AS PASSED BY THE SENATE

April 6, 2022

**S. 945**

Introduced by Senators Hembree and Loftis

S. Printed 4/6/22--S.

Read the first time January 11, 2022.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑85 SO AS TO PROMOTE PUBLIC ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH MEETINGS, TO EXTEND APPLICABILITY OF THESE PROVISIONS TO THE GOVERNING BODIES OF CHARTER SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE IMPLEMENTED BEFORE JULY 1, 2023.

Amend Title To Conform

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

SECTION 1. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑85. (A) For the purpose of increasing public engagement in district business and making the decision‑making process more visible and accessible to the community it serves, each public school governing body, including the governing bodies of charter schools and special schools, must make reasonable and necessary efforts to ensure the entirety of meetings of its regularly scheduled or special called meetings of its full governing body are open and accessible to the public and also available by means of live electronic access, such as livestream transmission, except during a lawful executive session.

(B) Even if a governing body cannot provide such live electronic public access despite making reasonable and necessary efforts to restore livestream transmission during the meeting, it must make a clear audio and video recording of the meeting in its entirety available on its website as soon as practicable and in no event more than two business days after the meeting.

(C) The State Board of Education shall adopt, and revise as necessary, a model livestream meeting policy suitable for governing bodies of public schools, including charter and special schools, to comply with provisions in this section. The policy must include, at a minimum:

(1) resources, recommendations, and best practices facilitating requirements for all portions of streamed meetings to be visible and audible in real‑time and subsequently posted on applicable websites within two business days of the meeting; and

(2) suggested approaches for developing and implementing livestreaming and expanding or improving existing livestream capacity;

(3) publicizing availability of livestream meetings;

(4) allowances for executive sessions; and

(5) penalties for policy violations or noncompliance not to exceed one percent of state funds to the district, charter school, or special school, with escalating tiers based on frequency, duration, and severity that the State Board of Education determines are reasonable and necessary to ensure the integrity of meeting governance.

(6) the process for allowing a governing body with evidence of limited or no broadband access to request approval from the State Board of Education for up to an additional twelve months to comply with provisions in this section.

(D)(1) Each public school governing body, including the governing bodies of charter schools and special schools, shall adopt a local policy applicable to its meetings within three months after adoption of the model policy by the State Board of Education. A local policy must include, at a minimum, the State Board of Education model policy.

(2) If the State Board of Education adopts a revision to the model policy, then the governing body shall adopt and incorporate the revision into its local policy within three months after the adoption of the revision by the State Board of Education.

(3) A governing body only may adopt or revise its local policy at a regularly scheduled meeting, which must be successfully livestreamed.

(4) A governing body may not adopt or follow a livestream policy that prevents or impedes in‑person participation by the public except as may be reasonable and necessary for the orderly transaction of its business.

(5) Within thirty days after adoption of a local policy or revision to the policy, a governing body shall submit a copy of the policy or revision to the State Superintendent of Education for State Board of Education approval.”

SECTION 2. The provisions of this act must be implemented before July 1, 2023.

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

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