AMENDED

May 9, 2018

**S. 596**

Introduced by Senators Peeler, Nicholson, Sheheen and Gambrell

S. Printed 5/9/18--H.

Read the first time April 18, 2017.

**A** **JOINT RESOLUTION**

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

Amend Title To Conform

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

SECTION 1. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59‑49‑05. (A) The John de la Howe School previously established under the provisions of this chapter shall cease operations on June 30, 2018, and is dissolved as an institution on June 30, 2019.

(B) The board of trustees of the John de la Howe School appointed before the effective date of this section is immediately dissolved and the terms of its members are terminated as of the effective date of this section.

(C) The Clemson University President or his designee, the Provost, and Vice President of The University’s Public Service Activities (PSA) Program are hereby temporarily appointed trustees to the John de la Howe School until permanent trustees are appointed. The John de la Howe School is hereby under the control of Clemson University until the John de la Howe School is dissolved. Clemson University is authorized to take such actions related to expenditures of funds, the disposition of personnel, and the rules and regulations governing the property as it considers appropriate as long as such actions are in keeping with State law and with the purpose of preserving the assets of the Will of John de la Howe. Clemson University shall not be liable for any actions taken pursuant to and consistent with this section.

(D) Clemson University, its employees, and its board of trustees shall not be liable for the debts of, nor claims made against, the John de la Howe School or claims by or against the former trustees of the John de la Howe School.

(E) Clemson University shall develop a plan to implement the purposes of the Will of Dr. John de la Howe and shall submit the plan before September 1, 2018 to the South Carolina Attorney General for approval. Clemson University may use the funds of the John de la Howe School to pay for the development of this plan.

(F) Upon approval of the plan provided in subsection (E), the South Carolina Attorney General shall notify the General Assembly so that the General Assembly may consider the approved plan and enact appropriate enabling legislation to implement the purposes of the Will of Dr. John de la Howe and appoint permanent trustees.”

(G) The interim board of trustees shall give first consideration to persons employed by the John de la Howe School on the effective date of this act when making decisions concerning the retention and hiring of personnel.

SECTION 2. Sections 59‑49‑10, 59‑49‑20, 59‑49‑30, 59‑49‑40, 59‑49‑60, 59‑49‑70, 59‑49‑80, 59‑49‑90, 59‑49‑100, 59‑49‑110, 59‑49‑120, 59‑49‑130, 59‑49‑140, and 59‑49‑150 of the 1976 Code are repealed.

SECTION 3. This act takes effect upon approval by the Governor.

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