AMENDED

May 22, 2014

**S. 1302**

Introduced by Senators Matthews and Hutto

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Read the first time May 15, 2014.

**A** **BILL**

TO ABOLISH ORANGEBURG COUNTY’S THREE CONSOLIDATED SCHOOL DISTRICTS EFFECTIVE JULY 1, 2016; TO DEVOLVE THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE THREE RESPECTIVE BOARDS OF TRUSTEES UPON A SINGLE SCHOOL DISTRICT TO BE KNOWN AS THE ORANGEBURG COUNTY SCHOOL DISTRICT; TO PROVIDE THAT THE ORANGEBURG COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A NINE MEMBER BOARD OF TRUSTEES WHO MUST BE ELECTED IN NONPARTISAN ELECTIONS ON SPECIFIED DATES; TO PROVIDE FOR THE ORANGEBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES’ COMPOSITION, MANNER OF ELECTION, POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE SUPERINTENDENT OF THE ORANGEBURG COUNTY SCHOOL DISTRICT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT; TO PROVIDE FOR THE SUPERINTENDENT’S POWERS, DUTIES, AND RESPONSIBILITIES; TO ABOLISH THE ORANGEBURG COUNTY CONSOLIDATED SCHOOL DISTRICT FISCAL COMMISSION EFFECTIVE JULY 1, 2016; TO TRANSFER THE ASSETS AND LIABILITIES OF ORANGEBURG COUNTY’S THREE CONSOLIDATED SCHOOL DISTRICTS TO THE ORANGEBURG COUNTY SCHOOL DISTRICT EFFECTIVE ON JULY 1, 2016; TO ESTABLISH THE ORANGEBURG CONSOLIDATION TRANSITION COMMITTEE AND TO PROVIDE FOR THE COMMITTEE’S COMPOSITION, MANNER OF APPOINTMENT, POWERS, DUTIES, AND RESPONSIBILITIES; TO ABOLISH THE ORANGEBURG CONSOLIDATION TRANSITION COMMITTEE WHEN THE INITIAL MEMBERS OF THE ORANGEBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES ARE ELECTED, QUALIFY FOR OFFICE, AND TAKE THE OATH OF OFFICE; AND TO REPEAL ON JULY 1, 2014, ALL LOCAL ACTS PERTAINING TO AN ORANGEBURG COUNTY SCHOOL DISTRICT DEEMED INCONSISTENT WITH THE PROVISIONS OF THIS BILL.

Amend Title To Conform

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

SECTION 1. (A) Effective July 1, 2016, Orangeburg County shall consist of one school district to be known as the Orangeburg County School District.

(B) The three present school districts of the county must be abolished on July 1, 2016, and the powers and duties of the respective boards of trustees of each district devolved upon the board of trustees for the school district.

SECTION 2. (A)(1) The school district must be governed by a board of trustees of nine members, one of whom must be elected from each district as outlined in this section. A member of the board must be a resident of the election district from which he is elected. The members of the board must be elected in nonpartisan elections to be held beginning in 2015. The 2015 election for members of the board must be conducted on the first Tuesday after the first Monday of November and must be conducted in the same manner as a general election. Beginning in 2016, members of the board must be elected at nonpartisan elections to be conducted at the same time as the general election. Members of the board must be elected for four‑year terms and until their successors are elected and qualify, except that of the nine members of the board elected in 2016, the members elected from election districts one, three, five, and seven shall serve for initial terms to expire in November 2018, when their successors elected at the 2018 election qualify and take office, and the members elected from election districts two, four, six, eight, and nine shall serve for initial terms to expire in November 2020, when their successors elected at the 2020 election qualify and take office. In the event of a vacancy on the board occurring for any reason other than expiration of a term, the vacancy must be filled for the unexpired term through appointment by the county legislative delegation. All persons desiring to qualify as a candidate shall file written notice of candidacy with the county election commission on forms furnished by the commission. This notice of candidacy must be a sworn statement and must include the candidate’s name, age, election district in which he resides and from which he seeks election, voting precinct, period of residence in the county and election district, and other information that the county election commission requires. The county commissioners of election shall conduct and supervise the elections for members of the board in the manner governed by the election laws of this State, mutatis mutandis. The commissioners shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results. The commission shall publish notices of the elections pursuant to Section 7‑13‑35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5‑15‑61. The members of the board elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59‑19‑315.

(B)(1) Beginning with the Orangeburg County School District elections in 2015, the nine single‑member election districts from which members of the Orangeburg County School District Board of Trustees must be elected are as shown on the Orangeburg County School District Board of Trustees map S‑75‑00‑14 as maintained in the Office of Research and Statistics of the State Budget and Control Board.

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

District Pop Dev. %Dev. NH\_WHT %NH\_WHT NH\_BLK %NH\_BLK

1 9,864 ‑414 ‑4.03% 6,100 61.84% 3,457 35.05%

2 10,021 ‑257 ‑2.50% 5,611 55.99% 4,023 40.15%

3 10,384 106 1.03% 5,680 54.70% 4,075 39.24%

4 10,587 309 3.01% 2,335 22.06% 7,659 72.34%

5 10,659 381 3.71% 664 6.23% 9,757 91.54%

6 10,228 ‑50 ‑0.49% 2,380 23.27% 7,447 72.81%

7 9,931 ‑347 ‑3.38% 1,722 17.34% 7,826 78.80%

8 10,670 392 3.81% 3,370 31.58% 6,972 65.34%

9 10,157 ‑121 ‑1.18% 3,344 32.92% 6,405 63.06%

Total 82,344 27,862 51,216

District VAP NHWVAP %NHWVAP NHBVAP %NHBVAP AllOth AllOthVAP

1 7,520 4,743 63.07% 2,554 33.96% 307 223

2 7,675 4,443 57.89% 2,956 38.51% 387 276

3 8,114 4,657 57.39% 3,013 37.13% 629 444

4 7,843 1,890 24.10% 5,518 70.36% 593 435

5 8,879 591 6.66% 8,104 91.27% 238 184

6 7,511 1,958 26.07% 5,285 70.36% 401 268

7 7,525 1,409 18.72% 5,859 77.86% 383 257

8 8,231 2,908 35.33% 5,109 62.07% 328 214

9 7,764 2,815 36.26% 4,668 60.12% 408 281

Totals 63,298 22,599 38,398 3,266 2,301

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

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

(1) employ a superintendent as the chief executive officer;

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

(3) adopt the proposed budget of the school district;

(4) inquire into the conduct of any office, department, or agency of the school district;

(5) adopt and modify attendance zones of schools within the school district except that through school year 2019‑2020, existing attendance zones cannot be changed unless the federal court order regarding attendance zones is rescinded or amended during this period. However, no elementary or middle school may be closed until two public hearings are held at least two weeks apart within the affected attendance area with information to include, among other things, a delineation of the cost factors involved in keeping the school open and transporting the students to another school. A high school in an attendance area may not be closed without the holding of the same public hearings required above for an elementary or middle school, except in addition to the public hearings requirement, if a high school in an attendance area that existed before consolidation is to be closed and the students of that high school moved to a high school in another attendance area, the qualified electors within the attendance area where the high school is to be closed also first must approve the closing by referendum. This referendum may not be held at the same time as a school bond referendum. A school building that is the responsibility of the board of trustees of the school district must be maintained in conformity with all applicable building code standards and requirements to protect and ensure the health, safety, and welfare of students, faculty, administrators, and the general public;

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

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

(8) cooperate to establish and maintain educational consortia;

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

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

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

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

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

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

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

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

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

SECTION 5. The Orangeburg County Consolidated School District Fiscal Commission is abolished effective July 1, 2016.

SECTION 6. (A) The board of trustees of the school district, before July first of each year, shall prepare a school district budget for the ensuing school year. Before September second of each year, the board shall notify the county auditor and treasurer in writing of the millage required for the operation of the schools in the district for the ensuing school year. The notice by the board constitutes authority for the levying and collection of the millage upon all of the real and personal property within the school district. The levy must be placed to the credit of the district and expended for the district. Beginning in 2016, the school district may raise its millage by not more than two mills over that levied for the previous year, in addition to any millage needed to adjust for the EFA inflation factor and sufficient to meet the requirements of Section 59‑21‑1030. An increase above this two mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the district school board and conducted by the county election commission.

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

(C) For purposes of determining the previous year’s millage of the district upon its creation, the millage levy for the district must be determined and calculated by the board based on the 2015 levy in each of the three districts and the value of a mill in each district as well as the 2015 countywide school millage levy and the value of a mill in the county.

SECTION 7. (A) On July 1, 2016, the assets and liabilities of the three present school districts must be transferred to the district. The records and employees of the three present school districts of the county must be transferred to and, if applicable, assumed by the school district.

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

(C) During the transition period, from July 1, 2014, to July 1, 2016, no new general obligation bonds may be issued against the constitutional debt limitation of the present three districts, except in the case of an emergency. If new general obligation bonds are issued, the board of trustees of the issuing school district must adopt an ordinance declaring the emergency and specifying the necessity of the issue.

SECTION 8. In creating the Orangeburg County school district, it is anticipated that there will be savings in the total district level administrative costs from the former individual districts; therefore, district level administrative costs, not including data processing, must be less than five percent by July 1, 2016. Administrative costs must be those defined in the State Department of Education financial analysis model.

SECTION 9. (A) The three present school districts of Orangeburg County are abolished on July 1, 2016, at which time the school district of the county must be established as provided in this act. The terms of all members of the boards of trustees of the three present school districts of the county will expire on this date. However, members of the board of trustees of the school district elected at the 2015 nonpartisan election shall take office one week following certification of their election pursuant to Section 59‑19‑315. From this date and until July 1, 2016, the boards may organize, begin planning for the changeover to the district, enter into contracts to effectuate these purposes, and perform other related matters, except that the responsibility and authority to manage the schools of the county rests solely with the individual boards for each of the three present districts until July 1, 2016, and the board may not interfere with this authority.

(B) Funding for the activities of the board from the date the members assume office until July 1, 2016, must be provided from funds available to the three present school districts for operating purposes.

(C) A member of one of the three present school boards of the county may seek election to the school district board of trustees in 2015. However, if he is elected to the Orangeburg County School District Board of Trustees, prior to assuming the duties of this board, he must first resign as a member of the present board. In this event and notwithstanding another provision of law, the vacancy on the present board he is vacating must be filled for the remainder of the unexpired term by appointment of the county legislative delegation.

SECTION 10. (A) There must be created within sixty days of the effective date of this act the Orangeburg Consolidation Transition Committee whose purpose is to coordinate the consolidation of the three present districts into the Orangeburg County School District. The committee is composed of the following nine voting members:

(1) chairmen of the present three districts or their designees;

(2) one board member from each of the present three districts, appointed by each board’s chairman; and

(3) three members appointed by the Orangeburg County Legislative Delegation.

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

(B) Names of the members of the transition committee must be submitted to the county legislative delegation within sixty days of this act being signed by the Governor. The committee shall elect a chairman from one of the three members appointed by the legislative delegation. A vacancy on the committee must be filled for the unexpired term in the same manner as the committee member whose departure from the committee created the vacancy.

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

(D) No later than June first, the Orangeburg Consolidation Transition Committee shall prepare a budget to be submitted to the county legislative delegation. When approved by the delegation, the budget must be funded by the school districts, each paying their portion based on their proportionate average daily membership report for 2015, from funds provided by the districts from their respective budgets. The consolidated school district fiscal commission may increase the districts’ budgets to meet these requirements.

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

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

(G) The committee must be abolished when the members of the board are elected at the 2015 election, qualify for office, and take office.

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

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

SECTION 11. All local acts pertaining to a school district of Orangeburg County inconsistent with the provisions of this act are repealed as of July 1, 2014, it being the intent of the General Assembly to have this act and the general law be the only provisions of law governing the school district of the county.

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

SECTION 13. This act takes effect upon approval by the Governor.

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