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COMMITTEE REPORT

April 6, 2021

**S. 515**

Introduced by Senators Stephens and Hutto

S. Printed 4/6/21--H.

Read the first time February 17, 2021.

**THE ORANGEBURG DELEGATION**

To whom was referred a Bill (S. 515) to amend Section 3(B)(5) of Act 280 of 2018, relating to the Orangeburg County School District Board of Trustees’ duty to adopt attendance zones, to provide, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

GILDA COBB-HUNTER for the Delegation.

**A** **BILL**

TO AMEND SECTION 3(B)(5) OF ACT 280 OF 2018, RELATING TO THE ORANGEBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES’ DUTY TO ADOPT ATTENDANCE ZONES, TO PROVIDE THAT THE BOARD’S DUTY TO ADOPT ATTENDANCE ZONES AND RELATED PROVISIONS SHALL NOT APPLY IF THE BOARD DETERMINES THAT A BUILDING OR STRUCTURE IS AN IMMINENT THREAT TO THE HEALTH OR SAFETY OF STUDENTS OR STAFF, THE NEEDED UPGRADES AND REPAIRS TO MAINTAIN A BUILDING OR STRUCTURE ARE ECONOMICALLY UNFEASIBLE, OR A BUILDING OR STRUCTURE IS UNDERUTILIZED AND THE USE OF ANOTHER BUILDING OR STRUCTURE IS FEASIBLE.

Amend Title To Conform

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

SECTION 1. SECTION 3(B)(5) of Act 280 of 2018 is amended to read:

“(5) adopt attendance zones of schools within the school district except that, through school year 2021‑2022, existing attendance zones cannot be changed unless the federal court order regarding attendance zones is rescinded or amended during this period. However, no elementary, middle, or high school may be closed until three public hearings are held at least two weeks apart within the affected attendance area, with information to include, among other things, a delineation of the cost factors involved in keeping the school open and transporting the students to another school. In addition to the public hearings requirement, if a school in an attendance area that existed before consolidation is to be closed and the students of that school moved to a school in another attendance area, the qualified electors within the attendance area where the school is to be closed also first must approve the closing by referendum. This referendum may not be held at the same time as a school bond referendum. A school building that is the responsibility of the board of trustees of the school district must be maintained in conformity with all applicable building code standards and requirements to protect and ensure the health, safety, and welfare of students, faculty, administrators, and the general public. The provisions of this item do not apply if the board determines that:

(a) a school building or structure is an imminent threat to the health or safety of students or staff;

(b) the needed upgrades and repairs to maintain a school building or structure are economically unfeasible; or

(c) a school building or structure is underutilized and the use of another school building or structure is feasible;”

SECTION 2. SECTION 5 of Act 280 of 2018 is amended to read:

“SECTION 5. (A) The board of trustees of the school district, before July first of each year, shall prepare a school district budget for the ensuing school year. Before September second of each year, the board shall notify the county auditor and treasurer in writing of the millage required for the operation of the schools in the district for the ensuing school year. The notice by the board constitutes authority for the levying and collection of the millage upon all of the real and personal property within the school district. The levy must be placed to the credit of the district and expended for the district. Beginning ~~in 2019~~ with fiscal year 2021-2022, the school district may raise its millage ~~by no more than two~~ to five mills over that levied for the previous year, in addition to any millage needed to adjust for the EFA inflation factor and sufficient to meet the requirements of Section 59‑21‑1030. Beginning with fiscal year 2022-2023, the school district may raise its millage to three mills over that levied for fiscal year 2019-2020, in addition to the inflation factor as estimated by the EFA and meeting the requirements of Section 59-21-1030. An increase above ~~this two~~ these mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the district school board and conducted by the county election commission.

(B) The board shall hold a public hearing prior to its final approval of the budget for the district. Notice of this public hearing must be placed in a newspaper of general circulation in the district at least fifteen days before the public hearing.

(C) ~~For purposes of determining the previous year’s millage of the district upon its creation, the millage levy for the district must be determined and calculated by the board based on the 2018 levy in each of the three districts and the value of a mill in each district as well as the 2018 countywide school millage levy and the value of a mill in the county~~ Beginning in fiscal year 2021-22, the operational millage levy for the district shall be two hundred nineteen mills.”

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

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