

Educational and Cultural Subcommittee Meeting

Thursday, April 5, 2018

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AGENDA

SOUTH CAROLINA HOUSE OF REPRESENTATIVES



LEGISLATIVE OVERSIGHT COMMITTEE

***Chairman Joseph H. Jefferson, Jr.
The Honorable Chandra E. Dillard
The Honorable Tommy M. Stringer
The Honorable John Taliaferro "Jay" West, IV***

***Thursday, April 5, 2018
Immediately after the House Adjourns
Room 321 -Blatt Building***

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AGENDA

- I. Approval of Minutes**
- II. Discussion of study of the John de la Howe School**
- III. Discussion of study of the Patriots Point Development Authority**
- IV. Adjournment**

MEETING MINUTES



Education and Cultural Subcommittee

Thursday, February 8, 2018

Room 321 Blatt Building

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Education and Cultural Subcommittee meeting was called to order by Chairman Joseph H. Jefferson, Jr., Thursday, February 8, 2018, in Room 321 of the Blatt Building. All members were present for some or all of the meeting.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meeting.

- II. Representative Jay West moves to approve the minutes from the Subcommittee’s meeting on January 11, 2018. A roll call vote is held, and the motions pass.

Representative West’s motion to approve the minutes from the January 11, 2018, meeting:	Yea	Nay	Not Voting: Present	Not Voting: Absent
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer	✓			
John Taliaferro (Jay) West, IV	✓			

Discussion of Patriots Point Development Authority (“Patriots Point”)

- I. Chairman Jefferson states this is the subcommittee’s fourth meeting with Patriots Point. Further, he explains the purpose of today’s meeting is to ask further questions the subcommittee may have and to discuss possible recommendations, either to the agency itself or for changes to the law.
- II. Chairman Jefferson explains all testimony given to the subcommittee, which is an investigating committee, must be under oath.
- III. Different subcommittee members ask questions, which different agency representatives answers. Question topics include, but are not limited to:
- a. Titling of Property;
 - b. Other State Navy/Maritime Museums;
 - c. Procurement Flexibility; and
 - d. Maintenance of Exhibits.
- IV. Subcommittee members make various motions. A roll call vote is held for the various motions, and the various motions pass.

Rep. Dillard moves the Subcommittee study include a recommendation that the agency provide the same waiver to other organizations that “own” land contained in Proviso 118.2 (SR: Titling of Real Property) (2017-2018 General Appropriations Act):	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			

Tommy Stringer	✓			
John Taliaferro (Jay) West, IV	✓			

Rep. Stringer moves the Subcommittee study include a recommendation that the agency have procurement flexibility for the purchase of services that are specialized, such as talent for major entertainment/history programs, visiting authors, etc.:	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer	✓			
John Taliaferro (Jay) West, IV	✓			

Rep. Stringer moves the Subcommittee study include a recommendation that the agency have procurement flexibility that is consistent with the State Museum regarding funding new exhibits and improving existing exhibits:	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer	✓			
John Taliaferro (Jay) West, IV	✓			

Rep. Stringer moves the Subcommittee study include a recommendation that Patriots Point be added to the list of entities that receive funds through the voluntary income tax contributions:	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer	✓			
John Taliaferro (Jay) West, IV	✓			

Rep. Dillard moves the Subcommittee study include a recommendation that staff include any subcommittee member written statements, pursuant to Standard Practice 12.4, which staff receives prior to 5:00 p.m. on Thursday, March 23, 2018 with the Subcommittee Study; and unless I	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
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receive an alternative request by 5:00 p.m. on Friday, March 23, 2018, I provide notice pursuant to Standard Practice 12.5, that a study is available for consideration by the full committee:				
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer	✓			
John Taliaferro (Jay) West, IV	✓			

Brief Recess

- V. There being no further business with Patriots Point, the meeting was called to a brief recess.

Discussion of John de la Howe School (“John de la Howe”)

- I. Chairman Jefferson calls the meeting back to order and states that this is the subcommittee’s fourth meeting with John de la Howe School. Further, he explains the purpose of today’s meeting is to discuss the agency’s performance.
- II. Chairman Jefferson explains all testimony given to the subcommittee, which is an investigating committee, must be under oath. Representative Jefferson swears in the following individual:
- a. Emily Heatwole, Director of Governmental Affairs and Communication for the Department of Education
- III. Ms. Emily Heatwole discusses the data regarding the performance of students, behaviorally and academically, before and after their time at John de la Howe.
- IV. Different subcommittee members ask questions regarding records, reports, and PowerSchool, which Ms. Heatwole answers.
- V. Dr. Franklin, Interim President of John de la Howe School, and other agency representatives provides testimony on the transition phase—specifically the hiring freeze, the spending freeze on new initiatives, and the enrollment cap.
- VI. Different subcommittee members ask questions, which Dr. Franklin and other agency representatives answer. Question topics include, but are not limited to:
- a. Board members
 - b. Success Tracking
 - c. Wilderness Program
 - d. Average Cost per Student

- III. Representative Jay West makes a motion regarding the student records of John de la Howe students. A roll call vote is held, and the motion passes.

Rep. Jay West moves the Subcommittee study include a recommendation that the forms submitted to the new school be required to be completed and returned by the that school to John de la Howe, so that the data can substantiate the student record:	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer	✓			
John Taliaferro (Jay) West, IV	✓			

Adjournment

- VI. There being no further business the meeting is adjourned.

JOHN DE LA HOWE STUDY TIMELINE

- March 2015 - Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.
- January 12, 2016 - Agency submits its **2016 Annual Restructuring Report**, which is available online.
- January 10, 2017 - **Full committee votes to schedule John de la Howe School for study**. Video of the meeting is available online.
- February 9, 2017-March 13, 2017 - Committee solicits input from the public about the agency in the form of an **online public survey**. The results of the public survey are available online.
- March 2, 2017 - Committee holds **public input meeting (Meeting #1)** about Department of Archives and History; DDSN; and John de la Howe School. Video of the meeting is available online.
- March 31, 2017 - Agency submits its **Program Evaluation Report**, which is available online.
- May 10, 2017 - Committee votes to place study on hold, pending completion of the 2017-2018 General Appropriations Act.
- October 4, 2017 - Education and Cultural Subcommittee holds **Meeting #2** to receive an overview of the agency and hear testimony about **John de la Howe's history, strategic plan, services, and human resources**.
- November 5, 2017 - Education and Cultural Subcommittee holds **Meeting #3** to receive information about the agency's **financial resources and partners**.
- December 5, 2017 - Education and Cultural Subcommittee holds **Meeting #4** to receive a presentation on a **study of agricultural programming feasibility at John de la Howe School**.

- December 7, 2017 - Education and Cultural Subcommittee **visits the campus** of the John de la Howe School.
- February 8, 2018 - Education and Cultural Subcommittee holds **Meeting #5** to receive a presentation about **data available in PowerSchool** and John de la Howe's **performance**.
- Ongoing - Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website (www.scstatehouse.gov).

JOHN DE LA HOWE AGENCY OVERVIEW

Snapshot

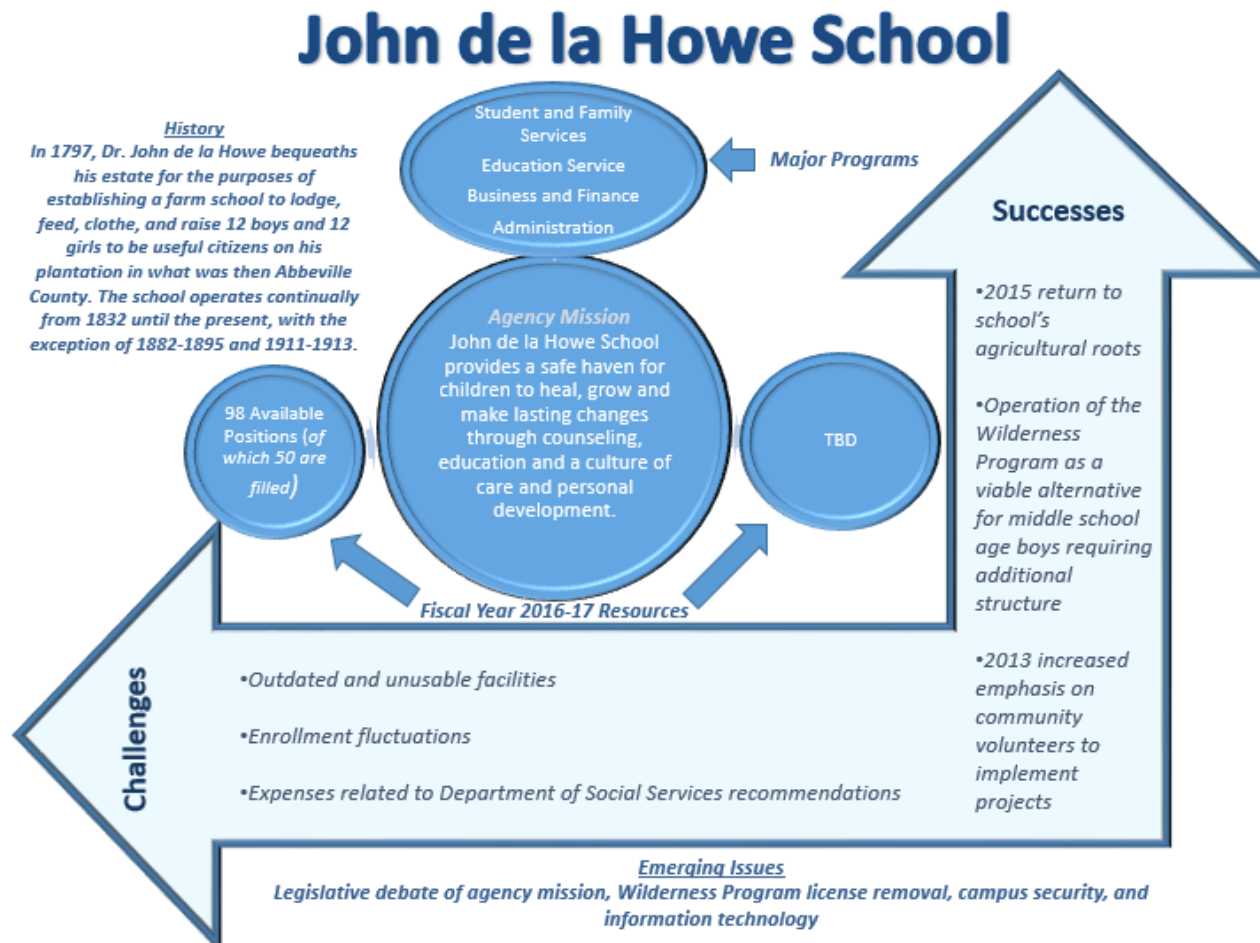


Figure 1. Snapshot of agency that includes its history, mission, resources, successes, challenges, and emerging issues

RECOMMENDATIONS

Throughout the process, the Education and Cultural Subcommittee has requested the agency provide recommendations for internal and statutory changes. In a letter dated March 15, 2018, the agency provided those recommendations. They are reflected in the table below.

Recommendations for Changes to the Purpose of the School

Agency Recommendation	Agency Rationale for Recommendation
<p>Develop and operate a Magnet School for Agricultural Education for girls and boys in grades 11-12.</p>	<p>While open to all youth in the state wishing to focus on agricultural and mechanical education, the magnet school would provide an important educational resources for secondary schools throughout the Upstate. This approach clearly meets the intention of the will of Dr. John de la Howe to maximize the use of the property for agricultural and mechanical education and to benefit the surrounding community. The magnet school can benefit both day students from the local area as well as residential students and coincides with the recommendation of Melanie Barton, Executive Director of the Education Oversight Committee that studied the agency in 2016. The Governor’s School for Science and Mathematics would serve as a template as we set up much of our operating processes, and we would need to have similar latitude for such a special school. The Board ultimately hopes the magnet school will grow into the Governor’s School for Agriculture at John de la Howe.</p> <p>Clearly, it would take time to renovate facilities, develop the curriculum and recruit the faculty and students for the magnet school, but this could be accomplished within two years. The first 11th-grade students could begin classes in August 2020. The Board recommends authorizing short-term flexibility in the agency’s budget to prepare for the August 2020 start of magnet school. Students currently enrolled receive academic instruction through a memorandum of agreement with McCormick County School District. The Board recommends notifying students that residential care will not be provided beyond the end of the current school year, which ends June 1, 2018. The agency is preparing to begin publicity to recruit students and faculty for the</p>

	<p>new magnet school. Ideally, the potential number of students to be served is 100 in the first year, growing to 325 by 2026.</p> <p>These program approaches will provide sufficient flexibility over the coming decades to maximize the agricultural resources of the property while fulfilling the requirements of the will of Dr. John de la Howe.</p>
<p>Continue operating the Wilderness Program for at-risk boys in grades 6-8.</p>	<p>This is a wilderness-based therapeutic program that provides skills to youth with behavioral and emotional challenges in their homes, schools or communities. While placement may be sought by the Department of Social Services (DSS), most placements are sought by parents facing challenges in meeting the needs of their children. Providing structure and support, the typical time period to “graduate” is about one year. The agency has been operating two camps serving eight children each and has the capacity to expand to four camps as funding permits. Historically, there have been more applicants for this program than space has allowed. DSS-mandated staffing ratios for this program involve one Residential Counselor per eight students plus one Program Treatment Services Coordinator (PTSC) per 16 students. Parents have praise for this program, and the state should continue to provide this service to children and families who are not financially able to obtain other resources.</p>

Recommendations for Statutory Changes

The agency’s general rationale for these recommended changes is “The law establishing John de la Howe School as a state agency was authorized in 1918 and has served the school well through its decades as a residential care facility and school for at-risk children. Any changes to that law should allow sufficient flexibility to serve the state for another one hundred years.”

Impacted Code Section	Suggested Amendment
SECTION 59-49 -00. Purpose of School.	It is declared to be the purpose and policy of the State to maintain and develop the school property in accordance with the purposes of the will of Dr. John De La Howe as interpreted by the Supreme Court of South Carolina, Mars v. Gibert, 93 SC 455, which for historical reference reads: “First, the establishment and maintenance of an agricultural and mechanical school as an institution in Abbeville County, stimulating and improving the industrial life of the entire community; second, the training, free of charge, of twenty four boys and girls, not as college men and women, but in the beginning of school life; and, third, the like training of the children of the neighborhood not supported by the fund.” It is declared that the term “Abbeville County” shall be understood to mean that portion of South Carolina known as Abbeville County at the time the will of Dr. John De La Howe was dated, namely January 2, 1797. The property is now in McCormick County. It is further declared that, given the above historical perspective, the Board of Trustees of John De La Howe School shall instruct the Superintendent of the school to implement programs which shall meet the needs of children from all of South Carolina who for some urgent reason need to be separated from their home or community <u>wish to focus on agricultural and mechanical studies prior to high school graduation.</u>
SECTION 59-49-150. Expenses of students.	Pupils <u>in full-time residence</u> at the school whose estates are sufficient or the relatives of the pupils liable in law for their support whose estates are sufficient shall pay for the maintenance of the pupils in whole or in part. Policies concerning the manner and method of determining financial ability and the collecting and retention of amounts required to be paid must be determined by the Board of Trustees, in accordance with state policy.
SECTION 59-49-80. Superintendent <u>President</u> ; employees.	The board shall elect a superintendent <u>president</u> for said school at such salary and for such term as it may fix. The superintendent <u>president</u> shall employ and discharge all employees of the school, subject to the approval of the board.
SECTION 59 49 90. Oath of trustees; <u>oath and bond of superintendent president.</u>	All of the members of the board and the superintendent <u>president</u> of the school shall, before entering upon the discharge of their duties, take an oath faithfully to perform any and all duties imposed upon them under this chapter. The superintendent <u>president</u> shall execute a bond payable to the State in such sum as shall be required by the board, with sufficient security, which shall be filed in the office of the Secretary of State.

ADDITIONAL INFORMATION

In addition to recommendations for the Education and Cultural Subcommittee to consider, the John de la Howe Board of Trustees proposes the following changes to the agency’s vision and mission.

	CURRENT	PROPOSED
VISION	John de la Howe School will be a state leader in delivering relevant and effective programs that advance behavioral health care, education, and positive family relations for children and adolescents.	The vision of the agency is to be the state’s leader in offering a rigorous agricultural education program that will challenge motivated high school students to develop their interest in agriculture and natural resources by providing classes and hands-on learning opportunities in one of South Carolina’s largest industries, agribusiness.
MISSION	To provide a safe place for children to heal, grow and make lasting changes through counseling, education and a culture of care and personal development	The mission of the agency is to provide quality agricultural education that will enable its students to be our state’s future leaders in agribusiness, business, and education.

COMMITTEE CONTACT INFORMATION



Committee Mission

Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed or eliminated. Inform the public about state agencies.

Website: <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

Phone Number: 803-212-6810

Email Address: HCommLegOv@schouse.gov

Location: Blatt Building, Room 228