

Legislative Oversight Committee
South Carolina House of Representatives
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Notification of the Education and Cultural Subcommittee's Study of the John de la Howe School

April 27, 2018

In accordance with Standard Practice 12.5, notice is hereby provided that the Education and Cultural Subcommittee's oversight study of the John de la Howe School is available for consideration by the full Committee.

The Honorable Joseph H. Jefferson Jr.
Education and Cultural Subcommittee Chair

cc: The Honorable Chandra E. Dillard
The Honorable Tommy M. Stringer
The Honorable John Taliaferro "Jay" West, IV

Legislative Oversight Committee

Study of the
 John de la Howe School
April 27, 2018



FULL COMMITTEE OPTIONS STANDARD PRACTICE 13	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
(1) Refer the study and investigation back to the Subcommittee or an ad hoc committee for further evaluation; (2) Approve the Subcommittee’s study; or (3) Further evaluate the agency as a full Committee, utilizing any of the available tools of legislative oversight		

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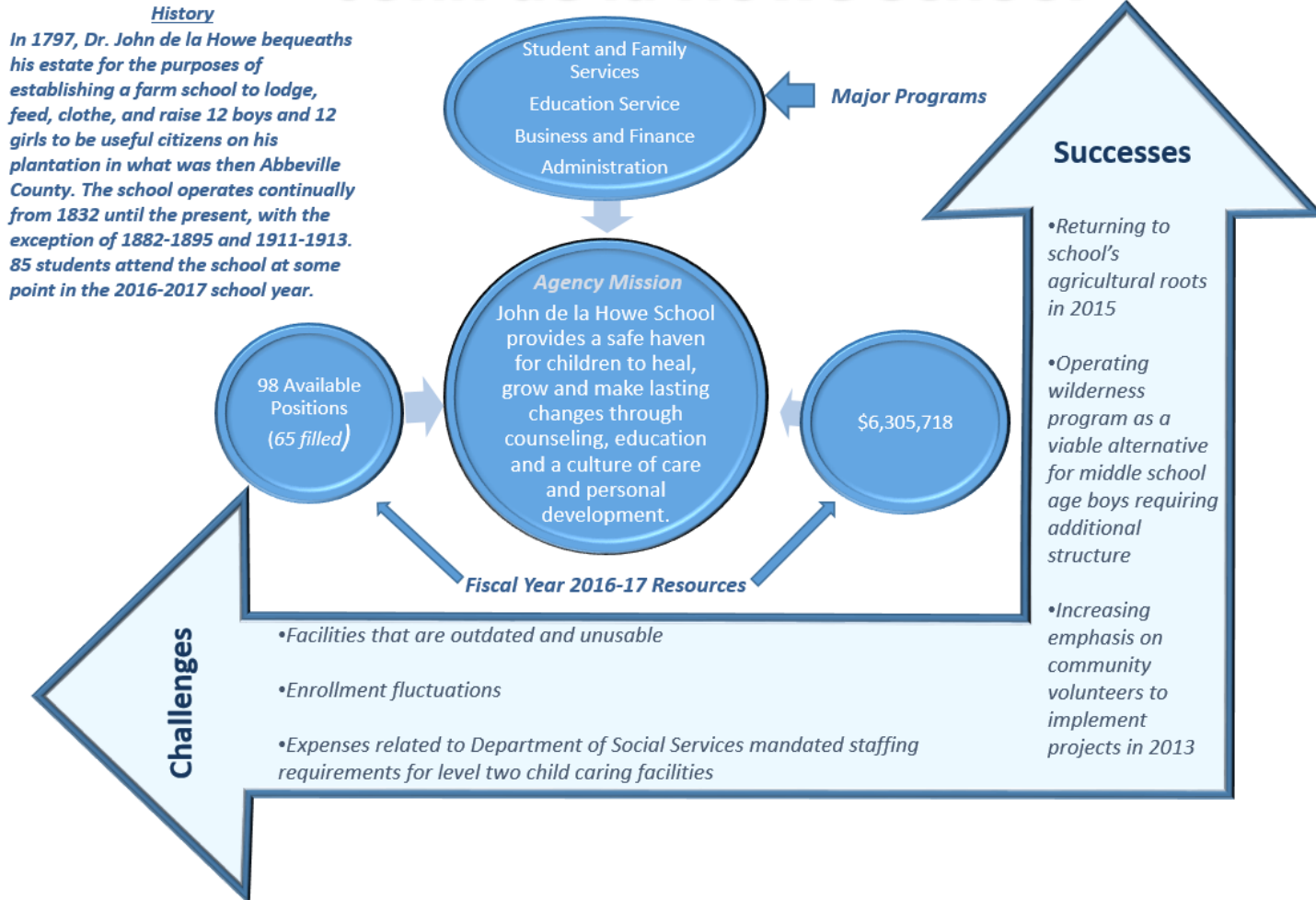
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AGENCY SNAPSHOT

John de la Howe School



Visual Summary Figure 1. Snapshot of agency's history, mission, fiscal year 2016-2017 resources, successes, and challenges.¹

EXECUTIVE SUMMARY

Purpose of Oversight Study

As stated in S.C. Code of Laws § 2-2-20(B), “[t]he **purpose of oversight studies** and investigations is to **determine if agency laws and programs** within the subject matter jurisdiction of a standing committee: (1) **are being implemented** and carried out **in accordance with the intent of the General Assembly**; and (2) **should be continued, curtailed, or eliminated.**” In making these determinations, the Subcommittee evaluates (1) the application, administration, execution, and effectiveness of the agency’s laws and programs, (2) the organization and operation of the agency, and (3) any

conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.²

Study Process

The House Legislative Oversight Committee’s (Committee) process for studying the John de la Howe School (agency, school, JDLH) includes actions by the full Committee; Education and Cultural Subcommittee (Subcommittee); the agency; and the public. A summary of the key dates and actions are listed below in Figure 2.

Legislative Oversight Committee Actions

- January 10, 2017 - Prioritizes agency for study
- January 17, 2017 - Provides agency with notice about the oversight process
- February 9, 2017 - March 13, 2017 - Solicits input from the public about agency in the form of an online public survey
- March 2, 2017 - Holds **Meeting 1** to obtain public input about agency
- May 10, 2017 - Places study on hold, pending adoption of the 2017-2018 General Appropriations Act

Education and Cultural Subcommittee Actions

- October 4, 2017 - Holds **Meeting 2** with agency to discuss the study process and agency’s **history, strategic plan, services, and human resources**
- November 6, 2017 - Holds **Meeting 3** with agency to discuss its **financial resources and partners**
- December 5, 2017 - Holds **Meeting 4** with agency to discuss a **feasibility study**
- December 7, 2017 - Education and Cultural Subcommittee members **visit the John de la Howe School**
- February 8, 2018 - Holds **Meeting 5** with agency to discuss **PowerSchool data and performance**
- April 5, 2018 - Holds **Meeting 6** with agency to **discuss recommendations**, either to the agency itself or for changes to the law

John de la Howe School Actions

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**
- September 15, 2016 - Submits its **2015-16 Accountability Report**
- March 31, 2017 - Submits its **Program Evaluation Report**
- January, 2017 - April, 2018 - Responds to **Subcommittee’s inquiries**

Public’s Actions

- February 9, 2017 - March 13, 2017 - Provides input about agency via **online public survey**
- March 2, 2017 - Provides **testimony** to the Committee
- Ongoing - **Submits written comments on the Oversight Committee’s webpage** on the General Assembly’s website (www.scstatehouse.gov)

Figure 2. Summary of key dates and actions of the study process.

Recommendations

The Subcommittee has **one specific recommendation** with regards to **continuance of agency programs**. The Subcommittee has **eight recommendations for revisions**. The Subcommittee’s recommendations are to the General Assembly and John de la Howe School, and fall into four categories: **(1) governance, (2) wilderness program performance, (3) marketing and partner relationships, and (4) records management**.

Table 1. Summary of recommendations arising from the study process.

Recommendation		
Wilderness Program	Continue Program	1. The John de la Howe School should continue operating the Wilderness Program for at-risk boys in grades 6-8.
	Performance Measures	2. The John de la Howe School should amplify its measurement of the wilderness program by tracking and monitoring students who leave the program for any reason in the following areas: <ol style="list-style-type: none"> Completion of the grades following departure from the wilderness program; High school graduation; Higher education application and acceptance rates; and Military service.
Governance	Board of Trustees Meeting Attendance	3. The General Assembly should consider amending S.C. Code §59-49-40, to require board members to attend, in person, at least half of the regularly scheduled John de la Howe School board meetings per year. 4. Amend S.C. Code of Laws §59-49-30 to allow the Governor to consider failure to attend half of the regularly scheduled meetings to be a board member’s resignation.
	Title of Chief Administrator	5. The General Assembly should consider amending S.C. Code §59-49-90 to change the title of the school’s chief administrator to “President,” and remove the requirement that the chief administrator execute a bond.
Marketing and Partner Relationships	Marketing Plan	6. The John de la Howe School board should consider and approve the marketing plan, and the school should include an update on the implementation of the plan in its annual accountability report to the Governor and General Assembly.
	Potential Students	7. In the event the purpose of John de la Howe School does not change, John de la Howe School staff should include communication with the Department of Juvenile Justice’s juvenile arbitration program in its list of marketing targets.
	Follow Up with Schools	8. John de la Howe School should take every opportunity it has to acquire forms, sent to schools students return to, so as to substantiate the record of student progress.
Records Management	Records Management	9. John de la Howe School staff should contact the Department of Archives and History and do the following: <ol style="list-style-type: none"> Seek advice on creating an updated records retention plan; Determine what is required of an agency to remain active; and Implement a compliant state records retention policy.

There are **no specific recommendations with regards to elimination of agency programs**.

AGENCY OVERVIEW

History

The **John de la Howe School provides the Committee with an overview of the agency’s history.**³ In addition, Committee staff confirm the accuracy of assertions of legislative action.

Creation of the John de la Howe School

Dr. John de la Howe leaves his native France, and immigrates to North America. Arriving in Charleston, S.C. in 1764, he establishes a medical practice and acquires land in different sections of South Carolina, including acreage near the Long Cane area in the South Carolina backcountry. Dr. Howe moves to the New Bordeaux settlement at Long Cane (present-day McCormick County), and establishes a farm he names “Lethe.”⁴ In 1797 he dies at Lethe Farm and is interred in a tomb there. In his will, he leaves **his estate for the establishment of a farm school to educate, lodge, feed and clothe “twelve poor boys, and twelve poor girls.”**⁵

The school is **established in 1832** and is commonly known as “Lethe” until the 1880s, at which time it takes the name of its benefactor. School operations cease in 1882 but begin again in 1895. In the interim, various farmers in the area manage the land. The school again closes from 1911-13. The first recorded minutes of a John de la Howe School Board of Trustees minutes is dated November 11, 1913.

Transfer to State Control

In 1918, the S.C. General Assembly and Governor R.I. Manning, at the request of Senator J.M. Nickles of Abbeville County, **appoint a board of trustees** to take charge of the John de la Howe Industrial School. The transfer to state control is consistent with Dr. de la Howe’s will: “And it is my will, that in the case the Agricultural Society of South Carolina should against my expectation decline or neglect, I beg the

Honorable Legislature to be graciously pleased to keep the Institution under its fatherly protection.”⁶

He leaves his estate for the establishment of a farm school to educate, lodge, feed and clothe “twelve poor boys, and twelve poor girls.” -Still Caring, Still Dreaming

In **1919**, the board names **Reverend J.B. Branch superintendent** and the **main campus of JDLH moves from Lethe to its present location**, in McCormick, S.C. In 1926, a new **administrative building is constructed** and named de la Howe Hall. This allows the **school’s capacity to grow from the original 24 students to more than 100.** In 1927,

JDLH expands, new roads are built, water and sewer issues are resolved, and forests are managed.

Evolution into Educational and Social Institution

Reverend Branch dies unexpectedly in **1931**, and **Mr. E.F. Gettys follows him as superintendent.** Gettys serves until 1966 and places added emphasis on the primacy of the family as JDLH serves children from across the state. JDLH introduces **vocational training**, giving children a practical means of earning a livelihood. In 1937, a fire destroys de la Howe Hall. In addition to a new administrative building, construction begins on nine new cottages to offer a more family friendly environment.

In the 1940s, understanding the day of the traditional orphanage was fast fading, Superintendent Gettys guides the school to serve “more unpromising, yet needy children.”⁷ In a 1949 letter to the State

Reorganization Commission, Superintendent Gettys points out the state insists JDLH is an educational institution, but also notes every community in the state has a school. “We are really a social institution,” he writes, noting the majority of the children served are from broken homes and require temporary training and care.⁸ “The children manifest behavior patterns which local communities will not tolerate,” he adds.⁹ “We look forward to the restoration of children to their home, but the institution has to afford 24-hour care and training so that the total family unit may have an opportunity to work out their problems and live together again.”¹⁰ Superintendent Gettys calls services at JDLH unique, adding JDLH should not be placed under any other agency. Superintendent Gettys said another role of the school is “to help parents be helpful and not hurtful.”¹¹

In **1966**, the board names **Mr. L.S. Brice**, principal of the school since 1949, **superintendent**. In the **1970s**, Superintendent Brice **establishes relationship with the Forestry Commission** to help manage the school’s timber resources. Construction begins on three new cottages; an infirmary; a cafeteria; and educational facilities including a new gym, shop, and recreational area. In **1971**, JDLH becomes **one of the first two children’s home in the state to integrate racially**. In **1979**, to comply with the passage of federal law 94-142 in 1975 guaranteeing a free public education to children with disabilities, **Governor Richard Riley looks to JDLH to address the state’s children facing emotional and behavioral issues**. Palmetto Cottage is designated to house these students on JDLH campus.

Development of Therapeutic Wilderness Program

In **1979**, the board names **John Shiflet superintendent**. Ninth and tenth graders receive education on campus, while eleventh and twelfth graders attend McCormick High. JDLH expands its use of volunteers, especially seniors. The agency’s “family-centered” approach to treatment is enhanced, leading to the creation of a center for family and program enrichment. In 1986, JDLH moves children with emotional and behavioral challenges, formerly housed in Palmetto Cottage, to a new therapeutic wilderness program, funded through a \$100,000 grant from the Duke Endowment, along with Education Improvement Act funding. In 1997, JDLH celebrates its bicentennial, and a **book detailing the school’s history is published**.

Recent History

In **1999**, the board names **Mr. Rubert Austin superintendent**. Also, the **John de la Howe School Foundation is established** to support JDLH’s mission of positively impacting the behavioral, educational, and social needs of children and their families. In 2004, the Board of Trustees adopts a code of ethics as a guide to effective and efficient service. **Mr. Mark Williamson serves as superintendent from 2005-2010**. In **2010**, **Thomas Mayer is named superintendent**. In 2013, volunteers associated with the local Habitat for Humanity program begin working at least one day each week on remodeling projects on the JDLH campus. Resources for projects are donated.

In **2014**, the board names **Dr. Danny Webb superintendent**, and the board approves a new mission statement for JDLH, namely to “[p]rovide a safe haven for children to heal, grow and make lasting changes.” In **2017**, the board names **Dr. James Franklin interim superintendent**, upon Dr. Webb’s resignation.

Legal Obligations

“We look forward to the restoration of children to their home, but the institution has to afford 24-hour care and training so that the total family unit many have an opportunity to work out their problems and live together again.” -Superintendent Gettys (1931-1966)

In the Program Evaluation Report, the Committee asks the agency to list the laws applicable to it. Listed below is a summary of the information the agency provides.¹²

John de la Howe School is primarily governed by Title 59, Chapter 49 of the S.C. Code of Laws. In addition S.C. Code of Laws §63-11-20 exempts John de la Howe School from the group of child welfare agencies that fall under the Department of Social Services' (DSS) administration of child welfare laws, unless the board requests, by resolution, that DSS license the school.

In addition to statutory language, the purpose of the school must remain within the purposes delineated in Dr. de la Howe's will. The South Carolina Supreme Court opinion in *Mars v. Gibert* interprets and provides a restatement of the will.¹³

As we have seen, it is perfectly obvious that the main purpose of this trust is the maintenance of a school in the neighborhood where the testator lived for the benefit primarily of 24 poor boys and girls without charge, and generally of the boys and girls of the entire community, with incidental benefits to all the people of the community. When the trust was created, the state made little provision for the teaching of poor boys and girls, while now nearly all the schools are free, and there is little difference between the school facilities of the rich and the poor. But the main branches, namely, agriculture and mechanic arts, which the testator proposed to have taught to the children of the neighborhood, are still little taught in the public schools. It is now generally recognized that the teaching of these branches is not only practicable and advisable, but absolutely essential to the progress of every community. It may not be practicable to conduct such a school at the precise place in the community designated by the will-that is not essential to the main purpose of the trust. It may not be possible to make such a school successful, except when conducted in conjunction with the public school of the neighborhood, but that is no objection. It is true that the trustees of the De la Howe School could not surrender their trust to the control of the public school trustees, but they could elect the superintendent and teachers of the public school head master and teachers of the De la Howe Agricultural and Mechanical School, and the two institutions could be thus conducted in conjunction to the benefit of the community. This would not defeat, but accomplish, the purpose of the benevolent testator, and it would carry out the scheme laid down by him for the accomplishment of his purpose with only such variation in detail as changed conditions have made necessary. Any plan of administration like this, keeping in view and carrying out the main purpose of the trust, would be within the discretion of the trustees.¹⁴

Appendix A includes the case and will in their entirety.

Purpose, Mission, and Vision

The **purpose** of the agency is explained in S.C. Code § 59-49-100.

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 S.C. 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.

The agency’s **mission** is “[t]o provide a safe place for children to heal, grow and make lasting changes through counseling, education and a culture of care and personal development.”¹⁵ Its **vision** is “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.”¹⁶

Partners and Entities with Similar Goals

Partners

In the 2016-2017 Accountability Report, John de la Howe School provided the following list of partners. The agency provides the information below.¹⁷

Table 2. John de la Howe School partners.

Name of Partner Entity	Type of Partner Entity	Description of Partnership	Associated Objective(s)
Clemson Extension Service	State Government	Advises on agriculture and wildlife projects on campus	Promote farm program (1.2.2, 3.2.1, 3.2.2)
Hickory Knob State Park	State Government	Provides golf venue for students and fundraisers	Mentoring and philanthropy (1.2.2, 3.2.1, 3.2.2)
McCormick Children's Home	State Government	Residential children's home	Community partnership (1.2.2, 3.2.1, 3.2.2)
Department of Juvenile Justice	State Government	Refers students to JDLH	Address behavior and family issues (1.1.2, 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.2.1, 3.2.2)
Department of Mental Health	State Government	Refers students to JDLH	Address behavior and family issues (1.1.2, 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.2.1, 3.2.2)
Department of Natural Resources	State Government	Teaches wildlife skills, gun safety, educate on food plots, etc.	Mentor and teach students responsibility (1.2.2, 3.2.1, 3.2.2)

Name of Partner Entity	Type of Partner Entity	Description of Partnership	Associated Objective(s)
Department of Social Services	State Government	Refers students to JDLH	Address behavior and family issues (1.1.2, 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.2.1, 3.2.2)
Forestry Commission	State Government	Provides bulldozer and truck for farm projects	Teach marketable skills (2.2.3)
Legislature	State Government	Provides funding and direction	Assist school with its mission 1.1.1, 1.1.2, 1.1.3, 1.2.1, 1.2.2, 1.3.1, 2.1.1, 2.1.2, 2.1.3, 2.2.1, 2.2.2, 2.2.3, 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.2.1, 3.2.2)
JDLH Foundation	Private Business Organization	Solicits and raises funds from private sector	Benefit mission of JDLH (1.2.2, 3.2.1, 3.2.2)
National Wild Turkey Federation	Private Business Organization	Provides hunting and outdoor opportunities	Mentor and teach students responsibility (1.2.2, 3.2.1, 3.2.2)
Self Family Foundation	Private Business Organization	Funds projects (e.g., commercial generator for campus)	Provide safe environment (2.2.3)
Area Churches	Non-Governmental Organization	Provide philanthropy and support to students	Improve liveability of campus (1.2.2, 3.2.1, 3.2.2)
Area Lions Clubs	Non-Governmental Organization	Assist with funding of activities for students	Provide safe environment (1.2.2, 3.2.1, 3.2.2)
Beaufort Land Trust	Non-Governmental Organization	Provides JDLH youth tour of Frank Lloyd Wright plantation	Educate students (3.2.1)
Clark's Hill Stripper Club	Non-Governmental Organization	Provides annual fishing tournament for JDLH youth	Mentoring and recreation (1.2.2, 3.2.1, 3.2.2)
JDLH Alumni Association	Non-Governmental Organization	Provides philanthropy and support to students	Provide stable and safe campus (1.2.2, 3.2.1, 3.2.2)
JDLH Volunteers	Non-Governmental Organization	Assist with construction projects on campus	Improve liveability of campus (2.2.3)
Linus Project	Non-Governmental Organization	Provides blankets for JDLH students annually	Improve liveability of campus (1.2.2, 3.2.1, 3.2.2)
McCormick County Sheriff's Department	Local Government	Provides school resource officer for JDLH	Increase school and campus safety (2.2.3)

Name of Partner Entity	Type of Partner Entity	Description of Partnership	Associated Objective(s)
McCormick School District	K-12 Education Institute	Serves JDLH students in grades 10-12	Education services (1.1.1, 1.1.2, 1.1.3, 1.2.1, 1.2.2, 1.3.1)
School Districts	K-12 Education Institute	Refer students to JDLH	Address behavior and family issues (1.1.1, 1.1.2, 1.1.3, 1.2.1, 1.2.2, 1.3.1)
Marine Corps Special Operations Command, Camp Lejeune	Federal Government	Use of JDLH property for bi-annual training	Mentor and teach students (1.2.2, 3.2.1, 3.2.2)

Other Entities with Similar Goals

During the study of an agency, the Committee asks the agency if there are any **other entities serving, or which could serve, similar customers or providing similar products or services.** In the Program Evaluation Report and during the study of an agency, the Committee asks how the entities work together to effectively and efficiently achieve both entities’ goals. John de la Howe School lists the following entities as having similar goals, and servicing children with similar needs:

- Winwood Farms - Charleston County;
- Carolina Youth Development - Charleston;
- Palmetto Behavioral Health - Charleston;
- Connie Maxwell Children’s Home - Greenwood;
- Camden Military Academy - Camden;
- Wingate Wilderness Therapy - statewide;
- Wil Lou Gray Opportunity School - Columbia;
- Palmetto Youth Challenge - Eastover;
- Brookland Boys Plantation - Orangeburg;
- Fair Play Wilderness - Fair Play; and Job Corps - Bamberg.¹⁸

Of those listed, three are public - Wil Lou Gray Opportunity School (state), Palmetto Youth Challenge (federal program administered by the state), and Job Corps (federal).¹⁹ John de la Howe School staff also assert the school’s agricultural practice, forestry practice, and mechanical training may fit within the missions of two higher education institutions: Clemson University and Piedmont Technical College.²⁰

Agency Organization

Governing Body

In the Program Evaluation Report, the Committee asks the agency to provide information about the agency’s governing body. The agency provides the information below.²¹

The governing body of the department is the John de la Howe School Board of Trustees (board). S.C. Code § 59-49-10 and 20 address the composition of the board.

The business, property, and affairs of the school must be under the control of a board of trustees, consisting of nine members, appointed by the Governor, subject to confirmation by the Senate. The terms of the members of the board must be for terms of five years. Appointments to fill vacancies must be for the remainder of the terms in

the same manner of original appointments. The members of the board may at any time be removed by the Governor for good cause. The failure of any member of the board to attend at least one meeting thereof in any year, unless excused by formal vote of the board, may be construed by the Governor as the resignation of such nonattending member.

The board is to meet quarterly and at least once a year on campus, and establish the school’s general policies.²² Any board member with three consecutive unexcused absences from regularly scheduled meetings is to be removed from the board. The board approves the budget for each fiscal year and annual request for appropriations. The superintendent reports directly to the board and is evaluated annually. Also the board also approves the hiring, terms of employment, salary, and dismissal for all senior management staff.²³

Table 3. John de la Howe School Board of Trustees. (Current as of April 15, 2018).²⁴

Position Title	Current Members	Appointed By	Appointed Date	Term Expiration Date
Member	Patricia Sara Silva*	Governor Nikki R. Haley	2/21/2014	4/1/2018
Member	Thomas R. Love	Governor Nikki R. Haley	4/17/2014	4/1/2019
Member	Melissa A. Tilden*	Governor Nikki R. Haley	1/26/2015	4/1/2018
Member	Barbara Devinney*	Governor Nikki R. Haley	6/28/2013	4/1/2014
Member	Jerry Michael Griffin	Governor Nikki R. Haley	4/7/2016	4/1/2020
Chair	Daniel B. Shonka*	Governor Nikki R. Haley	4/8/2014	4/1/2018
Member	VACANT			
Member	VACANT			
Member	VACANT			
Interim Superintendent	James Franklin, Sr.	Board of Trustees	6/29/2017	

Table Note: An asterisk (*) denotes the member is serving on the board in a hold-over capacity.

Agency Organizational Units, Services, and Customers

Every agency has an organization or hierarchy that is reflected in the agency’s organizational chart. Within the organization are separate units. An agency may refer to these units as departments, divisions, functional areas, cost centers, etc. Each unit is responsible for contributing to the agency’s ability to provide services and products.

During the study process the Committee asks the agency about its organization and major operating programs.²⁵ John de la Howe School informs the Committee it is comprised of four major organizational units, which are described in Tables 3 through 6. The organization of the entire agency is shown in Figure 3.

The **Student and Family Services (residential and wilderness programs, clinical, and admissions)** unit includes residential and wilderness programs, clinical, and admissions. It supports the agency’s core mission by providing direct care in the residential and wilderness programs; providing clinical therapy support to students; and overseeing the enrollment of new students in care of the agency.

Table 4. John de la Howe School Organizational Unit: Student and Family Services.

Details:	2013-14	2014-15	2015-16
What is the turnover rate?	36.95%	45.97%	46.67%
Is employee satisfaction evaluated?		Yes	
Is anonymous employee feedback allowed?		Yes	
Do any positions require a certification?		Yes	
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?		Some	

The **Education Services (principal and teachers)** unit includes principals and teachers. This unit provides academic education to the client students in care of the agency.

Table 5. John de la Howe School Organizational Unit: Education Services.

Details:	2013-14	2014-15	2015-16
What is the turnover rate?	14.28%	29.78%	41.86%
Is employee satisfaction evaluated?		Yes	
Is anonymous employee feedback allowed?		Yes	
Do any positions require a certification?		Yes	
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?		Some	

The **Business and Finance (procurement, trades, dining services, and IT)** unit includes procurement, trades, dining services, and IT. It manages the fiscal accountability through purchasing and dining services and to maintain the agency’s physical plant.

Table 6. John de la Howe School Organizational Unit: Business and Finance.

Details:	2013-14	2014-15	2015-16
What is the turnover rate?	22.85%	25%	51.61%
Is employee satisfaction evaluated?		Yes	
Is anonymous employee feedback allowed?		Yes	
Do any positions require a certification?		Yes	
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?		Some	

The **Administration (president, human resources, and support services)** unit includes the superintendent, human resources, and support services. This unit manages day-to-day operations and human capital of the agency.

Table 7. John de la Howe School Organizational Unit: Administration.

<u>Details:</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>
What is the turnover rate?	22.85%	20%	22.22%
Is employee satisfaction evaluated?		Yes	
Is anonymous employee feedback allowed?		Yes	
Do any positions require a certification?		Yes	
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?		Some	

Organizational Chart

John de la Howe School Organizational Chart

(03/22/2018)

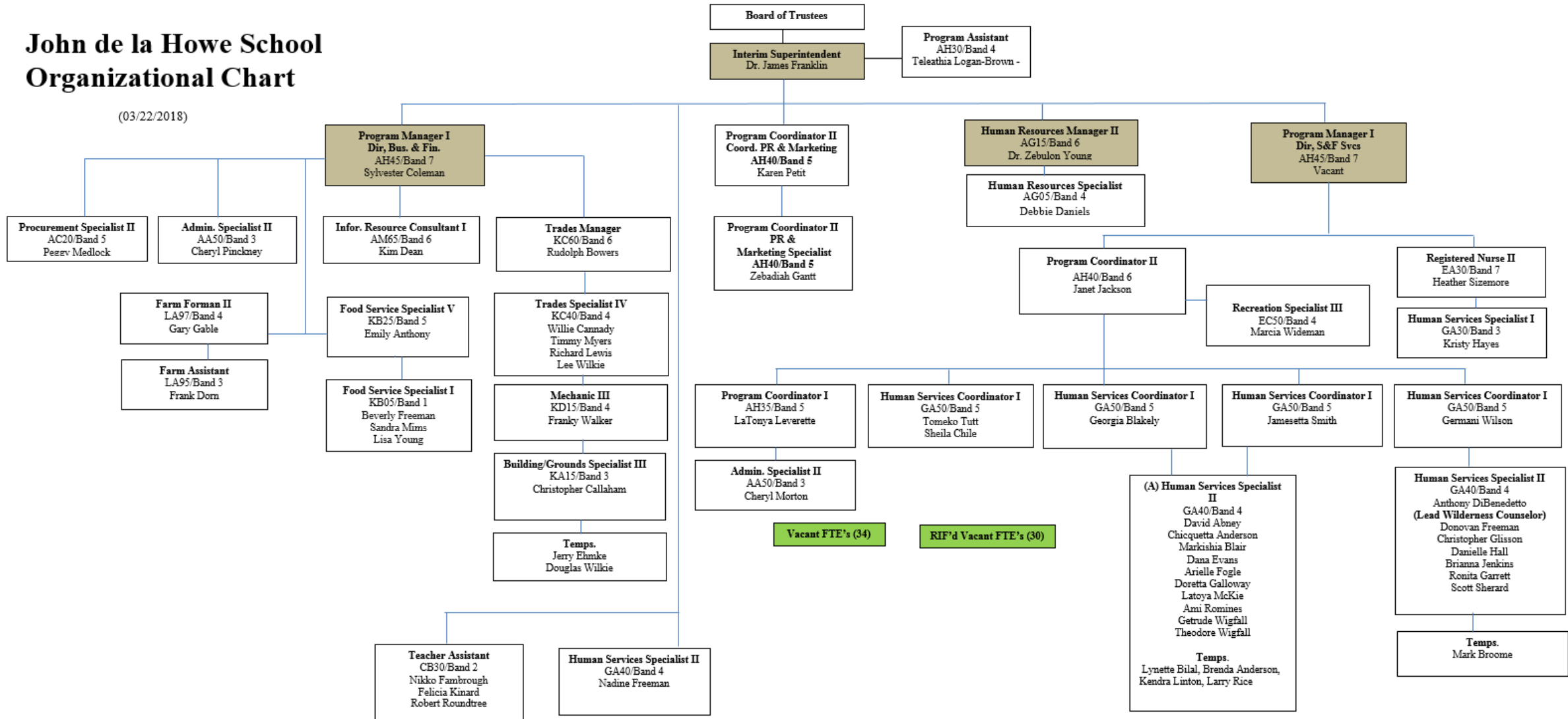


Figure 3. Organizational chart provided by the agency. (Current as of March 22, 2018).²⁶

Agency Resources

Financial

The South Carolina Revenue and Fiscal Affairs Office provides summary funding data for all agencies.²⁷ Table 8 includes John de la Howe School's FY 2016 and FY 2017 appropriations. John de la Howe School has several revenue generating activities, including tuition and fees, timber sales, farm and nursery product sales, meal sales, rent, grants, and investment earnings. In fiscal year 2017, JDLH generates \$583,678.49.²⁸

Table 8. John de la Howe School FY 2016 and FY 2017 appropriations.

	Total Funding Available	Adjusted General Fund Appropriation	Federal Funds	Other Funds	EIA Agency Allocation	Non-Recurring Employee Bonuses
FY 2016	\$6,207,805	\$4,652,797	\$353,227	\$784,047	\$417,734	\$48,580
FY 2017	\$6,305,718	\$4,750,710	\$353,227	\$784,047	\$417,734	N/A

The Comptroller General's office provides annual summary spending for each state agency, on the fiscal transparency website. The annual summaries are broken down by categories of spending.²⁹ The table below includes John de la Howe School's FY 2016 and FY 2017 spending.

Table 9. John de la Howe School FY 2016 and FY 2017 spending.

Category and Description	Fiscal Year	General	Earmarked	Restricted	Federal	Total Fund
CONTRACTUAL SERVICES All expenditures for services, other than by officials and employees of the state, which involve the use of equipment, materials, or commodities. Such services are performed without giving the state authority to direct or control the ability or skill of the persons performing such services.	2016	\$187,109.13	\$81,869.99	\$116,875.00	\$0.00	\$385,854.12
	2017	\$634,804.23	\$56,750.00	\$0.00	\$0.00	\$691,554.23
EMPLOYER CONTRIBUTIONS This classification should include all earnings made by a state department or institution on behalf of employees with respect to the employer's portion of social security and retirement.	2016	\$1,068,241.35	\$961.53	\$141,257.50	\$3,677.74	\$1,214,138.12
	2017	\$930,717.14	\$404.59	\$0.00	\$0.00	\$931,121.73
FIXED ASSETS (CAPITALIZED)	2016	\$24,423.84	\$60,410.06	\$0.00	\$0.00	\$84,833.90
	2017	\$181,322.10	\$0.00	\$0.00	\$0.00	\$181,322.10

Category and Description	Fiscal Year	General	Earmarked	Restricted	Federal	Total Fund
FIXED CHARGES AND CONTRIBUTIONS (OTHER OPERATING) All expenditures for fixed charges against the State and gifts or contributions made by the State.	2016	\$137,467.24	\$0.00	\$166.00	\$500.00	\$138,133.24
	2017	\$122,665.46	(\$1,818.02)	\$0.00	\$0.00	\$120,847.44
LAND BUILDINGS INFRASTRUCTURE CONSTRUCTION Expenditures for the purchase of land and buildings, expenditures related to the construction of new facilities and construction of land improvements, building improvements, or infrastructure, and expenditures to acquire intangible assets, including computer software.	2016	\$0.00	\$279,887.01	\$0.00	\$0.00	\$279,887.01
	2017	\$0.00	\$42,153.20	\$0.00	\$0.00	\$42,153.20
PERSONAL SERVICES All expenditures for the direct services of persons who are in the employment of the state, regardless of whether such employment is on a permanent, temporary, or fee basis.	2016	\$2,917,417.00	\$4,941.49	\$430,411.75	\$18,983.06	\$3,371,753.30
	2017	\$2,297,140.04	\$1,098.83	\$0.00	\$0.00	\$2,298,238.87
SUPPLIES AND MATERIALS To include all expenditures for articles or substances which have specific uses and when applied to their respective uses are subject to such changes that will consume them or render them unfit for continuous and permanent use.	2016	\$306,458.85	\$8,197.09	\$0.00	\$43,983.18	\$358,639.12
	2017	\$375,018.79	(\$2,664.10)	\$0.00	(\$62.86)	\$372,291.83
TRAVEL All expenditures by state employees for transportation, mileage, lodging, meals, and other legal charges necessary to the travel directed.	2016	\$64,599.46	(\$500.00)	\$0.00	\$11,704.53	\$75,803.99
	2017	\$70,936.22	\$0.00	\$0.00	\$0.00	\$70,936.22
UTILITIES Expenditures for utility services necessary to operate an office or building for state use.	2016	\$327,455.88	(\$12,881.42)	\$0.00	\$0.00	\$314,574.46
	2017	\$299,893.39	(\$5,193.05)	\$0.00	\$0.00	\$294,700.34

Annually, each agency submits a strategic plan.³⁰ Of interest in the oversight process are the total resources available to an agency and how the agency allocates human and financial resources to the goals and objectives in the agency's strategic plan. The agency's allocation across the strategic plan is not included here because of a shift in the school's strategic direction during the course of the study.

Human Resources

The Department of Administration’s Division of State Human Resources provides the numbers of authorized, actual, and filled full time employee (FTE) positions for the last five fiscal years.³¹ Tables 10, 11, and 12 provide that information. The Authorized Total FTE is as of July 1 of the fiscal year, as stated in the Appropriations Act. The Actual Total FTE is the sum of Filled FTE and Vacant FTE, based on what the agency has entered in South Carolina Enterprise Information System (SCEIS) and is as of June 30. If Actual is more than Authorized, it may be because during the course of the year, the Executive Budget Office authorizes interim FTE positions. The agency typically requests authorization for these positions in the next budget. If Actual is less than Authorized, it is because the agency has not set up all of the Authorized positions in SCEIS yet. Filled FTEs are positions the agency has set up in SCEIS in which someone is actually working. The Division of State Human Resources also provides the total salaries associated with the agency’s filled FTEs. Figure 4 is a chart that shows the agency’s gain/loss of filled FTEs and the gain/loss of salary burden on the agency at the same time.³²

Table 10. John de la Howe School Authorized FTE Positions (FY 2013-FY 2017).

	2012-13	2013-14	2014-15	2015-16	2016-17
Total	107.410	107.410	107.410	106.410	98.390
State	94.950	94.520	94.520	93.520	86.750
Federal	1.490	1.490	1.490	1.490	1.170
Other	10.970	11.400	11.400	11.400	10.470

Table 11. John de la Howe School Actual FTE Positions (FY 2013-FY 2017).

	2012-13	2013-14	2014-15	2015-16	2016-17
Total	105.118	105.636	106.314	106.314	105.314
State	97.400	96.534	95.642	95.642	94.642
Federal	0.808	0.000	0.000	0.000	0.000
Other	6.910	9.102	10.672	10.672	10.672

Table 12. John de la Howe School Filled FTE Positions (FY 2013-FY 2017).

	2012-13	2013-14	2014-15	2015-16	2016-17
Total	67.505	68.929	77.678	76.082	64.984
State	62.702	63.794	69.672	68.362	58.244
Federal	0.000	0.000	0.000	0.000	0.000
Other	4.803	5.135	8.006	7.720	6.740

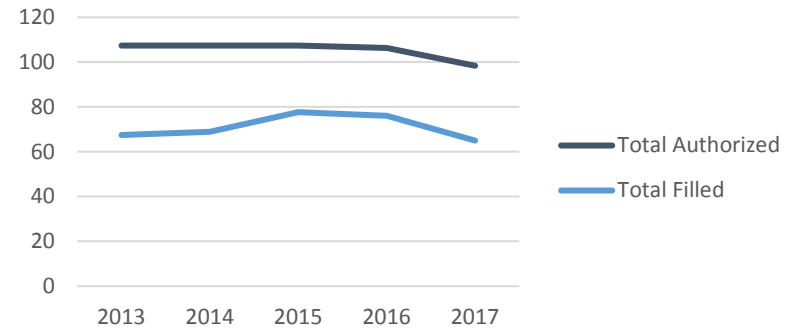


Figure 4. Total Authorized and Filled FTEs (FY 2013-FY 2017).

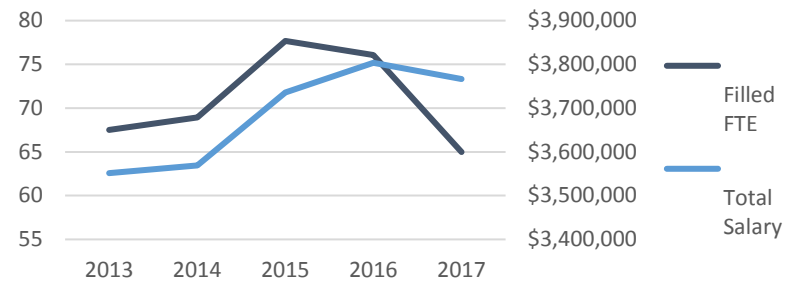


Figure 5. Total Filled FTEs and Total Salary Associated with FTEs (FY 2013-FY 2017).

Agency Performance

Of interest during the study process is how the agency measures its performance in implementing the goals, strategies, and objectives of its strategic plan. Tables 14 through 16 show performance measures associated with the agency's strategic plan.

Types of Measures Utilized

There are four types of performance measures, which are explained below.

- **Inputs** are human or material resources used, such as number of staff hours or classroom space used to conduct welfare-to-work programs.
- **Outputs** are the amount of service, effort, or activity produced or delivered, such as number of clients receiving job training or number of students in AP courses.
- **Efficiency** measures are the amount of output or outcome achieved in terms of input, such as cost per participant in welfare-to-work programs, or cost per student.
- **Outcomes** are results or the effectiveness of a service or effort, such as the number of clients employed for at least half time within six months of job training or the percentage of students who graduate from high school.

Targets and Results of Agency Performance Measures

John de la Howe School provides performance measure data in its Annual Restructuring Report and other submissions to the Committee.³³

GOAL 1- IMPROVE THE COST EFFECTIVENESS OF JDLH THERAPEUTIC, RESIDENTIAL AND EDUCATIONAL SERVICES

- Strategy 1.1* *Increase the number of participants in the campus program*
 - Objective 1.1.1 Increase by 10% the average number of residential campus-served participants by June 2017
 - Objective 1.1.2 Increase the number of residential beds that meet health and safety standards and licensing regulations to serve 96 youth by December of 2016
 - Objective 1.1.3. Serve at least 96 residential youth over the fiscal year by June of 2017

- Strategy 1.2* *Increase the number of participants in the Wilderness Program*
 - Objective 1.2.1 Increase the number of campsites from 2 to 3 by March of 2017
 - Objective 1.2.2 Increase the number of youth served in Wilderness Program from 14 to 20 by March of 2017

- Strategy 1.3* *Increase the effectiveness of therapeutic staff who will have accurate position descriptions and employee performance management systems planning and evaluation objectives that are aligned to the agency's mission by May 2017*
 - Objective 1.3.1 Increase to 100% the number of therapeutic staff who will have accurate position descriptions and employee performance management systems planning and evaluation objectives aligned to the agency's mission by May 2016

Table 13. Performance measures associated with Goal 1 - Improve the cost effectiveness of JDLH therapeutic, residential, and educational services.

Performance Measure	FY 16 Actual Value	FY 17 Target Value	FY 17 Actual Value	Calculation Method
Increase residential occupancy capacity	80	120	120	Department of Social Services (DSS) approval
Increase number of youth served annually	106	120	85	Enrollment counts
Increase number of licensed cottages	10	10	10	DSS approval

Increase number of youth placements from Department of Social Services	5	6	5	Enrollment counts
Increase number of youth placements from Department of Juvenile Justice	10	0	10	Enrollment counts
Increase number of youth placements from school districts	10	0	27	Enrollment counts
Reduce average daily cost of services for each youth	\$121	\$15	\$159	Operating costs/(number of youth X calendar days per year)
Reduce average annual cost of services for each youth	\$42,857	\$42,857	\$58,365	Operating cost/number of youth
Improve supervisor feedback to employees	100%	100%	100%	Number of non-education employees with accurate position descriptions, employee personnel management system (EPMS) planning documents, EPMS evaluations
Increase the average residential occupancy rate	104	94	85	Average daily occupancy

GOAL 2 - IMPROVE THE EFFICIENCY OF ADMINISTRATIVE AND SUPPORT SERVICES

- Strategy 2.1* *Ensure administrative support processes facilitate the mission of the agency*
- Objective 2.1.1 Ensure that staff attend at least one training session offered by South Carolina Enterprise Information System
 - Objective 2.1.2 Reduce time to process requisitions to pay vendors by 20% by June, 2017
 - Objective 2.1.3 Continue to secure and back up agency data as completed in 2015 project
- Strategy 2.2* *Evaluate facility, equipment and staffing resources and needs*
- Objective 2.2.1 Continue to inventory information technology assets as completed in past year and inventory 50% of agency property not currently recorded
 - Objective 2.2.2 Maintain deferred maintenance schedule by June, 2017(Completed 8 roofs on JDLH buildings)
 - Objective 2.2.3 Campus wide facility assessment performed in 2015 and will be maintained going forward

Table 14. Performance measures associated with Goal 2 - Improve the efficiency of administrative and support services.

Performance Measure	FY 16 Actual Value	FY 17 Target Value	FY 17 Actual Value	Calculation Method
Reduce time to complete work orders	70%	50%	80%	Processing time (in business days)
Reduce time to process requisitions to pay vendors	10%	15%	10%	Processing time (in business days)
Increase parent satisfaction with improvement to child's behavior	90%	86%	Intentionally left blank	Survey feedback from exiting parents
Improve employee satisfaction with work environment	70%	69%	70%	JDLH employee surveys

GOAL 3 - IMPROVE YOUTH BEHAVIOR TO ENSURE POSITIVE LIFE OUTCOMES

- Strategy 3.1 Reduce youth demonstrating at-risk behaviors*
- Objective 3.1.1 Percentage of exiting students achieving successful discharge with 3 or higher (on 5 point) success criterion scale for their individual care plans will increase to 90% by June, 2017
 - Objective 3.1.2 Provide 100% of youth with therapeutic services as specified in their individual care plan ongoing
 - Objective 3.1.3 Ensure 100% of youth receive clinical therapy sessions according to their individual care plan, an average of three by June, 2017
 - Objective 3.1.4 Increase percent of recreational activities that advance student progression their individual care plans to 85% by June, 2017
 - Objective 3.1.5 Increase percent of JDLH exited youth who demonstrate improved behavior 12 months after leaving to 85% by June, 2017
- Strategy 3.2 Provide youth with life skills that prepare them for productive citizenship*
- Objective 3.2.1 Increase percentage of students acquiring life skills by 10% by June, 2017
 - Objective 3.2.2 Increase the number of social activities provided by 10% to the students

Table 15. Performance measures associated with Goal 3 - Improve youth behavior to ensure positive life outcomes.

Performance Measure	FY 16 Actual Value	FY 17 Target Value	FY 17 Actual Value	Calculation Method
Increase percent students improving on success criterion	Not yet measured	65%	62%	Behavior rating
Increase incentives for positive behavior changes	5	5%	6%	Conduct incentives
Conduct the number of monthly therapeutic sessions established for each youth (ranges from 1-4)	3	3	4	Number of therapeutic sessions provided by JDLH counselors and partnering agencies, as established in youth's Individual Plan of Care
Increase integration of frontline services for youth	80%	80%	100%	Percent of youth with documented feedback from all treatment team components
Increase percentage of students with life skills	Not yet measured	60%	61%	Successful completion of training course

STUDY PROCESS

Agency Selection

John de la Howe School is an agency subject to legislative oversight.³⁴ On January 10, 2017, during the 122nd General Assembly, the Committee prioritizes the agency for study.³⁵

As the Committee encourages **collaboration in its legislative oversight process**, the Committee notifies the following individuals about the agency study: Speaker of the House, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor.³⁶

Subcommittee Membership

The **Education and Cultural Subcommittee of the House Legislative Oversight Committee studies the agency**.³⁷ The study begins during the 122nd General Assembly. The Honorable James E. Smith, Jr., serves as chair through the first Subcommittee meeting. The Honorable Joseph H. Jefferson, Jr., serves as chair for the remainder of the study. Subcommittee members include:

- The Honorable Joseph H. Jefferson, Jr., Chair (121st and 122nd General Assemblies);
- The Honorable James E. Smith, Jr., Chair (121st and 122nd General Assemblies, resigns from Committee on November 6, 2017);
- The Honorable Chandra E. Dillard (122nd General Assembly, is appointed to Committee November 6, 2017);
- The Honorable Raye Felder (121st and 122nd General Assemblies, resigns from Committee on November 8, 2017),³⁸
- The Honorable Tommy Stringer (121st and 122nd General Assemblies); and
- The Honorable John Taliaferro “Jay” West, IV (122nd General Assembly, is appointed to Committee December 19, 2017).³⁹

Agency Reports to Legislative Oversight Committee

During the legislative oversight process, the **Committee asks the agency to conduct self-analysis** by requiring it to complete and submit annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report. The Committee posts each report on the agency page of the Committee’s website.

Restructuring Report

The Annual Restructuring Report fulfills the requirement in S.C. Code of Laws §1-30-10(G)(1) that annually each agency report to the General Assembly “detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services.” The report, at a minimum, includes information in the following areas - history, mission and vision, laws, strategic plan, human and financial resources, performance measures, and restructuring recommendations.

The John de la Howe School submits its Annual Restructuring Reports on March 31, 2015, and January 12, 2016.⁴⁰ The agency's 2015-2016 Annual Accountability Report to the Governor and General Assembly, which it submits in September 2016, serves as its 2016-2017 Annual Restructuring Report.⁴¹

Seven-Year Plan for Cost Savings and Increased Efficiencies

S.C. Code of Laws §1-30-10 requires agencies to submit "a seven year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven-year period."⁴² The John de la Howe School submits its plan on March 31, 2015.⁴³

Program Evaluation Report

When an agency is selected for study, the Committee may acquire evidence or information by any lawful means, including, but not limited to, "requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee." S.C. Code of Laws § 2-2-60 outlines what an investigating committee's request for a program evaluation report must contain. Also it provides a list of information an investigating committee may request. The Committee sends guidelines for the John de la Howe School's Program Evaluation Report (PER) on February 9, 2017. The agency submits its report on March 31, 2017; the agency submits an amended report on October 2, 2017.

The PER includes information in the following areas – legal directives, strategic plan and resources, performance, agency ideas/recommendations, and feedback (optional). The **Program Evaluation Report serves as the base document for the Subcommittee's study of the agency.**

Information from the Public

Public input is a cornerstone of the House Legislative Oversight Committee's process.⁴⁴ There are a variety of opportunities for public input during the legislative oversight process. Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee's website, and appear in person before the Committee.⁴⁵

Public Survey

From February 9 – March 13, 2017, the Committee posts an **online survey to solicit comments from the public about the John de la Howe School** and three other agencies. The Committee sends information about this survey to all House members to forward to their constituents. Additionally, in an effort to communicate this public input opportunity widely, the Committee issues a statewide media release.⁴⁶

There are 444 responses to the survey. Fifty-five respondents to the survey choose to answer questions about John de la Howe School, with at least one response coming from 21 of South Carolina's 46 counties. Fifty-three percent of respondents to questions about John de la Howe School are current or former state employees. These comments are not considered testimony.⁴⁷ As the survey notes, "input and observations from those citizens who [choose] to provide responses are very important . . . because they may help direct the Committee to potential areas for improvement with these agencies."⁴⁸ The Committee posts the survey results on the Committee's website. The **public is informed it may continue to submit written comments about agencies online** after the public survey closes.⁴⁹

Of those survey participants that respond to questions related to the John de la Howe School, **only 63% have a positive or very positive opinion of the agency.**⁵⁰ Over half of the public survey respondents base their opinions on personal, family, friend or business experience with the agency. Most of the respondents that provide comments mention they **have never heard of the agency; there is lack of leadership; or that the school is necessary and should continue operating.**⁵¹

Public Input via Committee Website

Throughout the course of the study, people are able to submit comments anonymously on the Committee website. The Committee posts comments verbatim to the website, but they are not the comment or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.⁵² There is no public input provided via the Committee website.

Public Input via In-Person Testimony

During the study, the Committee offers the opportunity for the public to appear and provide sworn testimony.⁵³ A press release announcing this opportunity is sent to media outlets statewide on February 9, 2017.⁵⁴ The Committee holds a meeting dedicated to public input about John de la Howe School and other agencies on March 2, 2017.⁵⁵ Testimony is received from eight individuals. Further detail on the public input meeting is in the meetings section of this report.

Meetings Regarding the Agency

The Committee meets with, or about, the agency on two occasions, and the Subcommittee meets with, or about, the agency on five occasions. Subcommittee members also tour the agency. All meetings are open to the public and stream live online; also, the videos are archived and the meeting packets and minutes are available online.

122nd General Assembly (2017-2018)

January 2017

On **January 10, 2017**, the full Committee selects the agency for study.⁵⁶

March 2017

On **March 2, 2017**, the full Committee holds its **first meeting** with the agency. Committee Chairman Wm. Weston J. Newton states the purpose of this meeting is to **receive public testimony** regarding the John de la Howe School and other agencies.⁵⁷

Agency representatives and constituents that have had experience with the school testify. Testimony focuses on how the school has helped at-risk youth. Further, the testimony expresses a continued need for the school, with the hopes of it remaining open.

May 2017

On **May 10, 2017**, the full Committee meets to discuss the agencies that have been suggested for study by constituents, legislators, and members. Further, because of a potential budget proviso that may suspend agency operations, Subcommittee Chair Smith moves that the Education and Cultural Affairs

Subcommittee study of the John de la Howe School be suspended, pending approval of the fiscal year 2017-2018 General Appropriations Act.⁵⁸ The final 2017-2018 General Appropriations Act does not suspend agency operations, and the study continues.⁵⁹

October 2017

On **October 4, 2017**, the Subcommittee holds **Meeting 2** with the agency to discuss the study process and the agency's **history, strategic plan, services, and human resources**.⁶⁰

November 2017

On **November 6, 2017**, the Subcommittee holds **Meeting 3** with the agency to discuss its **financial resources and partners**. Dr. James Franklin, Interim Superintendent; Mr. Sylvester Coleman, Director of Business and Financial Operations; and Mr. Johnathan Rose, Director of Education; testify about the agency's strategic spending and budgeting, and the agency's partners.

Subcommittee members ask questions about the following, which agency representatives answer:

- a. Internal and external audits;
- b. Risk assessment;
- c. Numbers of students and educational staff;
- d. Cost of online education provider;
- e. Scholarships;
- f. Partners that provide hands-on opportunities for students;
- g. Follow-up report;
- h. Board vacancies; and
- i. Graduation rates.⁶¹

December 2017

On **December 5, 2017**, the Subcommittee holds **Meeting 4** with the agency to hear testimony about the agency's **feasibility study**, performed under the authority of Proviso 7.5 in the fiscal year 2017-2018 General Appropriations Act. Dr. James Franklin provides an introduction to the John de la Howe School Feasibility Study performed by the Student-Centered Education Consulting Group, LLC.

Mr. Gerald Moore introduces and explains the purpose of the Student-Centered Education Consulting Group, LLC. Further, he presents the John de la Howe School Feasibility Study on the following topics: (a) findings; (b) general recommendations; and (c) options for future of school. Lastly, Dr. Jimmy Littlefield presents the finance portion of the John de la Howe School Feasibility Study.

On **December 7, 2017**, Subcommittee Chair Jefferson and Representative Dillard **tour the JDLH property**, including educational, administration, agricultural, and housing facilities.⁶²

February 2018

On **February 8, 2018**, the Subcommittee holds **Meeting 5** with the agency to discuss the agency's performance.

Ms. Emily Heatwole, Communications and Governmental Affairs Director for the Department of Education, discusses data regarding the performance of students, behaviorally and academically, before and after their time at John de la Howe School. Subcommittee members ask questions regarding records, reports, and PowerSchool, which Ms. Heatwole answers.

Dr. Franklin, Interim Superintendent of John de la Howe School, and other agency representatives provide testimony on the transition phase—specifically the hiring freeze, the spending freeze on new initiatives, and the enrollment cap. Subcommittee members ask questions, which Dr. Franklin and other agency representatives answer. Question topics include, but are not limited to, board members, success tracking, wilderness program, and average cost per student.

Representative Jay West makes a motion regarding efforts to ensure John de la Howe School student records are complete. A roll call vote is held, and the motion passes.⁶³

April 2018

On **April 5, 2018**, the Subcommittee holds **Meeting 6** with the agency to take what the Subcommittee has learned about the agency, and determine if there are any recommendations, either to the agency itself or for changes to the law. Dr. Franklin is available for questions.

Subcommittee members make various motions. A roll call vote is held for the various motions, and they pass. Motion topics include:

- a. Changes to the agency's purpose;
- b. Wilderness program;
- c. Board participation;
- d. Records management; and
- e. Marketing.⁶⁴

Study Process Completion

Pursuant to Committee Standard Practice 12.4, **Subcommittee members may provide a separate written statement for inclusion with the Subcommittee's Study report.** After receipt of any written statements, the Subcommittee Chair, pursuant to Committee Standard Practice 12.5, notifies the Committee Chair in writing that a Subcommittee Study is available for consideration by the full Committee.

Once the Committee Chair receives written notice from the Subcommittee Chair, the Committee Chair, pursuant to Committee Standard Practice 13.1, includes the Subcommittee Study on the agenda for a full committee meeting. During a full Committee meeting at which the Subcommittee Study is discussed, the Committee may vote, pursuant to Committee Standard Practice 13.2, to (1) refer the study and investigation back to the Subcommittee for further evaluation; (2) approve the Subcommittee's study; or (3) further evaluate the agency as a full Committee, utilizing any of the resources of legislative oversight available.

When the Committee approves a study, **any member of the Committee may provide a written statement for inclusion with the study.** The study and written statements are published online and the agency, as well as all House standing committees, receive a copy. The Committee shall offer at least one briefing to members of the House about the contents of the final oversight study approved by the Committee.⁶⁵ The Committee Chair may provide briefings to the public about the final oversight study.⁶⁶

To support the Committee's ongoing oversight by maintaining current information about the agency, the agency receives an annual Request for Information.

RECOMMENDATIONS

General Information

The following **recommendations include areas** the Subcommittee identifies **for potential improvement**. The **Subcommittee recognizes these recommendations will not satisfy everyone nor address every issue or potential area of improvement at the agency**. These recommendations are based on the agency's self-analysis requested by the Committee, discussions with the agency during multiple meetings, and analysis of the information obtained by the Subcommittee. This information, including, but not limited to, the Program Evaluation Report, Accountability Report, Restructuring Report and videos of meetings with the agency, is available on the Committee's website.

Continue

The Subcommittee has **one specific recommendation with regards to continuance of agency programs**. The **Subcommittee recommends the agency continue operating the wilderness program for at-risk boys in grades six through eight**.

The wilderness program provides middle school aged boys an environment "conducive to learning how to manage and cope with behavioral and emotional stressors."⁶⁷ According to agency staff, the program uses a modified Campbell-Loughmiller model, which teaches campers how to live and work together in order to solve basic problems. In 2017, the JDLH Board of Trustees approves an admission policy requiring attendees to be males, in grade levels six through eight, and ages 12 through 14. Violent offenders and children with extreme psychosis, intellectual developmental disorders, autism, and other conditions are not admitted. Also, children must reside in the state of South Carolina to be eligible for participation in the wilderness program.⁶⁸

Curtail (i.e., Revise)

The **Subcommittee has eight recommendations for revisions**. All of the Subcommittee recommendations are adopted through various motions at its Thursday, February 8, 2018 and Thursday, April 5, 2018 meetings; all members present at these meetings vote to approve the recommendations.⁶⁹ The Subcommittee's recommendations fall into four categories: (1) wilderness program, (2) governance, (3) marketing and partner relationships, and (4) records management.

Wilderness Program Performance

The Subcommittee has **one recommendation related to the performance of the wilderness program**, and a summary is set forth in Table 16.⁷⁰

Table 16. Summary of recommendations for revisions to the agency’s wilderness program performance measures.

Recommendation to John de la Howe School	
Wilderness Program Performance Measures	<p>2. The John de la Howe School should amplify its measurement of the wilderness program by tracking and monitoring students who leave the program for any reason in the following areas:</p> <ul style="list-style-type: none"> a. Completion of the grades following departure from the wilderness program; b. High school graduation; c. Higher education application and acceptance rates; and d. Military service.

John de la Howe School staff assert the wilderness program is working and is worth maintaining as an option for middle school aged male youth. During and after the February 8th meeting, the Subcommittee requests data regarding the performance of the wilderness program.⁷¹ The agency provides its methodology for measuring student performance; however, one has to infer program performance from student performance in the program.⁷² Table 17 provides the aggregated wilderness program student performance data.

Table 17. John de la Howe School wilderness program student success.⁷³

	Successful	To Be Determined	Unsuccessful	Total
Making progress with treatment goals	0	7	0	7
Minimal progress on treatment goals	0	1	11	12
No progress on treatment goals	0	2	12	14
Promoted to high school	9	0	0	9
Withdrawal by parent	0	0	4	4
Program requirements completed	22	0	0	22
Total	31(53%)	10(15%)	27(40%)	68

To truly evaluate the program, additional measures related to students who attend the wilderness program are needed, including high school graduation rate, higher education acceptance rates, and military service. Other pertinent information includes whether attendance in the John de la Howe School wilderness program impacts the achievement gaps that exist between different populations of South Carolina youth. A subcommittee member provides the example in Figure 6 of the preferred type of data needed to illustrate who the program is serving and how those students fare after the wilderness program.

New York City Outward Bound Example

Our network schools serve a high-needs student population.

Only 25% of our incoming 9th graders were proficient in English Language Arts (ELA) and 16% were proficient in Math.

22% of students are classified as having special education needs

6% of students are English Language Learners

74% of our students qualify for free/reduced lunch.

Our network schools primarily serve historically underserved subgroups.

Student Snapshot

40% Hispanic

30% black

20% white

7% Asian/Pacific Islander

3% are of mixed race or other backgrounds

Our 4-year graduation rate exceeded the citywide rate and we are helping to close the achievement gap.

Our 4-year graduation rate of 89% far exceeded the City's rate of 74%.

Our graduation rate for black students is 88%, 20 percentage points higher than citywide rates for black students.

Our graduation rate for Hispanic students is 83%, 16 percentage points higher than the citywide rate for Hispanic students.

Both rates surpassed the citywide graduation rate for white students of 82%.

Our college acceptance rate is almost 100%.

99% of our 2017 graduates were accepted to college.

Our college enrollment and persistence rates are extremely promising.

81% of our 2016 graduates enrolled in college within 6-months of their high school graduation.

81% of our 2015 graduates who enrolled in college were still enrolled by their sophomore year.

Our network schools consistently perform well on NYC Department of Education accountability measures.

In 97% of cases across categories of the School Quality Guide system, our schools were identified as good or excellent, compared to a citywide rate of 80%.

96% of the time our schools received one of the two highest Quality Review scores, compared to 87% of

Figure 6. Measures published by New York City Outward Bound Schools program.⁷⁴

When asked about comparisons to other programs, the agency representative provides an answer based on research limited to South Carolina.⁷⁵ There are three national organizations that may be a resource - Outdoor Behavioral Healthcare Council, National Association of Therapeutic Schools and Programs, and Outward Bound.⁷⁶

Governance

The Subcommittee has **three recommendations for the General Assembly related to the school's governance**. A summary is set forth in Table 18. Appendix B contains Chapter 49 of Title 59 of the S.C. Code of Laws, with the strikethrough/underline language contained in these recommendations.

Table 18. Summary of recommendations for revisions to the agency’s governance.

Recommendation	
Board of Trustees Meeting Attendance	3. Amend S.C. Code of Laws §59-49-40, to require board members to attend, in person, at least half of the regularly scheduled John de la Howe School board meetings per year.
	4. Amend S.C. Code of Laws §59-49-30 to allow the Governor to consider failure to attend half of the regularly scheduled meetings to be a board member’s resignation.
Title of Chief Administrator	5. Amend S.C. Code §59-49-90 to change the title of the school’s chief administrator to “President,” and remove the requirement that the chief administrator execute a bond.

The General Assembly entrusts the “business, property, and affairs” of the John de la Howe School to a Board of Trustees.⁷⁷ This board is the governing body and is directly responsible for the school’s performance. The school will only be as strong as its board, and a very basic element of that strength is participation in board meetings. Current state law allows the Governor to consider a trustee’s failure to attend at least one board meeting a year as a desire to resign from the board.⁷⁸ The Subcommittee’s **third recommendation** amends state law to **require board members to attend at least half of the regularly scheduled board meetings** a year; the **fourth recommendation** allows the Governor to consider anything **less than attendance at half of the regularly scheduled meetings to be a resignation.**⁷⁹

The John de la Howe School board allows trustees to attend meetings telephonically, an option a number of the trustees regularly use. The John de la Howe School provides an accounting of board attendance since the beginning of 2016.⁸⁰ Table 19 illustrates that attendance.

Table 19. John de la Howe School trustee attendance at in-person board meetings.

Board Member	2016	2017	2018	% Meetings Attended
Dan Shonka, Central	9	7	2	100.00%
Tom Love, McCormick	9	7	2	100.00%
Barbara Devinney, McCormick	9	6	2	94.44%
Melissa Tilden, Laurens	5	4	2	61.11%
Mike Griffin, Rock Hill	4	2	1	41.18%
Donna Moore-Wesby, Aiken	2	0	N/A	20.00%
Patricia Silva, Aiken	1	0	1	11.11%
Felicia Preston, Columbia	0	0	N/A	0.00%
Steve Lize, Columbia	0	N/A	N/A	0.00%

Table Note: In the calculation for the percentage of meetings attended in person, the denominator is the number of meetings, not held solely telephonically, for which the person is included on the attendance list. Also “N/A” is used where the person is not on the board during that year.

Following a visit to the property, members of the Subcommittee determine it is unreasonable for a trustee to expect to effectively govern from afar.

The Subcommittee’s **fifth recommendation** aligns the bonding requirement of the chief administrator at **John de la Howe School with the state’s other special schools.** None of the chief administrators at the Governor’s School for Science and Mathematics, Governor’s School for the Arts and Humanities, Wil Lou Gray Opportunity School, and the School for the Deaf and the Blind are required to execute a bond.⁸¹

Marketing and Partner Relationships

The Subcommittee has **three recommendations** related to marketing and relationships with partners, and a summary is set forth in Table 20.⁸²

Table 20. Summary of recommendations for revisions to the agency's marketing.

Recommendations to John de la Howe School	
Marketing Plan	6. The John de la Howe School board should consider and approve the marketing plan, and the school should include an update on the implementation of the plan in its annual report to the Governor and General Assembly (Accountability Report).
Potential Students	7. In the event the purpose of John de la Howe School does not change, John de la Howe School staff should include communication with the Department of Juvenile Justice's juvenile arbitration program in its list of marketing targets.
Follow Up with Schools	8. John de la Howe School should take every opportunity it has to acquire forms, sent to schools students return to, so as to substantiate the record of student progress.

The **sixth and seventh recommendations** relate to the school's **marketing**. After learning about and visiting JDLH, Subcommittee members ask school staff how they market both the school and other amenities on the property (e.g., John de la Howe School historic barn built in 1931, as shown in Figure 7).⁸³ In response to the Subcommittee's inquiries, JDLH provides a marketing plan, presented to the JDLH board in February of 2018.⁸⁴ The plan is in Appendix C.

While John de la Howe School does not serve youth convicted of a felony, other youth who have interacted with the juvenile justice system are not automatically prohibited from attending.⁸⁵ The **Juvenile Arbitration Program** is a community-based diversion program for first-time juvenile offenders charged with committing a nonviolent crime. These youths are diverted from the juvenile justice system to an arbitration hearing conducted in or near the juveniles' communities. Trained volunteer arbitrators conduct the hearings and monitor the juveniles' progress throughout the program.⁸⁶



Figure 7. Barn event space on John de la Howe School campus.

Since the **juvenile arbitration program does not accept violent offenders, previous diversion program participants, or truants and other status offenders**, the Subcommittee recommends JDLH specifically target the program's arbitrators.⁸⁷

The **eighth recommendation** relates to the manner in which JDLH works with its school district partners to track students once they leave JDLH.⁸⁸ During testimony about available student data, JDLH staff express concern about schools returning six-month follow-up forms to John de la Howe School.⁸⁹

Records Management

The Subcommittee has **one recommendation related to records management**, and a summary is set forth in Table 21.⁹⁰

Table 21. Summary of recommendation for revisions to the agency's records management

Recommendation	
Records Management	9. John de la Howe School staff should contact the Department of Archives and History and do the following: <ol style="list-style-type: none">Seek advice on creating an updated records retention plan;Determine what is required of an agency to remain active; andImplement a compliant state records retention policy.

The **ninth recommendation relates to the agency's management of state records**. During the study, Subcommittee members ask John de la Howe School staff if the school is current in transferring records to the Department of Archives and History.⁹¹

S.C. Code of Laws §30-1-80 directs the Department of Archives and History to administer a records management program. Also, the "head of each agency, the governing body of each subdivision, and every public records custodian shall cooperate with the Archives in complying with the provisions of this chapter and to establish and maintain an active, continuing program for the economical and efficient management of the records of the agency or subdivision."⁹²

S.C. Code of Laws §30-4-20 (c) defines public records as "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body." There are exceptions, like individual tax records and academic records.⁹³

During the spring 2017 study of the Department of Archives and History (Archives) members of the Subcommittee request a list of agencies that have not provided records. In response, Archives includes a list of eleven agencies that the Department of Archives and History considers to be "inactive."⁹⁴ The criteria for an agency being declared "inactive" are listed below.

Over the course of the past five years, the agency has failed to take any of the following steps:

- Submitted any records destruction forms for non-permanent records or submitted any forms authorizing the digitization of paper records;
- Created specific records retention schedules; or
- Transferred any permanently-valuable records, in any format, for accession into the Archives collection.

John de la Howe School appears on the list of eleven agencies; Archives staff confirm John de la Howe School's status is unchanged.⁹⁵ As a result, the Subcommittee recommends JDLH work with Archives to become active.

Eliminate

The Subcommittee does not have any recommendations with regards to elimination of agency programs.

ADDITIONAL INFORMATION

The John de la Howe School proposes four recommendations which the Subcommittee receives for information purposes only.⁹⁶ They are reflected in the tables below.

Agency Recommendations for Changes to the Purpose of the School

Table 22. Agency recommendation for changes to the purpose of the school received for information purposes only.

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 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>

Agency 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.”⁹⁷

Table 23. Agency statutory change recommendations received for information purposes only.

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 S.C. 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.

In addition, the John de la Howe Board of Trustees proposes the following changes to the agency’s vision and mission.

Table 24. Board of Trustees proposals for changes to the JDLH mission and vision.

	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.

SELECTED AGENCY INFORMATION

John de la Howe School. "Program Evaluation Report, 2017."

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Program%20Evaluation%20Report%20with%20attachments.pdf> (accessed April 11, 2018).

John de la Howe School. "Restructuring and Seven-Year Plan Report, 2015."

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20John%20de%20la%20Howe.pdf> (accessed April 11, 2018).

John de la Howe School. "Agency Accountability Report, 2016-2017."

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/2016-17%20Accountability%20Report%20\(pdf\).PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/2016-17%20Accountability%20Report%20(pdf).PDF) (accessed April 11, 2018).

S.C. House of Representatives, Legislative Oversight Committee. "(February 9, 2017 - March 13, 2017 Survey Results.)"

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20\(2_9%20-3_13\).PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20(2_9%20-3_13).PDF) (accessed April 11, 2018).

CONTACT INFORMATION

Committee Contact Information

Physical:
South Carolina House of Representatives
Legislative Oversight Committee
1105 Pendleton Street, Blatt Building Room 228

Mailing:
P.O. Box 11867
Columbia, S.C. 29211

Telephone: 803-212-6810

Online:
You may visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "Citizens' Interest" then click on "House Legislative Oversight Committee Postings and Reports". This will list the information posted online for the Committee; click on the information you would like to review. Also, a direct link to Committee information is <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>.

Agency Contact Information

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John de la Howe School
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McCormick, S.C. 29835

Telephone: (864) 391-2131
Online: <http://delahowe.k12.sc.us/>

APPENDIX A. *MARS V. GIBERT*

93 S.C. 455
Supreme Court of South Carolina.

MARS et al.
v.
GIBERT et al.

Feb. 4, 1913.

Appeal from Common Pleas Circuit Court of Abbeville County; R. W. Memminger, Judge.

Action by E. A. Mars and others against Albert Gibert and others. From an order sustaining a demurrer to the answer, and granting the relief demanded in the complaint, defendants appeal. Reversed.

West Headnotes (2)

[1] **Charities** 🔑

Adoption or Rejection of Doctrine

A bequest for establishing a school on testator's land, wherein boys and girls were to be supported and taught in the beginning of their school life, could not be diverted by the Legislature for founding scholarships in colleges; the doctrine of cy pres not being recognized in the state.

[10 Cases that cite this headnote](#)

[2] **Charities** 🔑

Administration and Disposition of Property or Funds

Considerable flexibility is allowed in the details of the execution of charitable trust for the education of poor boys and girls in a particular neighborhood in agriculture and mechanics, and the trustees may work in conjunction with the public schools.

[8 Cases that cite this headnote](#)

*131 The will creating the trust in question is as follows:

“State of South Carolina, Abbeville County.

“In the name of God-Amen.

“I, John de la Howe, of the county of Abbeville, in the state of South Carolina, M. D., being of sound and disposing mind, memory and understanding, do make, ordain and publish this my last will and testament.

“*In primis*, it is my will and desire that my remains shall be buried as near as can be to the spot where those of the late Miss Rebecca Woodin are deposited, on the hill opposite to the dwelling house wherein we both resided together, and I still do reside, on my plantation or farm named Lethe, as the last mark and testimony of my friendship and sense

which I ever have retained of her merit; and it is further my will, that as soon as it can conveniently be done after my decease, a substantial brick wall shall be build 'round our sepulchers, not less than 10 feet square in the clear, eight feet above ground, and two bricks thick; with a substantial door and lock, and that the whole of it, shall forever be kept up and in good order, and the area within clear of bushes and weeds; that the following inscription in large iron capitals shall forever be kept incased in the door, 'Rebecca Woodin obiet 4th Oct. ris 1788-Joes de la Howe *fundator Seminarie Agriculturalis*,' with the date of my decease.

"I give and devise all my real and personal estate of whatsoever nature it may be, so in possession as in right (excepting what is hereafter by this my last will otherwise disposed of), to the president and Agricultural Society of this state of South Carolina, now or lately holding their usual meetings in the city of Charleston, and to such of their members as the said society pro tempore shall name and appoint to take the execution and trust contained in this my last will and testament upon them, and to their successors in said appointment forever. That is to say, in trust for the following intent, uses, and purposes, and for no *other use*, intent, or purpose, whatsoever, viz.: For causing and procuring, to be erected, established, organized, and forever kept up on that part of the plantation where I now reside or any other part between the springs and mouth of the branch which runs through the yard, and Little river, as Agricultural or Farm School, *in conformity as near as can be (mutatis mutandis) as occasional circumstances may render advisable*, and the wisdom of the society shall suggest, to a plan proposed in the Columbian Magazine for the month of April, one thousand seven hundred and eighty-seven; with this difference-*that this farm school is principally by me intended* for by the yearly income of the estate by me devised and bequeathed by this my last will, forever both educating in conformity to the said plan, and also lodging, feeding and uniformly clothing twelf poor boys and twelf poor girls, whose parents, or who themselves have resided in Abbeville county aforesaid, not less than six years, and actually continue to reside within the compas or extent of said county; but that orphan children (*cateris parebus*) shall have the preference. And it is my will that they shall manufacture such of their clothing themselves, as can be made out of the produce of the farm, and that the trustees shall be pleased to procure out of the ready money which I shall leave at my decease, such implements for facilitating labour, as may not only answer that purpose *but contribute at the same time to the facilitating the labour of the neighbors and making them more industrious*; provided that not above one hundred pounds sterling be employ'd in the purchase of said implements. And I do wish and recommend, the use of beach leaves gathered before the frost, and dried in the shade for bedding, as the leaves of the beach tree, cured as mentioned, make a comfortable, and by far more healthy bedding than feathers, as they will remain good for four or five years, and may be easily renewed, and as being introduced *132 amongst the poorer class of citizens (whose bedding is now a blanket) they may thereby enjoy one that is comfortable and healthy.

"And it is my will that such part of my personal estate as the trustees shall not think immediately necessary or particularly useful for carrying on the farm and farm school, shall be by them sold in such manner and such terms as they may think the most advantageous; but that in particular my surveying compass, chain, and instrument case, shall be reserved for the *use of the farm school*, as likewise such books as in their judgment may be useful to the master, and particularly, Shaw's Chemistry, so that he thereby may be enabled to comply with the next following article, if unacquainted with the principles, viz.: That it shall be the duty of the master, that besides having the boys instructed in reading, writing, arithmetic, principles of geography, and of geometry so far as to render them versed in practical surveying, and the girls in reading, writing and four common rules of arithmetic, he will and shall instruct both boys and girls (so as occasion offers), in such chemical principles, as the success of their different operations depends upon, as malting, brewing, distilling, baking, fixing different colours, making vinegar, soap, cheese, butter, etc., etc.

"*And it is my will that such children as reside conveniently in the neighborhood for attending the school, may be allowed to be instructed as the children of the farm school*, those of parents not able to pay the schooling, *gratis*, and those who can afford it, at such rate as they and the master can agree upon, but to such number only as the trustees shall judge that the master can conveniently instruct, provided that all children admitted into the said farm school shall be obliged to conform to such rules and regulations, as the trustees or master shall from time to time reasonably make for the government thereof.

“And it is further my will, that in the choice of a master for the said farm school, skill, industry, and morals shall be the only qualifications attended to, and that in the admittance of poor children, no manner of regard shall be paid to what religion or sect they or their parents possess; and that it shall be a particular charge to the master, to teach and instruct them only, in the general, plain, and practical parts of religion and morality, without meddling with speculative and controverted points, or with such as constitute the particular character of any sect.

“In case that it should appear to the society that the yearly income of the estate by this my last will given and devised, should not be sufficient to carry immediately my above disposition into full effect (which however is not expected), I in that case request them to make such beginning as the yearly income may bear the expenses of, in such manner that the stock on the farm, as horses, mares in particular, horn cattle & sheep may be kept up for the use of the farm, but as I shall leave a considerable sum in ready money, I recommend that such suitable but simple buildings in the way of my present overseer's house may be immediately erected to answer the plan to the whole extent, but that all the outward timber may be of chestnut.

“It is also my will that my tract of land, part of which I do now keep inclosed and reside on, made up of twenty-one original tracts, and by a late resurvey containing two thousand six hundred and thirty acres, shall be forever so far indivisible as that five hundred acres shall be laid out for the farm, including what is under fence, and that one thousand acres shall forever remain in wood or forest, in order to supply the farm with convenient range and with fuel and timber, and in process of time contribute to the support of the institution, but that the surplus land over and above the five hundred, and one thousand acres before specified, may be by the trustees to farm let in such tracts as they shall think to the best advantage, provided that no tracts of land by this my last will devised shall ever be let on a more extensive lease than that of fourteen years, and that every such lease shall contain a condition that the lessee shall not cut or wilfully suffer to be cut any timber or wood from the said thousand acres reserved for the use of the farm school, unless by and with the express permission of the trustees.

“And it is my will, that in case the Agricultural Society of South Carolina, should against my expectation (the plan being relative to the institution of the society) should decline or neglect appointing trustees for taking upon themselves the execution of this my last will and testament or the trust contained in the same, or that the said society should at any time be dissolved or annihilated, that then and in each of these cases, the execution of this my last will or the trust contained in it, shall devolve upon such trustees as the Hon. Legislature of this state shall please to name and appoint; *and as the aim of this my last will and testament is, to raise useful citizens*, I do hereby humbly request the Honorable Legislature that in the above case they may be pleased to incorporate such trustees as they shall think proper to appoint, under such clauses and regulations as in their great wisdom shall seem meet; and for the same reason of intending to raise useful citizens to the state many whereof would without such an institution be a nuisance. I begg the Honorable Legislature graciously pleased to keep the *Institution under their fatherly protection*.

“It is further my will, that wherever the yearly income of the estate by me bequeathed *133 and devised, shall be adequate to it, such children as shall have completed their education at the farm school provided they have not resided there a less time than five years, and behaved to the satisfaction of the trustees during their residence, shall receive such gratification in cattle from the trustees, as in their judgment they shall think expedient.

“I give and devise to the heirs of the Rev'd Mr. Samuel Frederick Lucius, in his lifetime, V. D. M., the immediately hereafter to be mentioned three contiguous tracts of land, viz.: One tract of one hundred and fifty acres, one Do. of one hundred acres adjoining the first and one tract of fifty acres adjoining the two former, making together a valuable plantation of three hundred acres, more or less, situate on Savannah river and Swift creek in Edgefield county, below the mouth of Little river, in compensation of such ballance of a conditional bond, by me given to the said Mr. Lucius, as the heirs think unpaid (no matter whether any is due by me or not) as the executrix and heirs have hitherto been unwilling or unable to produce the said bond, tho' repeatedly by me required and solicited to it in order to verify the different receipts of the said Mr. Sam'l Fred'k Lucius for large sums on the back of the said bond by which, and such

other vouchers as are in my possession, I believe that the este. rather would be found in my debt; Provided nevertheless that the said executrix (now Mrs. Susanna Gibson of the Gongarees), and the said heirs, shall and do within one year immediately succeeding the date of my decease, manifest, declare, and make it known to the president and Agricultural Society of South Carolina, that they do accept of the said three tracts of land, or plantation of three hundred acres, more or less, in full compensation of what ballance may possibly be due by me on the said conditional bond; but it is my will that in case the above mentioned heirs, shall not manifest, declare, and make known as aforesaid, that they accept of the said plantation on the conditions above specified, that then the said three tracts of land, shall make part of the map, and remain annex'd to the bulk of the estate by me given and devised, and that in that case, on the said heirs or executrix verifying any ballance to be due by me, my said executors or trustees shall please discharge the same. It is my will that immediately after my decease, my old negro man Bacchus shall be free and manimitted, as I have considered him to be many years ago, and as that notwithstanding, his voluntary services have been performed with equal honesty and fidelity, it is my will, that all my common wearing apparel by me given to him, and during the small remainder of his life, he be maintained out of the income of my estate, both in sickness and health, with every possible ease and comfort, as his meritorious services deserve every comfort in my power to procure him. I therefore particularly recommend this to my executors and trustees.

“To my worthy and much respected friends Dr. Edward Jenkins, V. D. M., and his lady, James Linah and his lady, and Capt. Edward Linah, son of the said James, and to his lady, and to each of them, I give one mourning ring of the value of one guinea, which I wish them to accept as a testimony that I have only lost the grateful sense of their friendship with my breath; knowing that in their circumstances, any thing valuable would be beneath their acceptance. To Miss Anne Cook my present housekeeper, I leave ten pounds sterling in compensation for her services.

“I do name, request, make and appoint the honorable president, and South Carolina Agricultural Society, and such of their members as they shall please *pro tempore* to name and appoint to take the execution and trust of this my last will and testament upon them, and their successors in said appointment forever, executors and trustees to this my last will and testament; and I do request Peter Gibert, Esq., of Mill Creek, in said county of Abbeville, to take the execution of it to himself untill such of the members as the Agricultural Society shall please to name and appoint do take the same upon themselves-and I do by this revoke and annul all former testaments which I may have made at any time previous to this seventh September, in the year of our Lord one thousand seven hundred and ninety-six. Whatever ready money I shall leave at my decease (in case it pleases God it should be shortly) is known to my above named executor Peter Gibert, Esq.

“John de la Howe [L. S.]

“Sig'd, seal'd, declared and published by the said John de la Howe, the testator, as his last will and testament, in the presence of P. Gibert, I. Eymerie Mark, Anna Cook.

“I now do hereby declare and republish my above will and in order of having the said will and testament more properly executed, I do name and join and appoint Mr. William Hutton, of Abbeville county, planter, as a joint executor with Peter Gibert, Esqr.

“John de la Howe.

“January 2d, 1797.”

Attorneys and Law Firms

J. Moore Mars and J. Howard Moore, both of Abbeville, for appellants. Greene & Hill, of Abbeville, for respondent.

Opinion

WOODS, J.

This appeal is from an order of the circuit court sustaining a demurrer to the answer and granting the relief demanded in the complaint.

There is no dispute as to the facts which appear from the pleadings. Dr. John de la Howe died in Abbeville county some time before the year 1800 leaving a will dated January 2, 1797, which was duly admitted to *134 probate. He devised nearly all of his property to trustees to be used in founding and maintaining an agricultural and mechanical school on his land in Abbeville county, in which 12 poor boys and 12 poor girls were to be supported and taught, and in which the children living in the neighborhood who chose to attend were also to be instructed. The will contemplated that the trustee should be appointed by the Agricultural Society of South Carolina, and, in case the society should decline to make the appointment, that then the trustees should be designated by the Legislature. On that point the provision was made: "And as the aim of this my last will and testament is, to raise useful citizens, I do hereby humbly request the Honorable Legislature that in the above case they may be pleased to incorporate such trustees as they shall think proper to appoint, under such clauses and regulations as in their great wisdom shall seem meet; and for the same reason of intending to raise useful citizens to the state many whereof would without such an institution be a nuisance. I begg the Honorable Legislature graciously pleased to keep the institution under their fatherly protection." The Agricultural Society having failed to exercise the power of appointment, the Legislature of the state designated the trustees, and E. A. Mars, J. B. Hollaway, Albert Gibert, John U. Wardlaw, and W. B. Ulrich now constitute the board holding under legislative authority. The school has been conducted up to the present time on the testator's land in accordance with the direction of the will. In 1912 the trustees represented to the General Assembly that the public schools were supplying the same school facilities as were furnished by the De la Howe School, and that for this reason it had come to pass that the benevolent purpose of the testator could not be carried out if they adhered strictly to the scheme of the will, and that the general purpose of making good citizens of 24 poor children could be better conserved by using the funds for the foundation of scholarships in Clemson College for the boys and in Winthrop College for the girls. Accepting this view, the General Assembly passed a concurrent resolution authorizing the trustees to institute legal proceedings "for the purpose of determining whether or not the said trustees can be authorized by the General Assembly to establish and maintain from the revenue of said estate such number of scholarships for boys and girls in Clemson Agricultural College and Winthrop Normal and Industrial College as the said trustees may deem proper and the revenue of the said estate justify." By the resolution the trustees were authorized to make the contemplated change and establish the scholarships, if the court should decide that the trust fund could be used for that purpose. Thereafter the trustees by resolution determined to make the change, and this action was brought by E. A. Mars and J. B. Hollaway in their own right as citizens of Abbeville county, and as trustees under the will, to enjoin the board from carrying out its purpose; the contention of the plaintiffs being that under the laws of this state the change proposed "will amount to the violation of the trusts, imposed by the said will, and the result will be that the said estate will be escheated to the state of South Carolina, and that it will revert to the heirs of the testator, to the great and irreparable damage of the plaintiff's and all other citizens of Abbeville county."

[1] The position taken in support of the proposed change from the support of a local industrial school to the endowment of scholarships in state colleges is that, when the trustees of any charity fund find that it cannot be advantageously administered for the purpose set out in the instrument under which they act, they may apply the funds to some other charitable purpose different from the original purpose, but cognate to it. This is know as the cy pres doctrine recognized in England and many other common-law jurisdictions. The circuit judge based his decree on this doctrine, holding that it should be applied and the proposed change sanctioned. In this state, however, the doctrine has been repudiated in more than one case. In [Attorney General v. Jolly, 2 Strob. Eq. 395](#), the court says on the subject of cy pres: "That is a doctrine which this court will be very reluctant to adopt without a strong necessity, and very mature reflection. It has never to our knowledge been adopted or recognized in our courts, and we are persuaded that it ought not to be adopted." The

holding is to the same effect in *Pringle v. Dorsey*, 3 Rich. (3 S. C.) 509. The only particular in which the trust of the will and the trust proposed by the trustees and the General Assembly coincide is that both contemplate the development into good citizens of 12 poor boys and an equal number of poor girls of Abbeville county by industrial training. In all other particulars the trust proposed will be essentially different from the trust of the will. It is obvious from the will, especially the portions we have italicized, that the testator had three main purposes in view: 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 24 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. All of these objects would be defeated by the change. There would be no local institution, and only boys and girls fit for college would receive the benefit. It follows that, under the laws of this state, the court is obliged to refuse to sanction the proposed change of the trust fund.

*135 [2] It does not result, however, that the details of the plan laid down in the will must be followed to the letter. The main purpose being kept in view, considerable flexibility will always be allowed in the details of the execution of a trust, so as to adapt it to the changed conditions. *Mfg. Co. v. City of Zanesville*, 20 Ohio, 483; *Hesketh v. Murphy*, 36 N. J. Eq. 309; 6 Cyc. 903; *Hadley v. Forsee*, 14 L. R. A. (N. S.) 144, note; *Perry on Trusts*, par. 687, 6 Cyc. 959. As we have seen, it is perfectly obvious that the main purpose of this trust is the maintenance of a school in the neighborhood where the testator lived for the benefit primarily of 24 poor boys and girls without charge, and generally of the boys and girls of the entire community, with incidental benefits to all the people of the community. When the trust was created, the state made little provision for the teaching of poor boys and girls, while now nearly all the schools are free, and there is little difference between the school facilities of the rich and the poor. But the main branches, namely, agriculture and mechanic arts, which the testator proposed to have taught to the children of the neighborhood, are still little taught in the public schools. It is now generally recognized that the teaching of these branches is not only practicable and advisable, but absolutely essential to the progress of every community. It may not be practicable to conduct such a school at the precise place in the community designated by the will—that is not essential to the main purpose of the trust. It may not be possible to make such a school successful, except when conducted in conjunction with the public school of the neighborhood, but that is no objection. It is true that the trustees of the De la Howe School could not surrender their trust to the control of the public school trustees, but they could elect the superintendent and teachers of the public school head master and teachers of the De la Howe Agricultural and Mechanical School, and the two institutions could be thus conducted in conjunction to the benefit of the community. This would not defeat, but accomplish, the purpose of the benevolent testator, and it would carry out the scheme laid down by him for the accomplishment of his purpose with only such variation in detail as changed conditions have made necessary. Any plan of administration like this, keeping in view and carrying out the main purpose of the trust, would be within the discretion of the trustees.

We are unable to conclude that the plan of the testator has failed, or that the proposed change can be sanctioned under our law.

Reversed.

GARY, C. J., and HYDRICK, WATTS, and FRASER, JJ., concur.

All Citations

93 S.C. 455, 77 S.E. 131

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APPENDIX B. RECOMMENDED STATUTORY CHANGES

CHAPTER 49 John De La Howe School

SECTION 59-49-10. Establishment of John De La Howe School.

There is hereby established under the provisions of this chapter an institution to be known as the John De La Howe School.

HISTORY: 1962 Code Section 22-501; 1952 Code Section 22-501; 1942 Code Section 5480; 1932 Code Section 5676; Civ. C. '22 Section 2757; 1918 (30) 803; 1937 (40) 216.

CROSS REFERENCES

Exemption of certain agencies, homes and institutions from provisions governing child welfare agencies, see Section 63-11-20.

SECTION 59-49-20. Trustees of School; appointment; term; vacancies.

The business, property, and affairs of the school must be under the control of a board of trustees, consisting of nine members, appointed by the Governor, subject to confirmation by the Senate. The terms of the members of the board must be for terms of five years. Appointments to fill vacancies must be for the remainder of the terms in the same manner of original appointments. Members of the board must attend, in person, at least half of the regularly scheduled John de la Howe board meetings per year.

HISTORY: 1962 Code Section 22-502; 1952 Code Section 22-502; 1942 Code Section 5482; 1932 Code Section 5678; Civ. C. '22 Section 2759; 1918 (30) 803; 1920 (31) 723; 1937 (40) 216; 1985 Act No. 35, Section 1.

SECTION 59-49-30. Removal of trustees; failure to attend meetings as resignation.

The members of the board may at any time be removed by the Governor for good cause. The failure of any member of the board to attend ~~at least one meeting~~ half of the regularly scheduled board of trustees meetings thereof in any year, unless excused by formal vote of the board, may be construed by the Governor as the resignation of such nonattending member.

HISTORY: 1962 Code Section 22-503; 1952 Code Section 22-503; 1942 Code Section 5482; 1932 Code Section 5678; Civ. C. '22 Section 2759; 1918 (30) 803; 1920 (31) 723; 1937 (40) 216.

SECTION 59-49-40. Meetings of trustees.

The said board shall meet quarterly and oftener as may be required, at least one meeting each year being held at the school.

HISTORY: 1962 Code Section 22-504; 1952 Code Section 22-504; 1942 Code Section 5482; 1932 Code Section 5678; Civ. C. '22 Section 2759; 1918 (30) 803; 1920 (31) 723; 1937 (40) 216.

SECTION 59-49-60. Compensation of trustees.

All members of the board shall receive per diem and mileage as provided by law for members of state boards, committees, and commissions.

HISTORY: 1962 Code Section 22-506; 1952 Code Section 22-506; 1942 Code Section 5482; 1932 Code Section 5678; Civ. C. '22 Section 2759; 1918 (30) 803; 1920 (31) 723; 1937 (40) 216; 1985 Act No. 35, Section 3.

SECTION 59-49-70. School declared a body corporate; powers.

The John De La Howe School is hereby declared to be a body corporate and, as such, may sue and be sued and plead and be impleaded in its corporate name, may have and use a proper seal, which it may alter at its pleasure and may acquire by purchase, deed, devise, lease for a term of years, bequest or otherwise such property, real and personal, in fee simple without limitations as may be necessary or proper for carrying out the purposes of its organization as herein declared.

HISTORY: 1962 Code Section 22-507; 1952 Code Section 22-507; 1942 Code Section 5481; 1932 Code Section 5677; Civ. C. '22 Section 2758; 1918 (30) 803; 1937 (40) 216.

SECTION 59-49-80. Superintendent; employees.

The board shall elect a superintendent for said school at such salary and for such term as it may fix. The superintendent shall employ and discharge all employees of the school, subject to the approval of the board.

HISTORY: 1962 Code Section 22-508; 1952 Code Section 22-508; 1942 Code Section 5483; 1932 Code Section 5679; Civ. C. '22 Section 2760; 1918 (30) 803; 1937 (40) 216.

SECTION 59-49-90. Oath of trustees; oath and bond of superintendent.

All of the members of the board and the ~~superintendent~~ president 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 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.~~

SECTION 59-49-100. 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 S.C. 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.

HISTORY: 1962 Code Section 22-510; 1952 Code Section 22-510; 1942 Code Section 5485; 1932 Code Section 5681; Civ. C. '22 Section 2762; 1918 (30) 803; 1937 (40) 216; 1985 Act No. 35, Section 4.

SECTION 59-49-110. Improved forestry and farm practices.

The trustees of the John De La Howe School may carry out improved forestry and farm practices on the timber holdings and farmland of the school property and apply the revenues derived from them and any other revenue source on the property for the further improvement and development of the school forest and farmlands and for other school purposes.

HISTORY: 1962 Code Section 22-510.1; 1953 (48) 439; 1985 Act No. 35, Section 5.

SECTION 59-49-120. Funds of estate of Dr. John De La Howe.

All of the money in the hands of trustees of the estate of Dr. John De La Howe shall by them be delivered to the board of trustees created by this chapter when so requested to do by the board of trustees. All amounts received from said estate and its operation shall be appropriated for the support and development of the school, in the discretion of the board of trustees.

HISTORY: 1962 Code Section 22-511; 1952 Code Section 22-511; 1942 Code Section 5487; 1932 Code Section 5683; Civ. C. '22 Section 2764; 1918 (30) 803.

SECTION 59-49-130. Use of moneys received for property of School.

The John De La Howe School may use all moneys received by it through condemnation or otherwise for land and other properties of the school used in connection with the development of what is known as the Clark's Hill Project or for the development of any other similar project in the construction, erection and building of permanent improvements of and for the school and for the equipping of such improvements.

HISTORY: 1962 Code Section 22-512; 1952 Code Section 22-512; 1950 (46) 1878.

SECTION 59-49-140. Rules and regulations.

In accordance with the purposes of the school as herein defined the board of trustees shall make such rules and regulations for its own government and for the management of the school as it may deem necessary, consistent with the laws of this State and with the terms of the will of Dr. John De La Howe.

HISTORY: 1962 Code Section 22-513; 1952 Code Section 22-513; 1942 Code Section 5486; 1932 Code Section 5682; Civ. C. '22 Section 2763; 1918 (30) 803; 1937 (40) 216; 1939 (41) 107.

SECTION 59-49-150. Expenses of students.

Pupils 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.

HISTORY: 1962 Code Section 22-514; 1952 Code Section 22-514; 1942 Code Section 5486; 1932 Code Section 5682; Civ. C. '22 Section 2763; 1918 (30) 803; 1937 (40) 216; 1939 (41) 107; 1985 Act No. 35, Section 6.

APPENDIX C. MARKETING PLAN



Marketing Plan

Prepared for:

The John de la Howe Board of Trustees

Prepared by:

The Office of Public Relations and Marketing (JDLH)

February 16, 2018

I. Executive Summary

The marketing plan designed for the historic John de la Howe School will target and achieve the stated strategies, goals and objectives devised in the initial stages of research and development. These goals and objectives were defined as (1) reaching students and parents interested in agricultural education/raising awareness about the school, (2) utilizing a consistent brand image, (3) crafting positive perceptions regarding the agency, (4) forging partnerships with industry leading organizations, (5) implementing special activities or events that will allow the public to learn more about the enduring legacy of the John de la Howe School and (6) utilizing existing acreage, facilities, and farming operations to attract visitors to the campus. With careful consideration to the timeframe involved, estimations of achieving the primary goals and objectives of the agency can at minimum be reached soon after the implementation of recommended tactics.

II. Situation Analysis

Through researching what was readily available, we were able to determine the goals and objectives as well as the benefits of JDLH. Conducting a traditional SWOT (Strengths, Weaknesses, Opportunities, & Threats) analysis, we found that John de la Howe has credibility in agricultural education. The staff is thoroughly involved in the communities they serve, and they are passionate about their work. They are regionally concerned and have the capability to influence people beyond their current scope.

Traditional SWOT Analysis

<p>Strengths</p> <ul style="list-style-type: none"> - The Historic Mission of JDLH - Credibility in Ag. Education - Current Farm & Forestry Operations - Acreage & Current Facilities - Provides Educational Opportunity - Wilderness Program 	<p>Weaknesses</p> <ul style="list-style-type: none"> - Defined Mission - Statewide Support - Brand Image - Previous Public Relations and Marketing efforts were limited in scope
<p>Opportunities</p> <ul style="list-style-type: none"> - New Mission as magnet school for Ag. And/or Educational Center - Effective Communications - Cause-Related Marketing - Cultivation of Influential Partnerships - Updated Website/Social Media - Facility Rentals, Corporate Retreats, Public Horse Trails, “Pick Your Own” Produce. 	<p>Threats</p> <ul style="list-style-type: none"> - Decreased State Funding - Facility Neglect - Negative Press - Lack of Public Awareness w/ regards to JDLH’s Mission and Attributes

III. Marketing Goal

The marketing goal is to raise awareness of JDLH among students interested in agriculture, the public as a whole and the media. Strategic planning will lead to the development of a campaign, in which a newly defined mission of the John de la Howe School will permeate throughout South Carolina. This will include any new operations and defined missions recommended in the Feasibility Study submitted December 1, 2017, and set forth by the South Carolina General Assembly.

IV. Marketing Objectives

Objective 1: To raise awareness of the mission of JDLH and the agency with potential students and their families

Objective 2: To develop a consistent image to which the public can relate

Objective 3: To create more public involvement through crafting positive perceptions

Objective 4: To develop partnerships with industry-leading organizations in agriculture and educational institutions

Objective 5: To implement special activities or events that will allow the public to learn more about the enduring legacy of the John de la Howe School

Objective 6: To utilize existing acreage, facilities, and farming operations to John de la Howe as a visitor-friendly entity.

V. Target Audience

Primary Audiences

- **Potential students**
- **Family members of potential students**
- **School districts**
- **Tourists to the area & state**
- **Paying guests**
- **Agricultural organizations**
- **JDLH boards (Trustees, Foundation & Alumni)**

Secondary Audiences

- **Donors and donor groups**
- **Members of the media**
- **Agricultural industry professionals**
- **Community leaders**
- **Business leaders**

VI. Strategies and Tactics

The individual teams created strategic plans to target the stated audiences while achieving the organization’s goals and objectives.

Public/Media Relations – Promoting JDLH

Purpose

- **To inform the public and media of pertinent events by sending out press releases promoting JDLH and its approved operations, as well as a potential Magnet School for Agriculture (MSA) and Educational Center.**

Target

- ***Primary Audiences***
- ***Secondary Audiences***

Tactics

- **Press releases**
- **Articles in publications**
- **Student Success Stories**
- **Public Service Announcements**
- **Letters to the Editor**
- **Press Conferences, Interviews with Reporters, & Media Tours**
- **Radio, Television, or Press Interviews**
- **Social Media Outlets**
- **Seminars or Speaking Engagements**
- **On-site Events**

Publication – JDLH’s Trade Marking

Purpose

- **Keeping the look of JDLH at a consistent and organized pace for foreseeable future. The plan suggests that JDLH use its logo in a consistent way as well as all the colors, typography and graphics in order to give them a “trademark” look. Currently, our materials lack a consistent presentation, in comparison to the Governor’s Schools, which target high school students.**

Target

- *Primary Audiences*
- *Secondary Audiences*

Tactics

- **Brochures**
 - Improve existing materials so that the information about JDLH is current and gives helpful information to the public.**
- **Newsletters**
 - Improve the design of any existing newsletter and re-tailor it for a specific audience.**
- **Special Events Flyers**
 - Create awareness for future events that are being held by JDLH. This will ensure uniformity and create interest.**
- **Branding Manual**
 - Explain how to use the logo in a specific and orderly fashion. This will alleviate any confusion with the brand image with all persons associated with JDLH.**

Cyber/Interactive

Purpose

- **The focus of JDLH's website is to increase awareness of the agency, its advantages and what it can do to facilitate educational pursuits. The website should contain a nice appearance that is appealing to a researcher or interested student, along with clear, concise information throughout the specific categories listed on the website. The communications office will suggest ideas that will enhance the website. The potential ideas will benefit both current students and potential students, as well as an average person who is curious about JDLH and its mission.**

Target

- *Primary Audiences*
- *Secondary Audiences*

Tactics

- **Increase awareness of JDLH School and what it offers.**
- **Continuously update the website with current newsletters or information and upcoming events.**
- **Grow social media web pages: asking questions, getting involved with alumni and/or potential students and supporters.**
- **Add additional keywords so the website will be easier to find in search results.**

Support Revenue-Generating Operations– Promote JDLH’s existing and future operations that generate revenue

Purpose

- To promote current and future missions and operations at JDLH that generate revenue. This includes, but is not limited to, rental of the campus’ extensive facilities; promotion of educational opportunities that exist with the farm and greenhouse operations, equine programs for the public and events such as band and JROTC contests; livestock shows; produce sales and more.

Target

- *Primary Audiences*
- *Secondary Audiences*

Tactics

- Press releases
- Articles in publications
- Public Service Announcements
- Television Commercials
- Brochures, Flyers and Other Printed Materials
- Social Media Outlets
- Billboards
- Radio, Television, or Press Interviews
- Seminars or Speaking Engagements
- On-site Special Events
- Collaboration with S.C. Tourism Organizations

Work with Executive Staff to Develop Collaborations – Explore new opportunities to bring visitors to JDLH

Purpose

- To assist the Executive Staff in developing collaborations with individuals, students at primary and secondary educational institutions and community groups. This is vital if the Magnet School for Agriculture and Education Center are approved. Such approval will widen the outreach opportunities for JDLH and increase the potential to generate revenue for the campus. In addition to visitors from South Carolina, JDLH also can serve people from Northeast Georgia and Western North Carolina.

Target

- *Primary Audiences*
- *Secondary Audiences*

Tactics

- **Press releases**
- **Articles in publications**
- **Public Service Announcements**
- **Television Commercials**
- **Brochures, Flyers and Other Printed Materials**
- **Social Media Outlets**
- **Billboards**
- **Radio, Television, or Press Interviews**
- **Seminars or Speaking Engagements**
- **On-site Special Events**
- **Collaboration with Tourism Organizations in South Carolina, Georgia and North Carolina**
- **Collaboration with Targeted Groups (agriculture, education, history, landscape/horticulture, arts, crafts)**

VII. Measurement/Evaluation

- **Analyze the amount of clippings and media coverage, and determine a monetary figure based on placements.**
- **Conduct surveys asking potential students and their families how they heard about JDLH.**
- **Gather statistics and keep track of all published articles, press releases sent to media, and what was received from publications and media.**
- **Follow up with a readership survey of future newsletters.**
- **Monitor revenue generated through the marketing of facility rentals, hosted events, farming operations and tourism.**
- **Evaluation of partnerships formed with outside entities.**

ENDNOTES

¹ Visual Summary Figure 1 is compiled from information in the John de la Howe School study materials available online under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and then under “John de la Howe School” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/JohndelaHoweSchool.php> (accessed April 19, 2018). Dr. James Franklin, John de la Howe School interim superintendent communication to House Oversight Committee Auditor/Research Analyst Carmen J.M. Simon, April 25, 2018.

² S.C. Code of Laws § 2-2-20(C).

³ S.C. House of Representatives, House Legislative Oversight Committee, “Program Evaluation Report (March 31, 2017),” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Oversight Reports and Studies,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Program%20Evaluation%20Report%20with%20attachments.pdf> (accessed April 19, 2018). Hereinafter, “Program Evaluation Report (March 31, 2017).”

For additional information about the John de la Howe School’s more than two centuries of history, see The Bicentennial History Committee of the John de la Howe School, eds., *Still Caring, Still Dreaming: The First Two Hundred Years at John de la Howe School* (1996). Hereinafter, “Still Caring, Still Dreaming.”

⁴ In classical mythology, Lethe is a river in Hades whose water caused forgetfulness of the past in those who drank of it.

⁵ *Mars et al. v. Gibert et al.*, 93 S.C. 455 (S.C. 1913). Hereinafter, “Mars court case.”

⁶ Ibid.

⁷ Still Caring, Still Dreaming, p. 184.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid., p 187.

¹² Updated PER Spreadsheets (October 2, 2017).

¹³ Mars court case.

¹⁴ Ibid.

¹⁵ S.C. House of Representatives, House Legislative Oversight Committee, “2016-17 Agency Accountability Report,” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Oversight Reports and Studies.” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/2016-17%20Accountability%20Report%20\(pdf\).PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/2016-17%20Accountability%20Report%20(pdf).PDF) (accessed April 19, 2018). Hereinafter, “2016-17 Agency Accountability Report.”

¹⁶ Ibid.

¹⁷ 2016-17 Agency Accountability Report.

¹⁸ S.C. House of Representatives, House Legislative Oversight Committee, “Letter from the John de la Howe School to Subcommittee Chair Smith (November 6, 2017),” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Correspondence,”

https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Agency%20Response%2010_20%20letter.pdf (accessed April 19, 2018). Hereinafter, “Letter from the John de la Howe School to Subcommittee Chair Smith (November 6, 2017).”

¹⁹ Wil Lou Gray Opportunity School, <http://www.willougray.org/> (accessed April 20, 2018). S.C. Youth Challenge Academy,

<https://scyouthchallenge.com/> (accessed April 20, 2018). Jobs Corps, <https://www.jobcorps.gov/> (accessed April 20, 2018).

²⁰ S.C. House of Representatives, House Legislative Oversight Committee, “Updated PER Spreadsheets (October 2, 2017),” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Oversight Reports and Studies.”

https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/JDLH%20Updated%20PER%2010_2.pdf (accessed April 19, 2018). Hereinafter, “Updated PER Spreadsheets (October 2, 2017).”

²¹ Ibid.

²² S.C. Code of Laws § 59-49-40.

²³ Senior management staff includes the agency director (superintendent), business and finance director, human resources director, director of student and family services, and public relations and marketing coordinator.

²⁴ S.C. Secretary of State, “John de la Howe School Board of Trustees,” http://search.scsos.com/boards_commissions/default.aspx (accessed April 20, 2018).

²⁵ Program Evaluation Report, Updated PER Spreadsheets (October 2, 2017).

²⁶ S.C. House of Representatives, House Legislative Oversight Committee, “Organization Chart (September 25, 2017),” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Structure/Employees.”

https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Organization%20Chart%209_25_17.pdf (accessed April 19, 2018).

²⁷ Table 8 information is compiled from a review of documents provided during and after an interview of Les Boles, Director of Budget Development at the South Carolina Revenue and Fiscal Affairs Office. Les Boles, interviewed by Charles Appleby, legal counsel for House Legislative Oversight Committee, June 2015 and February, 2016.

²⁸ Letter from the John de la Howe School to Subcommittee Chair Smith (November 6, 2017).

²⁹ S.C. Office of the Comptroller General, “Annual Summary Spending,”

<https://applications.sc.gov/SpendingTransparency/AnnualExpenditureSearch.aspx> (accessed April 19, 2018).

³⁰ S.C. House of Representatives, House Legislative Oversight Committee, “2015-16 Agency Accountability Report,” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Oversight Reports and Studies.” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (accessed April 19, 2018). Hereinafter, “2015-16 Agency Accountability Report.”

³¹ State HR S.C. House of Representatives, House Legislative Oversight Committee, “State HR Dashboard - John de la Howe School (September 6, 2017),” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Structure/Employees.”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/State%20HR%20Dashbo ard%20-%20John%20De%20La%20Howe%20School%20\(September%206,%202017\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/State%20HR%20Dashbo ard%20-%20John%20De%20La%20Howe%20School%20(September%206,%202017).pdf)

³² Ibid.

³³ 2016-2017 Annual Restructuring Report.

³⁴ S.C. Code of Laws, §2-2-10(1).

³⁵ S.C. House of Representatives, House Legislative Oversight Committee, “January 10, 2017 - Meeting Minutes,” under “Committee Postings and Reports,” under “Legislative Oversight,” under “John de la Howe School,” and under “Meetings,”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/January102017.pdf>. A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php> (accessed April 19, 2018).

³⁶ S.C. House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Committee to the John de la Howe School (January 17, 2017),” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Correspondence.”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/John%20de%20la%20Ho we%20School%20-%20Notification%20Letter%20to%20Agency%201.17.17.pdf> (accessed April 19, 2018).

³⁷ S.C. House of representatives, House Legislative Oversight Committee, “Subcommittees -2018,” under “Committee Information,” under “Legislative Oversight,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee%20-%202018%20\(4.3.18\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee%20-%202018%20(4.3.18).pdf) (accessed April 19, 2018).

³⁸ S.C. House of representatives, House Legislative Oversight Committee, “Subcommittees – 2017,” under “Citizens’ Interest,” under “Agency Oversight by House Legislative Oversight Committee,” and under “Committee Information”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittees%20-%202017%20\(current%20as%20of%20November%208,%202017\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittees%20-%202017%20(current%20as%20of%20November%208,%202017).pdf) (accessed March 16, 2018).

³⁹ S.C. House of representatives, House Legislative Oversight Committee, “Subcommittees -2018,” under “Committee Information,” under “Legislative Oversight,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee%20-%202018%20\(4.3.18\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee%20-%202018%20(4.3.18).pdf) (accessed April 19, 2018).

⁴⁰ 2015-16 Agency Accountability Report.

⁴¹ Ibid.

⁴² S.C. Code of Laws §1-30-10.

⁴³ S.C. House of Representatives, House Legislative Oversight Committee, “2016 Annual Restructuring Report,” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Oversight Reports and Studies.”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20ARR%20-%20John%20de%20la%20Howe.pdf>

⁴⁴ A brochure about the House Legislative Oversight’s Committee process is available online. Also, there are ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study that can be found online:

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Brochure%20-%20Revised%201.3.18.pdf> (accessed April 19, 2018).

⁴⁵ S.C. House of Representatives, House Legislative Oversight Committee.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed April 19, 2018).

⁴⁶ S.C. House of Representatives, House Legislative Oversight Committee, “Press Release announcing Public Survey (February 9, 2017),” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Public Survey & Public Input via LOC Webpage,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Media%20Release%20-%20Public%20Survey%20Open%20\(Febuary%209,%202017\)%20\(pdf\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Media%20Release%20-%20Public%20Survey%20Open%20(Febuary%209,%202017)%20(pdf).pdf) (accessed April 19, 2018). “Press Release announcing Public Survey (February 9, 2017). Hereinafter, “Press Release announcing Public Survey (February 9, 2017).”

⁴⁷ Committee Standard Practice 10.4.

⁴⁸ S.C. House of Representatives, House Legislative Oversight Committee, “Results from the 2017 Survey of the Department of Disabilities and Special Needs; State Election Commission; Human Affairs Commission; and John de la Howe School (February 9, 2017 - March 13, 2017),” under “Committee Postings and Reports,” under “Legislative Oversight,” under “The John de la Howe School,” and under “Public Survey & Public Input via LOC Webpage,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20\(2_9%20-3_13\).PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20(2_9%20-3_13).PDF) (accessed April 19, 2018). Hereinafter, “Results from the 2017 Survey of the Department of Disabilities and Special Needs; State Election Commission; Human Affairs Commission; and John de la Howe School (February 9, 2017 - March 13, 2017).”

⁴⁹ S.C. House of Representatives, House Legislative Oversight Committee, “Submit Public Input,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed May 23, 2017).

⁵⁰ Results from the 2017 Survey of the Department of Disabilities and Special Needs; State Election Commission; Human Affairs Commission; and John de la Howe School (February 9, 2017 - March 13, 2017).

⁵¹ Ibid.

⁵² Committee Standard Practice 10.4.2 allows for the redaction of profanity.

⁵³ Also, the chair of either the Committee or Education and Cultural Subcommittee has the discretion to allow testimony during meetings.

⁵⁴ Press Release announcing Public Survey (February 9, 2017).

⁵⁵ S.C. House of Representatives, House Legislative Oversight Committee, "March 2, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "Legislative Oversight," under "John de la Howe School," and under "Meetings,"

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/March%202,%202017%20%20Minutes%20\(Public%20Input%20for%20Archives%20and%20History,%20DDSN,%20John%20de%20la%20Howe\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/March%202,%202017%20%20Minutes%20(Public%20Input%20for%20Archives%20and%20History,%20DDSN,%20John%20de%20la%20Howe).pdf) (accessed April 19, 2018).

Hereinafter, "March 2, 2017 - Meeting Minutes."

⁵⁶ S.C. House of Representatives, House Legislative Oversight Committee, "January 10, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "Legislative Oversight," under "John de la Howe School," and under "Meetings,"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/January102017.pdf>. A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php> (accessed April 19, 2018).

⁵⁷ March 2, 2017 - Meeting Minutes. Agencies in attendance: Department of Archives and History; Department of Disabilities and Special Needs; and John de la Howe School.

⁵⁸ SC General Assembly, "Proviso 7.5," under "Fiscal Year 2017-2018 - General Appropriations Bill H. 3720 of 2017 as passed by the House," under "Legislation," and then under "Budget Bills" https://www.scstatehouse.gov/sess122_2017-2018/appropriations2017/hpp1b.htm#s7 (accessed April 19, 2018).

⁵⁹ SC General Assembly, "Proviso 7.5," under "Fiscal Year 2017-2018 - General Appropriations Bill H. 3720 of 2017 as passed by the House," under "Legislation," and then under "Budget Bills" http://www.scstatehouse.gov/sess122_2017-2018/appropriations2017/tap1b.htm#s7 (accessed April 20, 2018).

⁶⁰ ⁶⁰ S.C. House of Representatives, House Legislative Oversight Committee, "October 4, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "Legislative Oversight," under "John de la Howe School," and under "Meetings,"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/October%204,%202017%20Meeting%20Minutes%20-%20JDLH.docx> (accessed April 19, 2018).

⁶¹ S.C. House of Representatives, House Legislative Oversight Committee, "November 6, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "Legislative Oversight," under "John de la Howe School," and under "Meetings,"

https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Meeting%20Minutes%2011_6%20Final.docx (accessed April 19, 2018).

⁶² S.C. House of Representatives, House Legislative Oversight Committee, "December 5, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "Legislative Oversight," under "John de la Howe School," and under "Meetings,"

https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/PatriotsPointDevelopmentAuthority/Meeting%20Minutes%2012_5%20Complete.pdf (accessed April 19, 2018).

⁶³ S.C. House of Representatives, House Legislative Oversight Committee, "February 8, 2018 - Meeting Minutes," under "Committee Postings and Reports," under "Legislative Oversight," under "John de la Howe School," and under "Meetings,"

https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/Meeting%20Minutes%202_8%20Complete.pdf (accessed April 19, 2018). Hereinafter, "February 8, 2018 - Meeting Minutes."

⁶⁴ April 5, 2018 meeting minutes; minutes will be posted after approval at the next subcommittee meeting. A video of the meeting is available on the General Assembly's website, under "Archives," then "Video Archives," <http://www.scstatehouse.gov/video/archives.php> (accessed April 20, 2018). Hereinafter, "April 5, 2018 meeting."

⁶⁵ Committee Standard Practice 14.1.

⁶⁶ Committee Standard Practice 14.2.

⁶⁷ S.C. House of Representatives, House Legislative Oversight Committee, "John de la Howe Wilderness Program Admissions Policy," under "Committee Postings and Reports," under "Legislative Oversight," under "The John de la Howe School," and under "Other Materials."

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/JdlH%20Wilderness%20Program%20Admissions%20Policy.PDF> (accessed April 19, 2018).

⁶⁸ Ibid.

⁶⁹ February 8, 2018 - Meeting Minutes. April 5, 2018 meeting.

Subcommittee Members present at the meeting include: Rep. Raye Felder; Rep. Joseph H. Jefferson, Jr., and Rep. James E. Smith, Jr.

⁷⁰ April 5, 2018 meeting.

⁷¹ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from Education and Cultural Subcommittee to the John de la Howe School (February 21, 2018)," under "Committee Postings and Reports," under "Legislative Oversight," under "The John de la Howe School," and under "Correspondence."

https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/JdlH%20Agency%20Meeting%20Preparation%20Letter%202_21_18.pdf (accessed April 19, 2018). Hereinafter, "Letter from Education and Cultural Subcommittee to the John de la Howe School (February 21, 2018)."

⁷² S.C. House of Representatives, House Legislative Oversight Committee, "Letter from John de la Howe School to Subcommittee Chair Jefferson (Received March 26, 2018)," under "Committee Postings and Reports," under "Legislative Oversight," under "The John de la Howe School," and under "Correspondence,"

https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/JohndelaHowe/JdlH%20Response%203_27_18%20Redacted.PDF (accessed April 19, 2018). Hereinafter, "Letter from John de la Howe School to Subcommittee Chair Jefferson (Received March 26, 2018)."

⁷³ Ibid.

⁷⁴ NYC Outward Bound Schools, <http://www.nycoutwardbound.org/our-schools/our-results.html> (accessed April 20, 2018).

⁷⁵ Letter from John de la Howe School to Subcommittee Chair Jefferson (Received March 26, 2018).

⁷⁶ Outdoor Behavioral Healthcare Council, <https://obhcouncil.com/>, (accessed April 20, 2018). National Association of Therapeutic Schools and Programs, <https://www.natsap.org/>, (accessed April 20, 2018). Outward Bound, <https://www.outwardbound.org/>, (accessed April 20, 2018).

⁷⁷ S.C. Code of Laws § 59-49-20.

⁷⁸ S.C. Code of Laws § 59-49-30.

⁷⁹ April 5, 2018 meeting.

⁸⁰ S.C. House of Representatives, House Legislative Oversight Committee, "JDLH 2016-2018 Board of Trustees Attendance Record," under "Committee Postings and Reports," under "Legislative Oversight," under "The John de la Howe School," and under "Other Materials."

LINK NOT POSTED (accessed April 20, 2018).

⁸¹ April 5, 2018 meeting.

S.C. Code of Laws § 59-47-10 *et seq.* (School for the Deaf and the Blind); S.C. Code of Laws § 59-48-10 *et seq.* (Special School of Science and Mathematics); S.C. Code of Laws § 59-50-10 *et seq.* (South Carolina Governor's School for the Arts and Humanities); and S.C. Code of Laws § 59-51-10 *et seq.* (The Wil Lou Gray Opportunity School). No bonding requirement appears in any of these sections.

⁸² April 5, 2018 meeting.

⁸³ Letter from Education and Cultural Subcommittee to the John de la Howe School (February 21, 2018).

⁸⁴ Letter from John de la Howe School to Subcommittee Chair Jefferson (Received March 26, 2018).

⁸⁵ Dr. James Franklin, John de la Howe School interim superintendent email communication to House Oversight Committee Auditor/Research Analyst Carmen J.M. Simon, April 20, 2018.

⁸⁶ S.C. Department of Juvenile Justice, <https://www.state.sc.us/djj/process-arbitration-popup.php>, (accessed April 20, 2018).

⁸⁷ "Status offense" is defined twice in the Children's Code. The minor, grammatical differences between the two definitions are underlined below.

- (1) § 63-1-40(6) "Status offense" means any offense which would not be a misdemeanor or felony if committed by an adult, such as, but not limited to, incorrigibility (beyond the control of parents), truancy, running away, playing or loitering in a billiard room, playing a pinball machine or gaining admission to a theater by false identification. (Applies to Title 63, SC Children's Code.)
- (2) "Status Offense," Definitions. § 63-19-20(9) "Status offense" means an offense which would not be a misdemeanor or felony if committed by an adult including, but not limited to, incorrigibility or beyond the control of parents, truancy, running away, playing or loitering in a billiard room, playing a pinball machine, or gaining admission to a theater by false identification. (Applies to Chapter 19 of Title 63, Juvenile Justice Code.)

⁸⁸ February 8, 2018 - Meeting Minutes.

⁸⁹ *Ibid.*

⁹⁰ April 5, 2018 meeting.

⁹¹ Letter from Education and Cultural Subcommittee to the John de la Howe School (February 21, 2018).

⁹² S.C. Code of Laws §30-1-80.

⁹³ S.C. Code of Laws § 30-4-20(c).

⁹⁴ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from Department of Archives and History to Oversight Subcommittee (May 5, 2017)," under "Committee Postings and Reports," under "Legislative Oversight," under "the Department of Archives and history," and under "Correspondence,"

"[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ArchivesandHistory/Letter%20from%20Department%20of%20Archives%20and%20History%20to%20Oversight%20Subcommittee%20\(May%205,%202017\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ArchivesandHistory/Letter%20from%20Department%20of%20Archives%20and%20History%20to%20Oversight%20Subcommittee%20(May%205,%202017).pdf) (assessed April 19, 2018).

⁹⁵ Dr. Eric Emerson, Director of the Department of Archives and History, and State Preservation Officer email communication to House Oversight Committee Auditor/Research Analyst Carmen J.M. Simon, March 15, 2018.

⁹⁶ Letter from John de la Howe School to Subcommittee Chair Jefferson (Received March 26, 2018).

⁹⁷ *Ibid.*



House of Representatives

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Committees:

Agriculture, Natural Resources and Environmental
Affairs, Secy.
Ethics, Secy.
Legislative Oversight

April 18, 2018

The Honorable Henry D. McMaster
Office of the Governor
1205 Pendleton Street
Columbia, South Carolina 29201

RE: Concerns relating to the John de la Howe School Board of Trustees

Dear Governor McMaster:

I serve on the House Legislative Oversight Committee's Education and Cultural Affairs Subcommittee. Recently, this subcommittee completed a review of the John de la Howe School. As a result of this investigation, I have concerns about the John de la Howe School Board of Trustees. The purpose of this letter is to share those concerns with you, as the trustees are gubernatorial appointees.

The John de la Howe School Board of Trustees is tasked with leadership of one of the state's oldest educational institutions. An important quality of leadership is presence. Unfortunately, this quality is severely lacking with this school board, quite literally, as there are three vacancies on a nine member board. Moreover, there are four members serving in a holdover capacity. I understand several people are in the process of being appointed to the board, but even with those appointments, all seats may not be filled.

During the study, I was shocked to learn that some trustees have not attended a meeting on campus in more than a year. I firmly believe participation in board meetings by telephone should be reserved for the occasional instance a trustee faces a conflict; it should not be a standard practice. Much may be observed by a trustee, simply by setting foot on campus. A recommendation of the subcommittee is to explicitly authorize the Governor to remove trustees at any time for good cause, which includes failure to attend at least half of the regularly scheduled board of trustees meetings in a year.

April 18, 2018
Page Two

I urge you to take action sooner rather than later with regards to the composition of the John de la Howe School Board of Trustees.

Sincerely,

A handwritten signature in cursive script that reads "Chandra Dillard".

Chandra E. Dillard
House District 23

cc: Members of the House Legislative Oversight Committee's Education and Cultural Affairs Subcommittee