

## ORANGEBURG DISTRICT CONSOLIDATION

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 shall 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 shall be governed by a board of trustees of [seven or nine] members one of whom must be elected from each district as outlined herein. 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 shall be conducted on the first Tuesday after the first Monday of November and shall be conducted in the same manner as a general election. After the 2015 election, members of the board shall thereafter be elected at nonpartisan elections to be conducted at the same time as the general election thereafter as beginning in 2016. Members of the board shall be elected for four-year terms and until their successors are elected and qualify, except that of the [seven or nine] members of the board elected in 2015, the members elected from election districts one, three, five, and seven shall serve for initial terms to expire in November, 2016, when their successors elected at the 2016 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, 2018, when their successors elected at the 2018 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 from which he resides and seeks election, voting precinct, period of residence in the county and election district, and other information as 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 in the same manner provided in Section 7-13-35 of the 1976 Code. The results of the elections must be determined by the nonpartisan plurality method as contained in Section 5-15-61 of the 1976 Code. The members of the board elected in these nonpartisan elections shall take office one week following certification of their election as provided in Section 59-19-315 of the 1976 Code.

(B) The board of trustees shall be elected from single-member districts as set forth below:  
School district election districts established here

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

(B) The board of trustees of the district shall have the powers, duties, and responsibilities as are provided by law including:

- (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) have the power to 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 2019-20, 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. No high school in an attendance area may be closed without the holding of the same public hearings required above for an elementary or middle school, provided, that 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 thereof moved to a high school in another attendance area, the qualified electors within the attendance area where the high school is to be closed must also first approve the closing by referendum. No such referendum may be held at the same time as a school bond referendum. Any school building which 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 provided that for any year the total paid to any member shall 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 any 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 as 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 as may seem desirable;

(5) perform other duties as may be 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 hereby 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 of the 1976 Code. Any increase above this two mills for operations may be levied only after a majority of the registered electors of the district voting in a referendum, called by the district school board and conducted by the county election commission, vote in favor of the millage increase.

(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 the 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 limit 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.

SECTION 8. (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, the members of the board of trustees of school district elected at the 2015 nonpartisan election shall take office one week following certification of their election as provided in Section 59-19-315 of the 1976 Code. 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 pertaining thereto, 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) Any 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 they are elected to such office, prior to assuming the duties thereof, they must first resign as a member of their present board. In this event and notwithstanding any other provision of law, the vacancy on the present board he is vacating shall be filled for the remainder of the unexpired term by appointment of the county legislative delegation.

SECTION 9. (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 members:

- (1) the 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) the district superintendents from the present three school districts.

(B) Names of the members of the transition committee must be submitted to the county legislative delegation within sixty days of the act being signed by the Governor. The county legislative delegation shall designate a chairman. 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 pertaining to it.

(D) By no later than June first of the year, 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 135 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 shall 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 10. All local acts pertaining to any 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 11. If any provision of this act for any reason is held by a court of competent jurisdiction to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act and each and every provision herein irrespective of the fact that any one or more provisions hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 12. This act takes effect upon approval by the Governor.