

South Carolina General Assembly
122nd Session, 2017-2018

S. 662

STATUS INFORMATION

General Bill

Sponsors: Senators J. Matthews and Hutto

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Introduced in the Senate on April 25, 2017

Introduced in the House on May 3, 2017

Last Amended on May 11, 2017

Currently residing in the House

Summary: Orangeburg County School Districts

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
4/25/2017	Senate	Introduced, read first time, placed on local & uncontested calendar (Senate Journal-page 9)
4/26/2017		Scrivener's error corrected
4/26/2017	Senate	Read second time (Senate Journal-page 96)
4/27/2017	Senate	Read third time and sent to House (Senate Journal-page 58)
5/3/2017	House	Introduced and read first time (House Journal-page 86)
5/3/2017	House	Referred to Orangeburg Delegation (House Journal-page 86)
5/10/2017	House	Recalled from Committee on Orangeburg Delegation (House Journal-page 75)
5/11/2017	House	Amended (House Journal-page 27)
5/11/2017	House	Read second time (House Journal-page 27)
5/11/2017	House	Roll call Yeas-81 Nays-0 (House Journal-page 45)

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VERSIONS OF THIS BILL

[4/25/2017](#)

[4/25/2017-A](#)

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[5/3/2017](#)

[5/10/2017](#)

[5/11/2017](#)

1 AMENDED
2 May 11, 2017
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S. 662

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6 Introduced by Senators J. Matthews and Hutto
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8 S. Printed 5/11/17--H.
9 Read the first time May 3, 2017.

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A BILL

TO CONSOLIDATE THE SCHOOL DISTRICTS IN ORANGEBURG COUNTY INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE ORANGEBURG COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE ORDERLY TRANSITION TO A SINGLE SCHOOL DISTRICT; TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF TRUSTEES, ITS ELECTION, POWERS, AND DUTIES; TO PROVIDE THAT A DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES.

Amend Title To Conform

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

SECTION 1. (A) Effective July 1, 2019, Orangeburg County shall consist of one school district to be known as the Orangeburg County School District. To provide for continuity of representation throughout the consolidation process, the school district elections scheduled for 2017 are suspended, and any member's term that would have expired following the 2017 school district elections is extended until the election provided for in SECTION 2 of this act is conducted.

(B) The three present school districts of the county must be abolished on July 1, 2019, and the powers and duties of the respective boards of trustees of each district devolved upon the board of trustees for the school district.

SECTION 2. (A)(1) The school district must be governed by a board of trustees of nine members, one of whom must be elected

1 from each of the seven districts as outlined in this section and two
2 members elected from Orangeburg County at large. A member of
3 the board must be a resident of the election district from which he
4 is elected. Beginning in 2018, members of the board must be
5 elected at nonpartisan elections to be conducted at the same time as
6 the general election. Members of the board must be elected for
7 four-year terms and until their successors are elected and qualify,
8 except that of the nine members of the board elected in 2018, the
9 members elected from election districts one, three, five, and the at-
10 large member who received the second highest number of votes in
11 the 2018 election shall serve for initial terms to expire in
12 November 2020 when their successors elected at the 2020 election
13 qualify and take office. The members elected from election
14 districts two, four, six, seven, and the at-large member who
15 received the highest number of votes in the 2018 election shall
16 serve for initial terms to expire in November 2022 when their
17 successors elected at the 2022 election qualify and take office. In
18 the event of a vacancy on the board occurring for any reason other
19 than the expiration of a term, the vacancy must be filled for the
20 unexpired term through appointment by the county legislative
21 delegation. All persons desiring to qualify as a candidate shall file
22 written notice of candidacy with the county election commission
23 on forms furnished by the commission. This notice of candidacy
24 must be a sworn statement and must include the candidate's name,
25 age, election district in which he resides and from which he seeks
26 election, voting precinct, period of residence in the county and
27 election district, and other information that the county election
28 commission requires. The county commissioners of election shall
29 conduct and supervise the elections for members of the board in
30 the manner governed by the election laws of this State, mutatis
31 mutandis. The commissioners shall prepare the necessary ballots,
32 appoint managers for the voting precincts, and do all things
33 necessary to carry out the elections, including the counting of
34 ballots and declaring the results. The commission shall publish
35 notices of the elections pursuant to Section 7-13-35. The results of
36 the elections must be determined by the nonpartisan plurality
37 method contained in Section 5-15-61. The members of the board
38 elected in these nonpartisan elections shall take office one week
39 following certification of their election pursuant to Section
40 59-19-315.

41 (B)(1) Beginning with the Orangeburg County School District
42 elections in 2018, the seven single-member election districts from
43 which members of the Orangeburg County School District Board

1 of Trustees must be elected are as shown on the Orangeburg
 2 County School District Board of Trustees map S-75-00-17A as
 3 maintained in the Revenue and Fiscal Affairs Office.

4 (2) The demographic information shown on this map is as
 5 follows:

District	Pop	Dev.	%Dev.	NH WHT	%NH WHT	NH BLK	%NH BLK
1	13,149	-65	-0.49%	4,041	30.73%	8,624	65.59%
2	13,248	34	0.26%	4,004	30.22%	8,832	66.67%
3	13,078	-136	-1.03%	7,097	54.27%	5,509	42.12%
4	13,205	-9	-0.07%	6,611	50.06%	6,134	46.45%
5	13,328	114	0.86%	2,566	19.25%	10,021	75.19%
6	13,135	-79	0.60%	5,079	38.67%	7,408	56.40%
7	13,358	144	1.09%	1,808	13.53%	11,093	83.04%
Total	92,501			31,206	33.74%	57,621	62.29%

District	VAP	NHWVAP	%NHWVAP	NHBVAP	%NHBVAP	AllOth	AllOthVAP
1	10,004	3,371	33.70%	6,307	63.04%	484	326
2	10,218	3,437	33.64%	6,509	63.70%	412	272
3	9,755	5,501	56.39%	3,922	40.21%	472	332
4	9,954	5,224	52.48%	4,405	44.25%	460	325
5	10,144	2,093	20.63%	7,509	74.02%	741	542
6	10,146	4,300	42.38%	5,383	53.06%	648	463
7	10,841	1,488	13.73%	9,031	83.30%	457	322
Totals	71,062	25,414	35.76%	43,066	60.60%	3,674	2,582

27 SECTION 3.(A) The members of the board shall elect a
 28 chairman and other officers necessary to serve for terms of two
 29 years in these capacities.

30 (B) The board of trustees of the district has the power, duty,
 31 and responsibility provided by law including to:

- 32 (1) employ a superintendent as the chief executive officer;
- 33 (2) establish other administrative departments upon the
 34 recommendation of the superintendent;
- 35 (3) adopt the proposed budget of the school district;
- 36 (4) inquire into the conduct of any office, department, or
 37 agency of the school district;
- 38 (5) adopt attendance zones of schools within the school
 39 district except that, through school year 2021-2022, existing
 40 attendance zones cannot be changed unless the federal court order
 41 regarding attendance zones is rescinded or amended during this
 42 period. However, no elementary, middle, or high school may be
 43 closed until three public hearings are held at least two weeks apart
 44 within the affected attendance area, with information to include,
 45 among other things, a delineation of the cost factors involved in
 46 keeping the school open and transporting the students to another
 47 school. In addition to the public hearings requirement, if a school
 48 in an attendance area that existed before consolidation is to be

1 closed and the students of that school moved to a school in another
2 attendance area, the qualified electors within the attendance area
3 where the school is to be closed also first must approve the closing
4 by referendum. This referendum may not be held at the same time
5 as a school bond referendum. A school building that is the
6 responsibility of the board of trustees of the school district must be
7 maintained in conformity with all applicable building code
8 standards and requirements to protect and ensure the health, safety,
9 and welfare of students, faculty, administrators, and the general
10 public;

11 (6) provide for an independent annual audit of the books and
12 business affairs of the school district and for a general survey of
13 school district business;

14 (7) cooperate to establish and maintain a central purchasing
15 system for the purchase of contractual services, equipment, and
16 supplies;

17 (8) cooperate to establish and maintain educational
18 consortia;

19 (9) be responsible for policymaking action and the review of
20 regulations established to put these policies into operation; and

21 (10) set by majority vote of the board a salary that each
22 member shall receive for attending meetings of the board, which
23 on an annual basis shall not exceed six thousand five hundred
24 dollars. The salary set by the board may be paid on a per meeting,
25 monthly, annual, or other basis so long as the total paid to a
26 member for any year does not exceed the limits provided above.

27

28 SECTION 4. The district superintendent is the chief operating
29 officer of the district and is responsible to the board for the proper
30 administration of all affairs of the district and subject to all other
31 provisions of law relating to his or her duties. He or she shall:

32 (1) appoint and, when necessary for the good of the district,
33 remove an appointive officer or employee of the district and fix the
34 salaries of these officers and employees, unless otherwise provided
35 by law and except as he or she may authorize the head of a
36 department or office to appoint and remove subordinates in the
37 department or office;

38 (2) prepare the budget annually, submit it to the board, and be
39 responsible for its administration after adoption;

40 (3) prepare and submit to the board at the end of each fiscal
41 year a complete annual report on the finances and administrative
42 activities of the board for the preceding year and make other

1 financial reports from time to time that may be required by the
2 board or by law;

3 (4) keep the board advised of the financial condition and future
4 needs of the district and make recommendations that seem
5 desirable;

6 (5) perform other duties prescribed by law or required of him
7 by the board not inconsistent with the provisions of law; and

8 (6) centralize all administrative functions, including, but not
9 limited to, human resources, accounting, procurement,
10 transportation, school bus services, and maintenance.

11

12 SECTION 5. (A) The board of trustees of the school district,
13 before July first of each year, shall prepare a school district budget
14 for the ensuing school year. Before September second of each
15 year, the board shall notify the county auditor and treasurer in
16 writing of the millage required for the operation of the schools in
17 the district for the ensuing school year. The notice by the board
18 constitutes authority for the levying and collection of the millage
19 upon all of the real and personal property within the school district.
20 The levy must be placed to the credit of the district and expended
21 for the district. Beginning in 2019, the school district may raise its
22 millage by not more than two mills over that levied for the
23 previous year, in addition to any millage needed to adjust for the
24 EFA inflation factor and sufficient to meet the requirements of
25 Section 59-21-1030. An increase above this two mills for
26 operations may be levied only after a majority of the registered
27 electors of the district vote in favor of the millage increase in a
28 referendum called by the district school board and conducted by
29 the county election commission.

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

34 (C) For purposes of determining the previous year's millage of
35 the district upon its creation, the millage levy for the district must
36 be determined and calculated by the board based on the 2018 levy
37 in each of the three districts and the value of a mill in each district
38 as well as the 2018 countywide school millage levy and the value
39 of a mill in the county.

40 (D) In allocating funds distributed to the new Orangeburg
41 County School District which are derived from bond proceeds or
42 general fund appropriations administered by the Department of
43 Education for the benefit of those plaintiff school districts in the

1 Abbeville litigation, the Orangeburg School District board of
2 trustees must allocate these funds to the schools in the district
3 which have the greatest need, using in part those needs studies
4 previously developed by the department.

5
6 SECTION 6. (A) On July 1, 2019, the assets and liabilities of the
7 three present school districts must be transferred to the district. The
8 records and employees of the three present school districts of the
9 county must be transferred to and, if applicable, assumed by the
10 school district.

11 (B) The constitutional debt limitation on the issuance of general
12 obligation bonds applicable to the district is to be computed based
13 on the assessed value of all taxable property in the county minus
14 that bonded indebtedness of each of the present school districts
15 made a part of the district that was includable against the
16 constitutional debt limitation of those present school districts.

17 (C) During the transition period, from July 1, 2017, to July 1,
18 2019, no new general obligation bonds may be issued against the
19 constitutional debt limitation of the present three districts, except
20 in the case of an emergency. If new general obligation bonds are
21 issued, then the board of trustees of the issuing school district must
22 adopt an ordinance declaring the emergency and specifying the
23 necessity of the issue.

24
25 SECTION 7. (A) The three present school districts of
26 Orangeburg County are abolished on July 1, 2019, at which time
27 the school district of the county must be established as provided in
28 this act. The terms of all members of the boards of trustees of the
29 three present school districts of the county will expire on this date.
30 However, members of the board of trustees of the school district
31 elected at the 2018 nonpartisan election shall take office one week
32 following certification of their election pursuant to Section
33 59-19-315. From this date and until July 1, 2019, the boards may
34 organize, begin planning for the changeover to the district, enter
35 into contracts to effectuate these purposes, and perform other
36 related matters, except that the responsibility and authority to
37 manage the schools of the county rest solely with the individual
38 boards for each of the three present districts until July 1, 2019, and
39 the board may not interfere with this authority.

40 (B) Funding for the activities of the board, from the date the
41 members assume office until July 1, 2019, must be provided from
42 funds available to the three present school districts for operating

1 purposes, each paying their portion based on their proportionate
2 average daily membership report for 2018.

3 (C) A member of one of the three present school boards of the
4 county may seek election to the school district board of trustees in
5 2018. However, if he is elected to the Orangeburg County School
6 District Board of Trustees, prior to assuming the duties of this
7 board, then he must first resign as a member of the present board.
8 In this event and notwithstanding another provision of law, the
9 vacancy on the present board that is vacated must be filled for the
10 remainder of the unexpired term by appointment of the county
11 legislative delegation.

12

13 SECTION 8. (A) There must be created, within sixty days of the
14 effective date of this act, the Orangeburg Consolidation Transition
15 Committee with the purpose to coordinate the consolidation of the
16 three present districts into the Orangeburg County School District.
17 The committee shall be composed of the following thirteen voting
18 members:

- 19 (1) chairmen of the present three districts or their designees;
- 20 (2) one board member from each of the present three
21 districts, appointed by each board; and
- 22 (3) seven members appointed by the Orangeburg County
23 Legislative Delegation. Of the seven members appointed by the
24 Orangeburg County Legislative Delegation, one voting member
25 must be a parent or guardian of a student who attends an
26 Orangeburg County public school; one voting member must
27 represent the Orangeburg County business community; one
28 nonvoting member must be a public school teacher at an
29 Orangeburg County school; and one nonvoting member must be a
30 school administrator at one of the Orangeburg County school
31 districts affected by consolidation. The public school teacher
32 member and the school administrator member fully shall
33 participate in all committee meetings, discussions, and
34 deliberations; however, the teacher member and the administrator
35 member shall serve as nonvoting members.

36 In addition to the thirteen voting members of the committee, the
37 three superintendents from the present three school districts shall
38 serve as nonvoting, ex officio members.

39 (B) Names of the members of the transition committee must be
40 submitted to the county legislative delegation within sixty days of
41 this act being signed by the Governor. The committee shall elect a
42 chairman from one of the seven members appointed by the
43 legislative delegation. A vacancy on the committee must be filled

1 for the unexpired term in the same manner as the committee
2 member whose departure from the committee created the vacancy.

3 (C) The committee may organize, begin planning for the
4 changeover to the district, enter into contracts to effectuate these
5 purposes, and perform other related matters.

6 (D) No later than November first, the Orangeburg
7 Consolidation Transition Committee shall prepare a budget to be
8 submitted to the county legislative delegation. The proposed
9 budget shall ensure the Orangeburg County Consolidated School
10 District pays each certified teacher or administrator an annual
11 salary at least equal to the salary stated in the statewide minimum
12 salary schedule for the person's experience and class, which at a
13 minimum must equal the southeast region's average salary for
14 certified teachers or administrators. No teacher or administrator
15 employed in the same position, over the same time period, shall
16 receive less total salary, including any normal incremental
17 increase, than that teacher or administrator is required to receive
18 under this subsection. When approved by the delegation, the
19 budget must be funded by the school districts, each paying their
20 portion based on their proportionate average daily membership
21 report for 2017, from funds provided by the districts from their
22 respective budgets. The consolidated school district fiscal
23 commission may increase the districts' budgets to meet these
24 requirements.

25 (E) The committee must be insured and indemnified in the
26 same manner as the present school districts are insured and
27 indemnified.

28 (F) Members of the committee shall receive per diem allowed
29 by law for members of state boards, committees, or commissions
30 but are not entitled to mileage and subsistence.

31 (G) The committee must be abolished after making its
32 recommendations to the consolidated district board of trustees.

33 (H) The administrations and staffs of the present three school
34 districts are expected and encouraged to cooperate with the
35 transition committee and the board of the school district.

36 (I) In creating the Orangeburg County School District, it is
37 anticipated that there will be savings in the total district level
38 administrative costs from the former individual districts. The
39 committee shall review the current administrations and recommend
40 to the board the number and type of positions needed for the
41 consolidated district level administration.

42

1 SECTION 9. All local acts concerning a school district of
2 Orangeburg County inconsistent with the provisions of this act are
3 repealed as of July 1, 2017, it being the intent of the General
4 Assembly to have this act and the general law be the only
5 provisions of law governing the school district of the county.

6

7 SECTION 10. If any provision of this act for any reason is held
8 by a court of competent jurisdiction to be unconstitutional or
9 invalid, that holding shall not affect the constitutionality or validity
10 of the remaining portions of this act. The General Assembly
11 declares that it would have passed this act and each and every
12 provision in it, irrespective of the fact that any one or more
13 provisions of it may be declared to be unconstitutional, invalid, or
14 otherwise ineffective.

15

16 SECTION 11. This act takes effect upon approval by the
17 Governor.

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