INTRODUCED

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**H. 5318**

Introduced by Rep. Pitts

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**A** **BILL**

TO PROVIDE THAT LAURENS COUNTY ON JULY 1, 2021, SHALL CONSIST OF ONE SCHOOL DISTRICT TO BE KNOWN AS THE LAURENS COUNTY CONSOLIDATED SCHOOL DISTRICT AND TO ABOLISH THE EXISTING SCHOOL DISTRICTS IN LAURENS COUNTY; TO PROVIDE THAT THE CONSOLIDATED SCHOOL DISTRICT BE GOVERNED BY A BOARD OF TRUSTEES ELECTED IN NONPARTISAN ELECTIONS ON SPECIFIED DATES; TO PROVIDE FOR THE COMPOSITION AND MANNER OF ELECTION OF THE BOARD; TO PROVIDE A SUPERINTENDENT FOR THE DISTRICT TO BE APPOINTED BY THE BOARD; TO PROVIDE FOR THE POWERS AND DUTIES OF THE BOARD AND SUPERINTENDENT; TO PROVIDE FOR THE MANNER IN WHICH SCHOOL BUDGETS MUST BE PRESENTED AND THE SCHOOL TAX MILLAGE BE IMPOSED AND CALCULATED; TO PROVIDE FOR THE TRANSFER OF THE ASSETS AND LIABILITIES OF THE TWO PRESENT SCHOOL DISTRICTS TO THE CONSOLIDATED SCHOOL DISTRICT WITH CERTAIN EXCEPTIONS; TO PROVIDE THE MANNER IN WHICH THE CONSTITUTIONAL DEBT LIMITATION OF THE CONSOLIDATED SCHOOL DISTRICT FOR THE ISSUANCE OF A GENERAL OBLIGATION BOND MUST BE DETERMINED; AND TO PROVIDE FOR A SIX‑MEMBER TRANSITION TEAM TO BE APPOINTED BY THE BOARDS OF DISTRICT TWO AND DISTRICT SEVENTEEN TO MAKE RECOMMENDATIONS CONCERNING ATTENDANCE ZONES AND OTHER MATTERS.

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

SECTION 1. (A) Effective July 1, 2021, Laurens County shall consist of one school district to be known as the Laurens County Consolidated School District.

(B) The present School Districts 55 and 56 of the county must be abolished on July 1, 2021, and the powers and duties of the respective boards of trustees of each district devolved upon the board of trustees for the school district except as established in this act.

SECTION 2. (A) The consolidated school district must be governed by a board of trustees of seven members, six of whom must be elected from defined single‑member districts and one member elected from Laurens County at large. Members of the board elected from single‑member districts, must be residents of the school district and the election districts from which they are elected. Beginning in 2020, members of the board must be elected at nonpartisan elections to be conducted at the same time as the general election. Members of the board must be elected for four‑year terms and until their successors are elected and qualify, except that of the seven members of the board elected in 2020, the members elected from election districts one, three, and five shall serve for initial terms to expire in November 2022, when their successors elected at the 2020 election qualify and take office. The at‑large member and the members elected from election districts two, four, and six in the 2020 election shall serve for initial terms to expire in November 2024, when their successors elected at the 2020 election qualify and take office. Members of one of the present school district boards may seek election to the consolidated school district board in 2020, and members of the consolidated board may succeed themselves. The 2020 nonpartisan election must be held at the same time as the general election. In the event of a vacancy on the board occurring for a reason other than expiration of a term, the board shall call a special election to fill the unexpired term, so long as the vacancy does not occur within one hundred eighty days of a regular trustee election. In this case, the vacancy must be filled for the unexpired term through appointment by the Governor. All members of the board shall serve until their successors are elected and qualify. The Laurens County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the board in the manner governed by the election laws of this State, mutatis mutandis. The commissioners shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results. The commission shall publish notices of the elections pursuant to Section 7‑13‑35 of the 1976 Code. The results of the elections must be determined by the nonpartisan plurality method as contained in Section 5‑15‑61. The members of the board elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59‑19‑315. The members of the board shall elect a chairman and other officers they consider necessary to serve for terms of one year in these capacities.

(B)(1) Beginning with the school district elections in 2020, the six single‑member election districts from which members of the Laurens County Consolidated School District Board of Trustees must be elected are as shown on the Laurens County Consolidated School District Board of Trustees map S‑59‑00‑18 as maintained by the Revenue and Fiscal Affairs Office.

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

District Pop Dev. %Dev. NH\_Wht %NH\_Wht NH\_Blk %NH\_Blk

1 9,244 ‑417 ‑4.32% 4,232 45.78% 4,709 50.94%

2 9,397 ‑264 ‑2.73% 3,404 36.22% 5,467 58.18%

3 9,607 ‑54 ‑0.56% 8,522 88.71% 858 8.93%

4 9,727 66 0.68% 7,795 80.14% 1,384 14.23%

5 9,926 265 2.74% 7,265 73.19% 1,612 16.24%

6 10,075 414 4.29% 8,162 81.01% 1,545 15.33%

Total 57,976 39,380 67.92% 15,575 26.86%

District VAP NHWVAP %NHWVAP NHBVAP %NHBVAP AllOth AllOthVAP

1 6,944 3,343 48.14% 3,398 48.93% 303 203

2 7,117 2,820 39.62% 3,964 55.70% 526 333

3 7,683 6,917 90.03% 628 8.17% 227 138

4 7,365 5,997 81.43% 1,021 13.86% 548 347

5 7,528 5,732 76.14% 1,215 16.14% 1,049 581

6 8,033 6,604 82.21% 1,164 14.49% 368 265

Total 44,670 31,413 70.32% 11,390 25.50% 3021 1867

(C) The consolidated school district board of trustees shall select and appoint an individual to serve as superintendent of the consolidated school district. The 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. The superintendent shall:

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

(2) prepare and submit a proposed annual budget to the board of trustees, and be responsible for its administration after adoption by the governing body of Laurens County pursuant to Section 3 of this act;

(3) prepare and submit to the board at the end of each fiscal year a complete annual report on the finances and administrative activities of the board for the preceding year and make other financial reports from time to time as may be required by the board or by law;

(4) keep the board advised of the financial condition and future needs of the district and make recommendations as he considers desirable;

(5) perform other duties as may be prescribed by law or required of him by the board not inconsistent with a provision of law; and

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

(C) The board and the newly appointed superintendent shall select and appoint an assistant superintendent for programs and policy whose duties include overseeing curriculum and making recommendations for program changes.

SECTION 3. (A) Notwithstanding another provision of law, beginning with the budget for the 2021‑2022 school year, the budget for the Laurens County Consolidated School District must be determined in the following manner:

(1) The board of trustees of the district shall initially prepare the budget after consultation with the various school officials of the county. Consideration must be given to the overall needs of the district school system and the sources of revenue available, including federal, state, and local revenue to fund the budget. The board of trustees shall hold a public hearing before submitting its budget to the county governing body for approval. Notice of the public hearing must be placed in a newspaper of general circulation in the district at least fifteen days before the public hearing.

(2) The board of trustees’ proposed budget must be submitted to the governing body of Laurens County by April first for approval, and the governing body may increase or decrease the budget as it deems necessary and proper.

(3) In a year in which the board of trustees determines that greater local financial assessment is essential and that the tax millage of the district should be increased in order to implement the budget, the board of trustees first must notify the governing body of Laurens County of the amount required and the tax levy necessary to realize that amount, and the governing body, if it approves, shall provide for the necessary tax levy.

(4) The board of trustees shall establish in its bookkeeping system entries for each item in the budget and shall maintain its records in a manner to reflect accurately the amounts appropriated, the amounts drawn, and the balance remaining in each account. Expenditures for budgeted items may not exceed the amount appropriated, and expenditures for unbudgeted items may not be made unless approved in writing by a majority of the consolidated school district board of trustees.

(B) For purposes of determining the previous year’s millage of the consolidated school district upon its creation, the millage levy for the consolidated district must be determined and calculated by the Department of Revenue based on the 2020 levy of School Districts 55 and 56 and the value of a mill in each district. Beginning in 2021, the amount levied by way of millage is subject to millage limitations provided by general law and local law, and any increase over the 2020 millage as computed above must be approved by the governing body of Laurens County.

SECTION 4. The board of trustees of the district has the power, duty, and responsibility as provided by law including the authority to:

(1) establish other administrative departments upon the recommendation of the superintendent;

(2) adopt annually a proposed budget for the consolidated school district subject to final approval from the governing body of Laurens County;

(3) inquire into the conduct of an office, department, or agency of the school district;

(4) adopt and modify attendance zones of schools within the school district;

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

(6) establish and maintain a central purchasing system for the purchase of contractual services, equipment, and supplies;

(7) establish and maintain educational consortia; and

(8) be responsible for policymaking action and the review of regulations established to put these policies into operation.

SECTION 5. (A) On July 1, 2021, the assets and liabilities of the present School Districts 55 and 56 must be transferred to the Laurens County Consolidated School District. The records and employees of those present school districts must be transferred to and, if applicable, assumed by the consolidated school district. Entities that are jointly owned or operated between School Districts 55 and 56, if any, also become property of the consolidated school district.

(B) The constitutional debt limit on the issuance of general obligation bonds applicable to the district is to be computed according to the law of this State and based on the assessed value of all taxable property in the district minus that bonded indebtedness of each of the present school districts made a part of the district that was includable against the constitutional debt limit of those present school districts.

SECTION 6. In creating the consolidated district, it is anticipated that there will be savings in the total district level administrative costs from the former individual districts; therefore, administrative costs in the district must be less than the combined district level administrative costs of both districts by July 1, 2021. Administrative costs shall be those defined in the State Department of Education financial analysis model.

SECTION 7. (A) The present School Districts 55 and 56 of Laurens County are abolished on July 1, 2021, at which time the Laurens County Consolidated School District must be established as provided in this act. The terms of all members of the boards of trustees of present School Districts 55 and 56 expire on the date the members of the consolidated school district board of trustees elected at the 2020 nonpartisan election take office pursuant to Section 2 of this act. From this date and until July 1, 2021, the board may organize, begin planning for the changeover to the district, enter into contracts to effectuate these purposes, and perform other related matters pertaining to it.

(B) Funding for the activities of the board from the date the members assume office until July 1, 2021, must be provided by the county council from the millage levy for school operations.

SECTION 8. (A) There must be created within sixty days of the effective date of this act the Laurens County Consolidated School District Transition Committee whose purpose is to coordinate the consolidation of Laurens County School Districts 55 and 56 into the Laurens County Consolidated School District. The committee is composed of the following:

(1) three members of the District 55 Board, or their designees, appointed by the District 55 Board;

(2) three members of the District 56 Board, or their designees, appointed by the District 56 Board;

(3) three members of the Laurens City Council, or their designees, appointed by the city council;

(4) three members of the Laurens County Council, or their designees, appointed by the county council; and

(5) three members appointed by the Laurens County Legislative Delegation, with consideration given to geographic, economic, and demographic segments of the community.

(B) Appointments by the present school district boards, city council, and county council must be submitted to the Laurens County Legislative Delegation within thirty days of the effective date of this act. The Laurens County Legislative Delegation shall designate a chairman from among the three members appointed by the Laurens County Legislative Delegation. A vacancy on the committee must be filled for the unexpired term through appointment by the group that appointed the committee member whose departure from the committee created the vacancy.

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

(D) The Laurens County Consolidated School District Transition Committee must be insured and indemnified in the same manner as School Districts 55 and 56 are insured and indemnified.

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

(F) The committee must be abolished when the members of the consolidated school district board are elected at the 2020 election take office.

(G) Beginning with the 2018‑2019 school year, the transition committee may make recommendations to each present school district board concerning attendance zones for a school in the county without being constrained by existing district lines, and each present board may consider the recommendations of the transition committee in determining attendance at schools in the county without being constrained by existing district lines. In the event a board creates a new attendance zone that encompasses portions of School Districts 55 and 56, a person residing in the new attendance zone may attend a school within that attendance zone without regard to whether the school is located in the district in which the person resides. A school in District 55 or 56 may not bear a financial impact or impose a financial charge if a person attends a school within a new attendance zone but not in the district in which he resides.

SECTION 9. Any local act pertaining to a school district of Laurens County inconsistent with the provisions of this act is repealed as of July 1, 2021, because the General Assembly’s intent is to have this act and the general law constitute the only provisions of law governing the school district of the county.

SECTION 10. If a provision of this act is held by a court of competent jurisdiction to be unconstitutional or invalid, the holding will not affect the constitutionality or validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act and each and every provision herein irrespective of the fact that a provision of this act may be declared unconstitutional, invalid, or otherwise ineffective.

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

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