**South Carolina General Assembly**

123rd Session, 2019-2020

**A164, R156, S613**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Malloy

Document Path: l:\s-res\gm\038scho.kmm.gm.docx

Companion/Similar bill(s): 754

Introduced in the Senate on March 5, 2019

Introduced in the House on May 8, 2019

Last Amended on May 12, 2020

Passed by the General Assembly on September 16, 2020

Governor's Action: September 28, 2020, Signed

Summary: School of Science and Mathematics' Endowment Fund

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/5/2019 Senate Introduced and read first time ([Senate Journal‑page 11](file:///h:\sj\20190305.docx))

3/5/2019 Senate Referred to Committee on **Education** ([Senate Journal‑page 11](file:///h:\sj\20190305.docx))

4/18/2019 Senate Polled out of committee **Education** ([Senate Journal‑page 9](file:///h:\sj\20190418.docx))

4/18/2019 Senate Committee report: Favorable **Education** ([Senate Journal‑page 9](file:///h:\sj\20190418.docx))

4/23/2019 Scrivener's error corrected

4/23/2019 Senate Read second time ([Senate Journal‑page 14](file:///h:\sj\20190423.docx))

4/23/2019 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 14](file:///h:\sj\20190423.docx))

5/2/2019 Senate Read third time and sent to House ([Senate Journal‑page 52](file:///h:\sj\20190502.docx))

5/8/2019 House Introduced, read first time, placed on calendar without reference ([House Journal‑page 89](file:///h:\hj\20190508.docx))

1/15/2020 House Debate adjourned until Thursday, January 16 ([House Journal‑page 88](file:///h:\hj\20200115.docx))

1/16/2020 House Requests for debate‑Rep(s).  Daning, Murphy, Kimmons, Erickson, Allison, Davis, R. Williams, Burns, B. Newton, Sottile, V.S. Moss, Bryant, D.C. Moss, Forrester, Hiott, B. Cox, Finlay, Bennett, Calhoon, Toole, Rose, Wooten ([House Journal‑page 416](file:///h:\hj\20200116.docx))

1/23/2020 House Requests for debate removed‑Rep(s).  R Williams ([House Journal‑page 52](file:///h:\hj\20200123.docx))

2/19/2020 House Debate adjourned until Tues., 3‑17‑20 ([House Journal‑page 45](file:///h:\hj\20200219.docx))

5/12/2020 House Requests for debate removed‑Rep(s).  Finlay, Calhoun, B Newton, Davis, Sottile, Burns, Forrester, Allison, Kimmons, Murphy, DC Moss, Bennett, B Cox, VS Moss, Hiott, Bryant, Wooten

5/12/2020 House Amended

5/12/2020 House Read second time

5/12/2020 House Roll call Yeas‑111 Nays‑0

9/15/2020 House Read third time and returned to Senate with amendments ([House Journal‑page 107](file:///h:\hj\20200915.docx))

9/16/2020 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 12](file:///h:\sj\20200916.docx))

9/16/2020 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 13](file:///h:\sj\20200916.docx))

9/25/2020 Ratified R 156

9/28/2020 Signed By Governor

10/7/2020 Effective date 09/28/20

10/7/2020 Act No.  164

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=613&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/5/2019](file:///p:\pprever\2019-20\613_20190305.docx)

[4/18/2019](file:///p:\pprever\2019-20\613_20190418.docx)

[4/23/2019](file:///p:\pprever\2019-20\613_20190423.docx)

[5/8/2019](file:///p:\pprever\2019-20\613_20190508.docx)

[5/12/2020](file:///p:\pprever\2019-20\613_20200512.docx)

(A164, R156, S613)

**AN ACT** **TO AMEND SECTION 59‑48‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENDOWMENT FUND OF THE SCHOOL OF SCIENCE AND MATHEMATICS, SO AS TO PROVIDE THAT THE ENDOWMENT FUND IS SUBJECT TO THE DIRECTION OF THE BOARD OF TRUSTEES OF THE SCHOOL, AND TO PROVIDE FOR THE ORGANIZATION AND OPERATION OF THE ENDOWMENT FUND; BY ADDING SECTION 59‑49‑35 SO AS TO REQUIRE CERTAIN TRAINING OF THE BOARD OF TRUSTEES OF THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59‑49‑85 SO AS TO PROVIDE QUALIFICATIONS OF THE FACULTY OF THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59‑49‑112 SO AS TO PROVIDE THE BOARD OF THE JOHN DE LA HOWE SCHOOL SHALL ESTABLISH THE STANDARD COURSE OF STUDY OF THE SCHOOL; BY ADDING SECTION 59‑49‑115 SO AS TO PROVIDE FOR THE AWARDING OF DIPLOMAS BY THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59‑49‑117 SO AS TO PROVIDE ADMISSIONS REQUIREMENTS OF STUDENTS OF THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59‑49‑135 SO AS TO PROVIDE THE BOARD OF THE JOHN DE LA HOWE SCHOOL SHALL ESTABLISH A FOUNDATION AND MAINTAIN AN ENDOWMENT FUND FOR THE SCHOOL IN A CERTAIN MANNER; BY ADDING SECTION 59‑49‑160 SO AS TO PROVIDE CERTAIN PUBLIC SAFETY MEASURES REGARDING THE JOHN DE LA HOWE SCHOOL; TO AMEND SECTION 59‑49‑10, RELATING TO THE ESTABLISHMENT OF THE JOHN DE LA HOWE SCHOOL, SO AS TO RENAME AND REESTABLISH THE SCHOOL AS THE “GOVERNOR’S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE”, AND TO PROVIDE THE PURPOSE OF THE SCHOOL; TO AMEND SECTION 59‑49‑20, RELATING TO THE BOARD OF TRUSTEES OF THE JOHN DE LA HOWE SCHOOL, SO AS TO ADD CERTAIN EX OFFICIO MEMBERS; TO AMEND SECTION 59‑49‑30, RELATING TO REMOVAL OF BOARD MEMBERS OF THE JOHN DE LA HOWE SCHOOL BOARD OF TRUSTEES BY THE GOVERNOR FOR CAUSE, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59‑49‑40, RELATING TO MEETINGS OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59‑49‑70, RELATING TO THE DECLARATION OF THE SCHOOL AS A BODY POLITIC, SO AS TO MAKE CONFORMING CHANGES CONCERNING THE RENAMING OF THE SCHOOL; TO AMEND SECTION 59‑49‑100, RELATING TO THE PURPOSE OF THE JOHN DE LA HOWE SCHOOL, SO AS TO PROVIDE ADDITIONAL ADMISSIONS CRITERIA; TO AMEND SECTION 59‑49‑110, RELATING TO THE CONDUCT OF FORESTRY AND FARM PRACTICES BY THE JOHN DE LA HOWE SCHOOL AND USE OF REVENUE DERIVED FROM THESE PRACTICES, SO AS TO PROVIDE THE SCHOOL SHALL SERVE AS A DEMONSTRATION FARM AND PROVIDE INSTRUCTION AND SUPPORT TO FARMERS AND PERSONS WORKING IN, OR WHO HAVE AN INTEREST IN, THE BUSINESS OF AGRICULTURE; TO AMEND SECTION 59‑49‑130, RELATING TO PROVISIONS CONCERNING THE USE OF INCOME DERIVED FROM CERTAIN ENDEAVORS BENEFITING THE JOHN DE LA HOWE SCHOOL, SO AS TO PROVIDE FOR THE USE OF INCOME DERIVED FROM SUCH ENDEAVORS; AND TO AMEND SECTION 59‑49‑150, RELATING TO EXPENSES OF STUDENTS OF THE JOHN DE LA HOWE SCHOOL, SO AS TO PROVIDE STUDENTS WHO ARE LEGAL RESIDENTS OF THIS STATE ARE NOT REQUIRED TO PAY TUITION BUT SHALL PAY CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES UNLESS THEY MEET CERTAIN POVERTY REQUIREMENTS, AND TO PROVIDE ALL OUT‑OF‑STATE AND FOREIGN EXCHANGE STUDENTS WHO ATTEND THE SCHOOL SHALL PAY TUITION AND CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES.**

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

**School of Science and Mathematics endowment fund, organization and operation**

SECTION 1. Section 59‑48‑70 of the 1976 Code is amended to read:

“Section 59‑48‑70. (A) The board shall create a Development Office for the school that will be headed by an executive director. The executive director shall be an employee of the school, be hired by the head of the school, and serve at his pleasure with a salary that shall be set by the board. The board may establish and maintain an endowment fund for the school that is subject to the direction of the Executive Director of the Development Office and that has the primary purpose of raising funds to support the furtherance of the school’s mission, goals, and objectives.

(B) The endowment fund must be organized on a nonprofit basis as a separate legal entity recognized under and in compliance with the laws of this State.

(C)(1) In consultation with the Executive Director of the Development Office, the endowment fund must adopt an annual operations and capital budget. Prior to adopting the annual budget, the head of the endowment fund must meet with the Executive Director of the Development Office and the head of the school to review the endowment fund’s proposed budget, and prior to any subsequent proposed material changes to the budget. The endowment fund budget and its fundraising goals must exclusively be based on the operation and capital goals of the school as provided to the foundation by the Executive Director of the Development Office and the head of the school.

(2) The endowment fund shall not accept any donations that are restricted in their use unless the proposed restriction is approved by the board prior to its acceptance and unless the funds are being used for a purpose that is needed by the school.

(D) Prior to taking any action, including fundraising, on behalf of the school, the board and the endowment fund must enter into a written agreement detailing the corresponding rights, duties, and responsibilities of the endowment fund.”

**John de la Howe School, trustee training**

SECTION 2. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59‑49‑35. (A) All members of the board of trustees shall complete successfully a training program on the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, school leadership and board relations, student programs, finance, school law, ethics, and community relations, as determined by the board of trustees. Training regarding how best to serve the students in their care also must be provided.

(B) Within one year of taking office, all persons elected as members of the board of trustees after July 1, 2018, also must complete the training prescribed in subsection (A).”

**John de la Howe School, faculty qualifications**

SECTION 3. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59‑49‑85. (A) The agricultural and natural resources instructional program may use part‑time or full‑time faculty members who hold advanced degrees or extensive professional experience in the agricultural and natural resources industry and whose professional expertise can be demonstrated by their training and accomplishments as recognized by state or national organizations and affiliations. As an alternative to traditional certification, these faculty members shall participate annually in professional development programs approved by the president and the board of trustees. Pursuant to this chapter, the board of trustees shall adopt policies and regulations governing development of the agricultural and natural resources instructional program.

(B) The academic program must be comprised of faculty who hold one or more degrees in the specific subject to be taught and who must have achieved traditional state certification in the area of instruction. Teacher certification must be maintained pursuant to state law and regulations.

(C) The president and the board will determine the salary scale of teachers and administrators of the school, not to exceed the highest salaries of any public school district in the State for those designated positions.”

**John de la Howe School, courses of study**

SECTION 4. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59‑49‑112. The board shall establish the standard course of study for the school. This course of study must include instruction in the areas that constitute the usual high school curriculum and provide in‑depth instruction in agriculture, natural resources, and biotechnology.”

**John de la Howe School, diplomas**

SECTION 5. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59‑49‑115. The students enrolled in the school who earn a total of twenty‑four units of credit distributed as specified in the Defined Minimum Program for South Carolina school districts and who meet the school’s requirements for graduation are eligible to receive a state high school diploma. The board, in its discretion, may issue its own high school diploma for students that exceed the state requirements for a high school diploma.”

**John de la Howe School, admissions requirements**

SECTION 6. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59‑49‑117. The school shall admit students in accordance with the admission criteria, standards, and procedures as established and approved by the board. To be eligible for admission to the school, an applicant must be a legal resident of South Carolina, unless the board of trustees establishes a special exemption to accept out‑of‑state or international exchange students. Students must have a career interest in an agricultural or natural resources field and possess a high level of commitment, motivation, and maturity.”

**John de la Howe School, foundation and endowment fund**

SECTION 7. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59‑49‑135. (A) The board shall create a Development Office for the school that will be headed by an executive director. The executive director shall be an employee of the school, be hired by the head of the school, and serve at his pleasure with a salary that shall be set by the board. The board may establish and maintain an endowment fund for the school that is subject to the direction of the Executive Director of the Development Office and that has the primary purpose of raising funds to support the furtherance of the school’s mission, goals, and objectives.

(B) The endowment fund must be organized on a nonprofit basis as a separate legal entity recognized under and in compliance with the laws of this State.

(C)(1) In consultation with the Executive Director of the Development Office, the endowment fund must adopt an annual operations and capital budget. Prior to adopting the annual budget, the head of the endowment fund must meet with the Executive Director of the Development Office and the head of the school to review the endowment fund’s proposed budget, and prior to any subsequent proposed material changes to the budget. The endowment fund budget and its fundraising goals must exclusively be based on the operation and capital goals of the school as provided to the foundation by the Executive Director of the Development Office and the head of the school.

(2) The endowment fund shall not accept any donations that are restricted in their use unless the proposed restriction is approved by the board prior to its acceptance and unless the funds are being used for a purpose that is needed by the school.

(D) Prior to taking any action, including fundraising, on behalf of the school, the board and the endowment fund must enter into a written agreement detailing the corresponding rights, duties, and responsibilities of the endowment fund.”

**John de la Howe School, public safety**

SECTION 8. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59‑49‑160. (A) The board of trustees may employ campus police to police the buildings and grounds of the school. These campus police shall work under the supervision of the South Carolina Law Enforcement Division and may not enter into such employment unless and until they have been appointed Governor’s constables with general authority as peace officers.

(B) All traffic laws of the State are in full force and effect on the streets and roads of the school, whether such streets and roads are considered public or private.

(C) The board may promulgate reasonable additional regulations relating to vehicular traffic within the grounds of the school including, but not limited to, parking of vehicles and reduced vehicular speeds, notwithstanding any other provision of law, and to provide penalties for violations of these regulations, not to exceed a fine of one hundred dollars. These regulations have the full force and effect of law and violations of them are triable in magistrates court. The board also may charge parking fees, issue parking passes, and erect gates and guard houses to control entry to the campus.”

**John de la Howe School, name changed, purpose clarified**

SECTION 9. Section 59‑49‑10 of the 1976 Code is amended to read:

“Section 59‑49‑10. (A) There is established the Governor’s School for Agriculture at John de la Howe to provide training for students who have a career aptitude in agriculture, agribusiness, natural resources, and biotechnology. It also will serve as a research and resource center for students and conduct adult education programs for teachers, farmers, and persons involved in the industry of agricultural and natural resources. This residential and day school shall provide intensive preprofessional and professional instruction in agriculture that a student may complete to satisfy the requirements for a high school diploma and be prepared for college‑level study.

(B) The school is named the Governor’s School for Agriculture at John de la Howe.”

**John de la Howe School, ex officio trustees established**

SECTION 10. Section 59‑49‑20 of the 1976 Code is amended to read:

“Section 59‑49‑20. (A) 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.

(B) The following shall serve as nonvoting ex officio members of the board:

(1) the Dean of the College of Agriculture at Clemson University or his designee;

(2) the Dean of the College of Education at Clemson University or his designee;

(3) the Dean of the School of Business at South Carolina State University or his designee;

(4) the Chair of the Department of Accounting, Agribusiness, and Economics at South Carolina State University or his designee;

(5) the State Superintendent of Education or his designee; and

(6) the Chair of the Agriculture Program at Piedmont Technical College and the President of Piedmont Technical College.”

**John de la Howe School, removal of trustees**

SECTION 11. Section 59‑49‑30 of the 1976 Code is amended to read:

“Section 59‑49‑30. The Governor may remove the members of the board for good cause at any time. 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.”

**John de la Howe School, trustee meetings**

SECTION 12. Section 59‑49‑40 of the 1976 Code is amended to read:

“Section 59‑49‑40. The board shall meet quarterly and more often as may be required. Meetings should be held at the school.”

**John de la Howe School, status as body politic**

SECTION 13. Section 59‑49‑70 of the 1976 Code is amended to read:

“Section 59‑49‑70. The Governor’s School for Agriculture at John de la Howe is 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.”

**John de la Howe School, admissions requirements**

SECTION 14. Section 59‑49‑100 of the 1976 Code is amended to read:

“Section 59‑49‑100. (A) 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 SC 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 shall instruct the president of the school to implement programs which shall meet the needs of children from all of South Carolina who have an interest in agriculture, biotechnology, and natural resources.

(B) Under the provisions of the will and the bequest accepted by the State of South Carolina, the school must ‘educate twelve poor boys and twelve poor girls’. To meet this requirement, the school shall use the current measures of poverty as defined by the State Department of Education.

(C) Also under the provisions of the will and the subsequent bequest, the board may allow local students to attend as day students provided they meet the admissions requirements. The board will determine equity of admissions statewide.”

**John de la Howe School, practices**

SECTION 15. Section 59‑49‑110 of the 1976 Code is amended to read:

“Section 59‑49‑110. (A) The 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.

(B) The school shall serve as a demonstration farm and shall provide instruction and support to farmers and persons working in, or who have an interest in, the business of agriculture.”

**John de la Howe School, income uses**

SECTION 16. Section 59‑49‑130 of the 1976 Code is amended to read:

“Section 59‑49‑130. All income that the school receives from the sale of timber or farm products and from programs and events held on campus must be used for the construction, erection, and building of permanent improvements at the school and for maintaining and equipping of capital improvements.”

**John de la Howe School, tuition and fees**

SECTION 17. Section 59‑49‑150 of the 1976 Code is amended to read:

“Section 59‑49‑150. A student who is a legal resident of this State may attend the school without paying tuition, but may pay fees for maintenance and food services unless he meets the poverty requirements as defined in the will of John de la Howe and by current rules or regulations of the State Department of Education defining measures of poverty. Notwithstanding these provisions, all out‑of‑state and international exchange students admitted to the school shall pay tuition and fees for maintenance and food services as determined by the board.”

**Time effective**

SECTION 18. This act takes effect upon approval by the Governor.

Ratified the 25th day of September, 2020.

Approved the 28th day of September, 2020.

\_\_\_\_\_\_\_\_\_\_