COMMITTEE REPORT

March 30, 2011

**H. 3013**

Introduced by Reps. Cooper, Ballentine, Allison, G.R. Smith, Hamilton and Henderson

S. Printed 3/30/11--H.

Read the first time January 11, 2011.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3013) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑18‑1125 so as to provide that a local school district is exempt from state statutes, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Chapter 23, Title 59 of the 1976 Code is amended by adding:

“Section 59‑23‑260. The facilities of any public or nonprofit private college, university, or technical college, which comply with applicable state, county, and local fire codes, may be used without modification for secondary school students in joint or cooperative programs, which include, but are not limited to, middle or early college programs and dual enrollment programs.” /

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional cost anticipated, but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Department of Education (SDE) indicates that enactment of this bill will have minimal fiscal impact, which the agency can absorb at their current level of funding.

**LOCAL GOVERNMENT IMPACT:**

SDE reports that school districts may incur some minor undeterminable cost depending on how they choose to conduct required evaluation.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑18‑1125 SO AS TO PROVIDE THAT A LOCAL SCHOOL DISTRICT IS EXEMPT FROM STATE STATUTES AND REGULATIONS PROMULGATED BY THE STATE BOARD UPON MEETING CERTAIN CONDITIONS, TO REQUIRE THE DISTRICT TO APPLY TO THE STATE BOARD FOR EXEMPTION FROM SPECIFIC STATUTES AND REGULATIONS, TO SPECIFY WHAT THE APPLICATION MUST INCLUDE, TO SPECIFY HOW THE APPLICATION MUST BE MADE, TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT RULES AND PROMULGATE REGULATIONS REGARDING APPLICATION PROCEDURES, TO PROVIDE THAT A LOCAL SCHOOL DISTRICT THAT RECEIVES AN EXEMPTION MUST BE EVALUATED BY THE STATE BOARD AFTER THREE YEARS TO ENSURE THAT IT CONTINUES TO MEET THE NEEDS OF THE STUDENTS OF THE DISTRICT, AND TO PROVIDE FOR SUSPENSION OF TH EXEMPTION UPON CERTAIN CONDITIONS; AND TO REPEAL SECTIONS 59‑18‑1110 AND 59‑18‑1120, BOTH RELATING TO EXEMPTION FROM REGULATION.

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

SECTION 1. Article 11, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑1125. (A) A local school district board of trustees of this State is exempt from state statutes and regulations promulgated by the State Board of Education as provided in this section. A school district seeking exemption from specific statutes and regulations shall apply to the State Board of Education. The application must include the specific statute or regulation of which the district seeks exemption, the duration of the desired exemption, specific justification for the exemption, and an evaluation component designed to document the success of the exemption, including provisions for suspension of the exemption should the evaluation denote lack of success. Submission of the application must be made to the State Board of Education by the chair of the district board of trustees, the superintendent of the district, and the principals of the affected schools, as appropriate. An application submitted pursuant to the provisions of this section must be approved by the State Board of Education. The State Board of Education shall adopt rules and promulgate regulations regarding application procedures to include procedures for renewal and suspension of an exemption.

(B) A local school district that receives an exemption pursuant to subsection (A) shall submit evaluation documentation required in subsection (A) to be reviewed by the state board after three years of the exemption to ensure that the district continues to meet the needs of its students. Upon review, if the state board determines the continuation of the exemption does not meet the needs of the district, the state board shall notify the district of suspension of the exemption.”

SECTION 2. Sections 59‑18‑1110 and 59‑18‑1120 of the 1976 Code are repealed.

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

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