**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3449**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. McDaniel

Document Path: l:\council\bills\nbd\11125sd21.docx

Introduced in the House on January 12, 2021

Currently residing in the House Committee on **Education and Public Works**

Summary: Declaration of emergency in at-risk schools

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2020 House Prefiled

12/16/2020 House Referred to Committee on **Education and Public Works**

1/12/2021 House Introduced and read first time ([House Journal‑page 195](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 195](file:///h:\hj\20210112.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3449&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/16/2020](file:///p:\pprever\2021-22\3449_20201216.docx)

**A** **BILL**

TO AMEND SECTION 59‑18‑1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DECLARATIONS OF THE STATE OF EMERGENCY IN AT‑RISK SCHOOLS AND TO AMEND SECTION 59‑18‑1570, RELATING TO DECLARATIONS OF A STATE OF EMERGENCY IN AT‑RISK SCHOOL DISTRICTS, BOTH SO AS TO REVISE THE ACTIONS THE STATE SUPERINTENDENT IS AUTHORIZED TO TAKE IN THESE SITUATIONS, INCLUDING REPORTING VIOLATIONS OF LAW TO THE GOVERNOR, ATTORNEY GENERAL, AND APPROPRIATE CIRCUIT SOLICITOR, TO PROVIDE THAT NOTWITHSTANDING THE ABOVE AUTHORITY OF THE STATE SUPERINTENDENT IN REGARD TO AN AT‑RISK SCHOOL, THE STATE SUPERINTENDENT MAY NOT REPLACE THE SCHOOL’S PRINCIPAL OR TAKE OVER MANAGEMENT OF THE SCHOOL, BUT INSTEAD MAY RECOMMEND TO THE DISTRICT BOARD THE REPLACEMENT OF THE SCHOOL’S PRINCIPAL, AND TOGETHER WITH THE DISTRICT BOARD SHALL IMPLEMENT OTHER RECOMMENDATIONS OF IMPROVEMENT MADE BY THE STATE BOARD OF EDUCATION AND THE STATE SUPERINTENDENT, WHICH ARE MANDATORY, WITH AN EMPHASIS ON CAPACITY BUILDING; TO PROVIDE THAT IN REGARD TO AN AT‑RISK SCHOOL DISTRICT, THE STATE SUPERINTENDENT MAY NOT TAKE OVER MANAGEMENT OF THE DISTRICT BUT INSTEAD, TOGETHER WITH THE DISTRICT BOARD, SHALL IMPLEMENT RECOMMENDATIONS OF IMPROVEMENT MADE BY THE STATE BOARD AND THE STATE SUPERINTENDENT, WHICH ARE MANDATORY, WITH AN EMPHASIS ON CAPACITY BUILDING; TO PROVIDE THAT IF AN INTERIM SUPERINTENDENT IS SELECTED, AS PERMITTED BY THIS SECTION, THE INTERIM SUPERINTENDENT MUST BE PERMITTED TO SERVE IN THAT CAPACITY FOR A PERIOD OF AT LEAST ONE YEAR BEFORE A PERMANENT REPLACEMENT IS SELECTED; AND TO PROVIDE THAT IF THE INTERIM SUPERINTENDENT HAS DIFFICULTIES WORKING WITH THE DISTRICT BOARD, THE STATE BOARD SHALL PROVIDE MEDIATION TO THE PARTIES; AND TO PROVIDE FOR OTHER DISTRICT IMPROVEMENT REQUIREMENTS FOR THESE AT-RISK DISTRICTS.

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

SECTION 1. Section 59‑18‑1520 of the 1976 Code is amended to read:

Section 59‑18‑1520. If the recommendations approved by the state board, the district’s plan, or the school’s revised plan are not satisfactorily implemented by the school rated school/district at‑risk and its school district according to the time line developed by the State Board of Education or if student academic performance has not met expected progress, the principal, district superintendent, and members of the board of trustees must appear before the State Board of Education to outline the reasons why a state of emergency should not be declared in the school. The state superintendent, after consulting with the external review committee and with the approval of the State Board of Education, shall be granted the authority to take any of the following actions:

(1) furnish continuing advice and technical assistance in implementing the recommendations of the State Board of Education;

(2) declare a state of emergency in the school and ~~replace~~ recommend the district board replace the school’s principal, and require that job descriptions and credentials for all district personnel must be reviewed by the State Board of Education, and the district must include in these job descriptions or job requirements any recommendations made by the state board; ~~or~~

(3) declare a state of emergency in the school and ~~assume management of the school~~ together with the district board implement those changes the state board and state superintendent under this article determine are necessary and required, with an emphasis on capacity building. Implementation of these changes is mandatory and may not be vetoed by the district board;

(4) if the state board or state superintendent when working with the district board to make the changes required by this section determines that a violation of law has occurred, including ethics violations, the state board or state superintendent shall report the violation to the Governor, the Attorney General, and the appropriate circuit solicitor; or

(5) the requirements of this section and Section 59-18-1570 apply regardless of the model the school is using.”

SECTION 2. Section 59‑18‑1570 of the 1976 Code is amended to read:

“Section 59‑18‑1570. (A) If recommendations approved by the State Board of Education are not satisfactorily implemented by the school district according to the time line developed by the State Board of Education, or if student performance has not made the expected progress and the school district is designated as school/district at‑risk, the district superintendent and members of the board of trustees shall appear before the State Board of Education to outline the reasons why a state of emergency must not be declared in the district.

(B) The state superintendent, with the approval of the State Board of Education, is granted authority to:

(1) furnish continuing advice and technical assistance in implementing the recommendations of the State Board of Education to include establishing and conducting a training program for the district board of trustees and the district superintendent to focus on roles and actions in support of increases in student achievement;

(2) mediate personnel matters between the district board and district superintendent when the State Board of Education is informed by majority vote of the board or the superintendent that the district board is considering dismissal of the superintendent, and the parties agree to mediation;

(3) recommend to the Governor that the office of superintendent be declared vacant. If the Governor declares the office vacant, the state superintendent may furnish an interim replacement until the vacancy is filled by the district board of trustees. District boards of trustees negotiating contracts for the superintendency shall include a provision that the contract is void should the Governor declare that office of superintendency vacant pursuant to this section. This contract provision does not apply to existing contracts but to new contracts or renewal of contracts. If an interim superintendent is selected, the interim superintendent must be permitted to serve in that capacity for a period of at least one year before a permanent replacement is selected. If the interim superintendent has difficulties working with the district board, the state board shall provide mediation to the parties in the same manner provided in item (2); ~~and~~

(4) declare a state of emergency in the school district and ~~assume management~~ together with the district board implement the changes the state board and the state superintendent under this article determine are necessary and required, with an emphasis on capacity building. Implementation of these changes is mandatory and may not be vetoed by the board of the school district; and

(5) if the state board or state superintendent when working with the district board to make the changes required by this section determines that a violation of law has occurred, including ethics violations, the state board or state superintendent shall report the violation to the Governor, the Attorney General, and the appropriate circuit solicitor.

(C) The district board of trustees may appoint at least two nonvoting members to the board from a pool nominated by the Education Oversight Committee and the State Department of Education. These nonvoting committee members, in addition to other duties, shall assist in determining the causes of the lack of student improvement in the district. These nonvoting members must include at least two parents who do not have children enrolled in the district, one representative of the small business community in the district, or a member representing the largest taxpayer based on school operating millage paid during the most recent completed tax year, and a member of the clergy who resides in or is a native of a community within the district. The appointed members shall have demonstrated high levels of knowledge, commitment, and public service, must be recruited and trained for service as appointed board members by the Education Oversight Committee and the State Department of Education, and shall represent the interests of the State Board of Education on the district board. Compensation for the nonvoting members must be paid by the State Board of Education in an amount equal to the compensation paid to the voting members of the district board.”

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

‑‑‑‑XX‑‑‑‑