district funds.”

**Severability clause**

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 18th day of February, 2010.

Vetoed by the Governor -- 2/24/2010.

Veto overridden by House -- 3/2/2010.

Veto overridden by Senate -- 3/4/2010.

\_\_\_\_\_\_\_\_\_\_