~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 13, 2013

**S. 521**

Introduced by Senators Campsen, Sheheen and Scott

S. Printed 3/13/13--S.

Read the first time March 12, 2013.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 521) to amend Section 59‑3‑10 of the 1976 Code, relating to the election of the State Superintendent of Education, to provide for the appointment, 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 striking SECTION 1 and inserting:

/ SECTION 1. Section 59-3-10 of the 1976 Code is amended to read:

“Section 59‑3‑10. (A) The State Superintendent of Education shall ~~be elected at each general election in the same manner as other State officers and shall enter upon the duties of his office at the time prescribed by law~~ be appointed by the Governor, with the advice and consent of the Senate for a four year term coterminous with that of the Governor. The superintendent shall serve until his successor is appointed and qualifies. A vacancy in the office of superintendent must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(B) The superintendent must have either:

(1) earned a graduate degree from an accredited college or university in education, public policy, or a related discipline, and must possess extensive experience in:

(a) the field of education, including but not limited to, service as a classroom teacher, principal, other school administrator, school district administrator, or higher education administrator, school district superintendent, or any combination thereof; or

(b) the formation of education policy, including but not limited to, service as a member of a school board or other entity that evaluates, develops, or approves educational policies; or

(2) ten years of experience as a practicing attorney.

(C) Before entering upon the duties of his office the superintendent ~~he~~ shall ~~give bond for the use of the State in the penal sum of five thousand dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office, and he shall also, at the time of giving bond,~~ take and subscribe the oath prescribed in Section 26 of Article III of the Constitution of the State~~, which shall be endorsed upon the back of the bond. The bond shall be filed with the Secretary of State, and by him recorded and, when so recorded, shall be filed with the State Treasurer~~. The Superintendent of Education shall receive as compensation for his services such sum as the General Assembly shall by law provide, payable monthly out of the State Treasury, and his traveling expenses, not exceeding three hundred dollars, shall be paid out of the State Treasury upon duly itemized accounts rendered by him.”

Renumber sections to conform.

Amend title to conform.

JOHN E. COURSON for Committee.

**A** **BILL**

TO AMEND SECTION 59‑3‑10 OF THE 1976 CODE, RELATING TO THE ELECTION OF THE STATE SUPERINTENDENT OF EDUCATION, TO PROVIDE FOR THE APPOINTMENT OF THE SUPERINTENDENT BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE FOR THE TERM, QUALIFICATIONS, AND FILLING OF A VACANCY IN THE OFFICE SUPERINTENDENT; AND TO REPEAL SECTION 59‑3‑20.

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

SECTION 1. Section 59‑3‑10 of the 1976 Code is amended to read:

“Section 59‑3‑10. (A) The State Superintendent of Education shall be ~~elected at each general election in the same manner as other State officers and shall enter upon the duties of his office at the time prescribed by law~~ appointed by the Governor, with the advice and consent of the Senate, for a four year term coterminous with that of the Governor. The superintendent shall serve until his successor is appointed and qualifies. A vacancy in the office of superintendent must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(B) The superintendent must have:

(1) extensive experience in the field of education, including, but not limited to, service as a classroom teacher, principal, other school or school district administrator, school district superintendent, or any combination thereof;

(2) extensive experience in the formation of education policy, including, but not limited to, service as a member of a school board or other education policy making body at either the state or local level;

(3) experience in the areas provided in items (1) and (2) and a post graduate degree from an accredited college or university in education or related subject matter; or

(4) ten years of experience as a practicing attorney.

(C) Before entering upon the duties of his office ~~he~~ the superintendent shall give bond for the use of the State in the penal sum of five thousand dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office, and he shall also, at the time of giving bond, take and subscribe the oath prescribed in Section 26 of Article III of the Constitution of the State, which shall be endorsed upon the back of the bond. The bond shall be filed with the Secretary of State, and by him recorded and, when so recorded, shall be filed with the State Treasurer. The Superintendent of Education shall receive as compensation for his services such sum as the General Assembly shall by law provide, payable monthly out of the State Treasury, and his traveling expenses, not exceeding three hundred dollars, shall be paid out of the State Treasury upon duly itemized accounts rendered by him.”

SECTION 2. Section 59‑3‑20 of the 1976 Code is repealed.

SECTION 3. This act takes effect upon approval and ratification of an amendment to Section 7, Article VI of the South Carolina Constitution providing for the appointment of the State Superintendent of Education by the Governor with the advice and consent of the Senate.

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