

1 **South Carolina General Assembly**  
2 123rd Session, 2019-2020

3  
4 **S. 419 DRAFT - ETHICS AMENDMENT 2/13/19**

5 *(Shaded areas reflect proposed changes; yellow highlighted areas*  
6 *to be addressed later and placed elsewhere).*

7  
8 **PART VII**

9  
10 **Local School Board Accountability**

11  
12 **SECTION 47.** Chapter 19, Title 59 of the 1976 Code is amended  
13 by adding:

14  
15 **“Article 5**

16  
17 **Local School Governance**

18  
19 Section 59-19-710. The purpose of this article is to enhance local  
20 school governance by promoting the highest standards of ethical  
21 behavior and to provide an automatic procedure for addressing  
22 instances of deficient local school governance impacting the success  
23 of a school district.

24  
25 Section 59-19-720. For purposes of this article:

26 (1) ~~‘Administrator’ means an officer, other than a board~~  
27 ~~member, or employee of a local school district who holds a position~~  
28 ~~which:~~

29 ~~— (a) requires a certificate that authorizes the holder to serve as~~  
30 ~~school administrator, principal, or school business administrator;~~

31 ~~— (b) does not require that the person hold any type of certificate~~  
32 ~~but is responsible for making recommendations regarding hiring or~~  
33 ~~the purchase or acquisition of property or services by the local~~  
34 ~~school district; or~~

35 ~~— (c) requires a certificate that authorizes the holder to serve as~~  
36 ~~supervisor and be responsible for making recommendations~~  
37 ~~regarding hiring or the purchase or acquisition of property or~~  
38 ~~services by the local school district.~~

39 (2) ~~‘Anything of value’ or ‘a thing of value’ has the same~~  
40 ~~meaning as in Section 8-13-100(1).~~

41 ~~‘Board member’ means a person holding membership, whether by~~  
42 ~~election or appointment, on a board of education other than the State~~  
43 ~~Board of Education.~~

1 (3) 'Board member' means a person holding membership,  
2 whether by election or appointment, on a board of education other  
3 than the State Board of Education.

4 (4) 'Business' means a corporation, partnership, firm,  
5 enterprise, franchise, association, trust, sole proprietorship, union,  
6 political organization, or other legal entity but does not include a  
7 local school district or another public entity.

8 (5) 'Economic interest' has the same meaning as in Section  
9 8-13-100(11).

10 (6) 'Family member' has the same meaning as in Section  
11 8-13-100(15).

12 (7) 'Interest' means the ownership or control of more than ten  
13 percent of the profits, assets, or stock of a business but does not  
14 include the control of assets in a labor union.

15 (8) 'Local school district' means any school district in the State,  
16 including the South Carolina Public Charter School District, but  
17 does not include special school districts.

18 (9) 'Nepotism' means the employment, appointment,  
19 promotion, transfer, or advancement of a family member to a  
20 position in the school district that a school board member manages  
21 or supervises. A school board member may not participate in an  
22 action relating to the discipline of a family member.

23 (10) 'Public official' has the same meaning as in Section  
24 8-13-100(27).

25 (11) 'School official' includes the superintendent, assistant  
26 superintendent, chief finance official or employee, and chief  
27 purchasing official or employee of a school district.

28 (12) 'Spouse' means the person to whom a school official is  
29 legally married.

30

31 Section 59-19-730. (A) The State Board of Education shall adopt  
32 a model code of ethics for local school board members before July  
33 1, 2020. This model code of ethics also shall include appropriate  
34 consequences for violations of provisions of the model code of  
35 ethics. The ~~state board~~ State Board of Education periodically may  
36 adopt revisions to the model code of ethics as it considers necessary.

37 (B)(1) A local school board shall adopt a local code of ethics  
38 applicable to that board within three months after adoption of the  
39 model code of ethics by the ~~state board~~ State Board of Education.  
40 A local code must include, at a minimum, the model code of ethics.

41 (2) If the ~~state board~~ State Board of Education adopts a  
42 revision to the model code of ethics, a local school board shall adopt

1 and incorporate the revision into its local code within three months  
2 of the adoption of the revision by the state board.

3 (3) A local school board only may adopt its local code of  
4 ethics or any changes to that local code at a regularly scheduled  
5 meeting.

6 (4) A local school board may not adopt or follow a code of  
7 ethics that prevents its members from discussing freely the policies  
8 and actions of the board outside of a board meeting, ~~excluding~~  
9 ~~matters discussed in executive session or that are exempt from~~  
10 ~~disclosure under the Freedom of Information Act. This does not~~  
11 ~~preclude a local school board from adopting a policy in a regularly~~  
12 ~~scheduled meeting that prohibits certain disclosures allowed by law.~~

13 (5) A local school board shall submit a copy of its local code  
14 of ethics and subsequent revisions to the State Department of  
15 Education within thirty days of adoption.

16 (6) Nothing contained in this section may be construed to  
17 repeal, replace, or preclude application of any other statute.

18  
19 ~~Section 59-19-740. (A) A local school board shall adopt policies~~  
20 ~~regarding nepotism which, at a minimum, must include the~~  
21 ~~provisions of this section.~~

22 ~~(B) After June 30, 2020, a person who has a family member~~  
23 ~~-serving on a local school board, as the district school superintendent,~~  
24 ~~as a principal or assistant principal of a school in the district, or as a~~  
25 ~~member of the district administrative staff is not eligible to serve as~~  
26 ~~a member of the board if the family member's employment with the~~  
27 ~~district begins after December 31, 2020. This provision does not~~  
28 ~~affect the employment of a person employed by the district before~~  
29 ~~June 30, 2020, or who is employed by the district when his family~~  
30 ~~member becomes a member of that local school board.~~

31 ~~(C)(1) For a district with a full time enrollment of fewer than~~  
32 ~~three thousand students in the initial fall enrollment of 2019, the~~  
33 ~~State Board of Education may waive the provisions of subsection~~  
34 ~~(B) at the request of the local school board or an individual~~  
35 ~~attempting to qualify to run for a seat on that board, provided the~~  
36 ~~local school board shall, before submitting a waiver request, provide~~  
37 ~~thirty days' notice of the individual's intent to run for the office and~~  
38 ~~conduct a public hearing for the purpose of providing an opportunity~~  
39 ~~for full discussion and public input on the issue of potential~~  
40 ~~nepotism problems and other concerns regarding the waiver. The~~  
41 ~~public hearing may be conducted in conjunction with a regular or~~  
42 ~~called meeting of the local school board.~~

1 ~~— (2) A local school board that seeks a waiver pursuant to this~~  
2 ~~subsection shall submit a written waiver request to the State Board~~  
3 ~~of Education that:~~

4 ~~— (a) identifies the specific laws, rules, regulations, policies,~~  
5 ~~procedures, or provisions that are requested for the waiver;~~

6 ~~— (b) describes the laws, rules, policies, and procedures that~~  
7 ~~the board will substitute for the waived laws, rules, regulations,~~  
8 ~~policies, procedures, or provisions;~~

9 ~~— (c) describes any familial relationship that is the subject of~~  
10 ~~the waiver request and the policy for recusal;~~

11 ~~— (d) describes how the waiver will improve student~~  
12 ~~performance;~~

13 ~~— (e) describes the students who will be affected by the~~  
14 ~~proposed waiver, including their estimated number, current~~  
15 ~~performance, grade level, and any common demographic traits;~~

16 ~~— (f) lists by name the schools that will be affected by the~~  
17 ~~proposed waiver, and a description of each school, including current~~  
18 ~~performance, grade levels, and demographic traits of the students of~~  
19 ~~each school;~~

20 ~~— (g) describes the methods for collecting data, and for~~  
21 ~~measuring and evaluating any change in student performance~~  
22 ~~resulting from the proposed waiver;~~

23 ~~— (h) provides the period of time for which the proposed~~  
24 ~~waiver is requested and the proposed starting date;~~

25 ~~— (i) provides a resolution adopted by the local school board~~  
26 ~~to approve or disapprove the waiver request, and outlining the~~  
27 ~~reasons for its approval or disapproval; and~~

28 ~~— (j) describes any public comment received at the public~~  
29 ~~hearing held pursuant to item (1).~~

30 ~~— (3) The State Board of Education may grant or deny a waiver~~  
31 ~~request, or grant a waiver request subject to specific modifications~~  
32 ~~in the waiver request.~~

33 ~~— (4) The State Board of Education shall grant or deny a waiver~~  
34 ~~request no later than forty five days after receipt of the request,~~  
35 ~~taking into consideration whether the benefit to the public would~~  
36 ~~justify approval of the waiver.~~

37 ~~— (D) After June 30, 2020, a person who has a family member~~  
38 ~~serving on a local school board, hired or promoted as a principal or~~  
39 ~~assistant principal of a school in the district, or hired as a member~~  
40 ~~of the district administrative staff is not eligible to serve as the~~  
41 ~~superintendent of the district if the family member's employment~~  
42 ~~with the district begins after December 31, 2020. This provision~~  
43 ~~does not affect the employment of a person employed by the district~~

1 before June 30, 2020, or who is employed by the district when his  
2 family member becomes a member of that local school board.

3  
4 —Section 59-19-750.(A) To avoid a conflict of interest, a local  
5 school board member or school official may not:

6 — (1) use or attempt to use his official position to secure  
7 unwarranted privileges, advantages, or employment for himself, his  
8 family members, or any others;

9 — (2) act in his official capacity in any matter where he, his  
10 family member, or a business organization in which he or his family  
11 member has an economic interest that reasonably could be expected  
12 to impair his objectivity or independence of judgment;

13 — (3) solicit or accept, or knowingly allow his family member  
14 or a business organization in which he or his family member has an  
15 economic interest to solicit or accept a gift, favor, loan, political  
16 contribution, service, promise of future employment, or other thing  
17 of value based upon an understanding that the gift, favor, loan,  
18 political contribution, service, promise of future employment, or  
19 other thing of value was given or offered for the purpose of  
20 influencing the board member in the discharge of his official duties;  
21 provided this item does not apply to the solicitation or acceptance  
22 of contributions to the campaign of an announced candidate for  
23 elective public office if the board member has no knowledge or  
24 reason to believe that the campaign contribution, if accepted, was  
25 given with the intent to influence the board member in the discharge  
26 of his official duties;

27 — (4) use, or knowingly be allowed to use, his official position  
28 or any information not generally available to the general public  
29 which he receives or acquires in the course of and by reason of his  
30 official position for the purpose of securing financial gain for  
31 himself, his family member, or a business organization with which  
32 he is associated;

33 — (5) represent, either in his individual capacity or through a  
34 business organization in which he has an interest, a person or party,  
35 other than the local school district or its board, with any cause,  
36 proceeding, application, or other matter pending before the district  
37 in which he serves or in a proceeding involving the district he  
38 represents;

39 — (6) be prohibited from making an inquiry for information on  
40 behalf of a constituent if no fee, reward, or other thing of value is  
41 promised to, given to, or accepted by the board member or his family  
42 member in return;

1 ~~— (7) disclose or discuss any information which is subject to~~  
2 ~~attorney-client privilege belonging to the local school board to any~~  
3 ~~person except for other board members, an attorney representing the~~  
4 ~~board, the district superintendent, or any other person designated by~~  
5 ~~the district superintendent for receipt of such disclosures unless the~~  
6 ~~privilege has been waived by a two-thirds vote of the membership~~  
7 ~~of the board then serving;~~

8 ~~— (8) serve also as an officer of any organization that sells goods~~  
9 ~~or services to the district, excluding not-for-profit organizations;~~

10 ~~— (9) be considered in conflict with the provisions of this~~  
11 ~~subsection if, by reason of his participation in a matter required to~~  
12 ~~be voted upon, no material or monetary gain accrues to him as a~~  
13 ~~member of a profession, occupation, or group to any greater extent~~  
14 ~~than reasonably could be expected to accrue to another member of~~  
15 ~~that profession, occupation, or group; and~~

16 ~~— (B) (10) To enable local school superintendents and~~  
17 ~~administrators to effectively perform their duties related to daily~~  
18 ~~operations without undue interference from school board members,~~  
19 ~~a school board member shall:~~

20 ~~— (1) (a) recognize that the authority of the board only rests~~  
21 ~~with the board as a whole and not with individual board members,~~  
22 ~~and act accordingly;~~

23 ~~— (2) (b) support the delegation of authority for day-to-day~~  
24 ~~administration of the school system to the local superintendent, and~~  
25 ~~act accordingly;~~

26 ~~— (3) (c) honor the chain of command and refer problems or~~  
27 ~~complaints consistent with the chain of command;~~

28 ~~— (4) (d) recognize that the local superintendent shall serve as~~  
29 ~~secretary, ex officio to the board, and should be present at all~~  
30 ~~meetings of the board except when his contract, salary, or~~  
31 ~~performance is under consideration;~~

32 ~~— (5) (e) not undermine the authority of the local school~~  
33 ~~superintendent or intrude into responsibilities that properly belong~~  
34 ~~to the local superintendent or school administration, including such~~  
35 ~~functions as hiring, transferring, or dismissing employees; and~~

36 ~~— (6) (f) use reasonable efforts to keep the local~~  
37 ~~superintendent informed of concerns or specific recommendations~~  
38 ~~that any member of the board may bring to the board.~~

39 ~~— (C) (B) School board members may create or modify the salary,~~  
40 ~~travel stipend, or other component of the compensation provided to~~  
41 ~~school board members, but such creation or change may not become~~  
42 ~~effective until the commencement date of the terms of two or more~~  
43 ~~members elected at the next general election following the adoption~~

1 of the modification, at which time the creation or change becomes  
2 effective for all members.

3 ~~—(D) (C) Upon a motion supported by a two-thirds vote of the~~  
4 ~~members present, a local school board shall request that the State~~  
5 ~~Ethics Commission conduct a hearing concerning the violation by a~~  
6 ~~board member of a conflict of interest provision in subsection (A).~~

7  
8 ~~Section 59-19-760. (A) The State Department of Education or~~  
9 ~~another public school accrediting agency shall notify the State~~  
10 ~~Board of Education upon placing any district or school on the level~~  
11 ~~of accreditation that immediately precedes the loss of accreditation~~  
12 ~~for school governance reasons. This notice shall include the reason~~  
13 ~~or reasons for the decision of the accrediting agency.~~

14 ~~—(B) Notwithstanding another provision of law, if a school district~~  
15 ~~or school is placed on the level of accreditation that immediately~~  
16 ~~precedes the loss of accreditation for school governance by an~~  
17 ~~accrediting agency, the local board shall notify the State Board of~~  
18 ~~Education, in writing, within three business days of the placement.~~  
19 ~~This notice shall include the reason or reasons for the decision of~~  
20 ~~the accrediting agency.~~

21 ~~—(C) The State Board of Education shall conduct a hearing no less~~  
22 ~~than ten days before, but no more than ninety days after, it receives~~  
23 ~~or gives the notice provided in subsections (A) and (B), and shall~~  
24 ~~recommend to the Governor whether he should suspend all eligible~~  
25 ~~members of the local board without pay. A majority of the members~~  
26 ~~of a local board of education may petition the State Board of~~  
27 ~~Education to continue any hearing scheduled under this subsection.~~  
28 ~~Upon a showing of good cause, the state board may in its sound~~  
29 ~~discretion continue any such hearing. Notwithstanding another~~  
30 ~~provision of law, deliberations held by the State Board of Education~~  
31 ~~pursuant to this subsection to formulate its recommendation to the~~  
32 ~~Governor may not be open to the public and are not subject to the~~  
33 ~~Freedom of Information Act; provided, however, that testimony~~  
34 ~~must be taken in an open meeting and a vote on the recommendation~~  
35 ~~must be taken in an open meeting following the hearing or at the~~  
36 ~~next regularly scheduled meeting. If the State Board of Education~~  
37 ~~makes a recommendation to suspend, the Governor may, in his~~  
38 ~~discretion, suspend all eligible members, but not selective individual~~  
39 ~~members, of the local board of education with pay and, in~~  
40 ~~consultation with the State Board of Education, appoint temporary~~  
41 ~~replacement members who are otherwise qualified to serve as~~  
42 ~~members of the board. A temporary replacement member appointed~~

1 pursuant to this subsection must serve until the completion of the  
2 suspension or until the seat becomes vacant, whichever occurs first.

3 ~~—(D) All hearings pursuant to subsection (C)(B) must be  
4 conducted by the State Board of Education, a committee of the state  
5 board, or a hearing officer appointed by the state board. In  
6 conducting a hearing;~~

7 ~~—(1) the presiding officer shall notify the parties of the time and  
8 place of the hearing;~~

9 ~~—(2) all witnesses shall testify under oath and are subject to  
10 cross examination;~~

11 ~~—(3) the presiding officer shall require the testimony and other  
12 evidence to be transcribed by a court reporter or recorded by other  
13 appropriate means;~~

14 ~~—(4) the strict rules of evidence prevailing in courts of law are  
15 not applicable; and~~

16 ~~—(5) at the conclusion of the hearing, or within fifteen days  
17 thereafter, the State Board of Education shall notify the Governor  
18 and the parties of its decision in writing.~~

19 ~~—(E) The provisions of this section apply only to a local school  
20 district or school which is placed on the level of accreditation  
21 immediately preceding loss of accreditation after July 1, 2020. This  
22 section applies only to local board of education members who were  
23 serving on the local board at the time the accrediting agency placed  
24 the local school system or school on the level of accreditation  
25 immediately preceding loss of accreditation.”~~

26  
27 ~~SECTION 48. Section 59-18-920 of the 1976 Code is amended to  
28 read:~~

29  
30 ~~“Section 59-18-920. “Section 58-19-920. A charter school  
31 established pursuant to Chapter 40, Title 59 shall report the data  
32 requested by the Department of Education necessary to generate a  
33 report card and a rating. The performance of students attending  
34 charter schools sponsored by the South Carolina Public Charter  
35 School District or registered institution of higher learning must be  
36 included in the overall performance ratings of each school in the  
37 South Carolina Public Charter School District. The performance of  
38 students attending a charter school authorized by a local school  
39 district must be reflected on a separate line on the school district’s  
40 report card. An alternative school is included in the requirements of  
41 this chapter; however, the purpose of an alternative school must be  
42 taken into consideration in determining its performance rating. The  
43 Education Oversight Committee, working with the State Board of~~

1 Education and the School to Work Advisory Council, shall develop  
2 a report card for career and technology schools.”

3  
4 SECTION 49. Article 1, Chapter 13-19, Title 8-59 of the 1976  
5 Code is amended by adding:

6  
7 ~~“Section 59-19-55. Trustees and school officials shall comply~~  
8 ~~with the provisions of Articles 1, 7, 11, and 13, Chapter 13-11, Title~~  
9 ~~8. For purposes of this section, ‘school official’ has the same~~  
10 ~~meaning as in Section 59-19-720(5).”~~

11  
12 SECTION 50. Article 7, Chapter 13, Title 8-18 of the 1976 Code  
13 is amended by adding:

14  
15 ~~“Section 8-13-810. (A) By July first of each year, the State~~  
16 ~~Board of Education shall notify the State Ethics Commission of any~~  
17 ~~local school board member who has not complied with the~~  
18 ~~provisions of Section 59-19-45. Local school board members who~~  
19 ~~fail to successfully complete the training program must be~~  
20 ~~considered to be in violation of the State Ethics Act and must be~~  
21 ~~assessed a civil penalty as follows:~~

22 ~~— (1)(a) a fine of one hundred dollars if the training is not~~  
23 ~~completed as provided by law in this chapter; and~~

24 ~~— (b) after notice has been given by the State Board of~~  
25 ~~Education by certified or registered mail that the training has not~~  
26 ~~been completed, a fine of ten dollars per calendar day for the first~~  
27 ~~ten days after notice has been given, and one hundred dollars for~~  
28 ~~each additional calendar day in which the training is not completed,~~  
29 ~~not exceeding five thousand dollars; and~~

30 ~~— (2) after the maximum civil penalty has been levied and the~~  
31 ~~required statement or report has not been filed, the person is:~~

32 ~~— (a) for a first offense, guilty of a misdemeanor triable in~~  
33 ~~magistrates court and, upon conviction, must be fined not more than~~  
34 ~~five hundred dollars or imprisoned not more than thirty days;~~

35 ~~— (b) for a second offense, guilty of a misdemeanor triable in~~  
36 ~~magistrates court and, upon conviction, must be fined not less than~~  
37 ~~two thousand five hundred dollars nor more than five thousand~~  
38 ~~dollars or imprisoned not less than a mandatory minimum of thirty~~  
39 ~~days; and~~

40 ~~— (c) for a third or subsequent offense, guilty of a~~  
41 ~~misdemeanor triable in magistrates court and, upon conviction, must~~  
42 ~~be fined not more than five thousand dollars or imprisoned for not~~  
43 ~~more than one year, or both.~~

1 ~~—(B) In addition to existing remedies for breach of the ethical~~  
2 ~~standards of this chapter or regulations promulgated hereunder, the~~  
3 ~~State Ethics Commission may impose an oral or written warning or~~  
4 ~~reprimand.~~

5 ~~—(C) Before a trustee's position with a local school district board~~  
6 ~~may be terminated for a violation of the provisions of this chapter,~~  
7 ~~notice and an opportunity for a hearing must be provided to the~~  
8 ~~trustee.”~~

9  
10 SECTION 51. Section 1-3-240(A) of the 1976 Code is amended  
11 to read:

12  
13 “(A) Any officer of the county or State, ~~or a local school board~~  
14 ~~member or trustee,~~ an elected or appointed official of the State, a  
15 county, a municipality, or a political subdivision thereof, including  
16 candidates for the office, except:

17 (1) an officer whose removal is provided for in Section 3 of  
18 Article XV of the State Constitution;

19 (2) an officer guilty of the offense named in Section 8 of  
20 Article VI of the State Constitution; or

21 (3) pursuant to subsection (B) of this section, an officer of the  
22 State appointed by the Governor, either with or without the advice  
23 and consent of the Senate; who is guilty of malfeasance,  
24 misfeasance, incompetency, absenteeism, conflicts of interest,  
25 misconduct, persistent neglect of duty in office, or incapacity must  
26 be subject to removal by the Governor upon any of the foregoing  
27 causes being made to appear to the satisfaction of the Governor.  
28 Before removing any such officer, the Governor shall inform him in  
29 writing of the specific charges brought against him and give him an  
30 opportunity on reasonable notice to be heard.”

31  
32 SECTION 52. Section 59-19-45 of the 1976 Code is amended to  
33 read:

34  
35 “Section 59-19-45. ~~(B) (A)~~ Within one year of taking office, all  
36 persons elected, reelected, or appointed as members of a school  
37 district board of trustees ~~after July 1, 1997, regardless of the date of~~  
38 their election, reelection, or appointment or reappointment, shall  
39 complete successfully ~~an orientation~~ a training program in the  
40 powers, duties, and responsibilities of a board member including,  
41 but not limited to, topics on policy development, personnel,  
42 superintendent and board relations, instructional programs, district  
43 finance, school law, ethics, nepotism, conflict of interest, and

1 community relations. This program must be offered by a district or  
2 its designee, and completed by a each board member within one year  
3 after his election, reelection, or appointment, or reappointment.  
4 This program also must be offered by a district or its designee and  
5 completed by a each board member serving on the effective date of  
6 this act within one year after the effective date of this act.

7 ~~(A) (B)(1)~~ The orientation shall be approved by the State Board  
8 of Education and conducted by public or private entities approved  
9 by the State Board of Education such as the South Carolina School  
10 Boards Association. By December 31, 2019, the State Board of  
11 Education shall adopt a model training program for training local  
12 school board members on the provisions of this article and local  
13 polices adopted pursuant to it. The program must include initial and  
14 continuing training. The State Board of Education periodically may  
15 shall tri-annually review adopt revisions to the training program as  
16 it considers necessary, and adopt revisions.

17 (2)(a) A local school board shall adopt a local training  
18 program applicable to that board within three months after adoption  
19 of the model training program by the State Board of Education. A  
20 training program must include, at a minimum, the model training  
21 program adopted by the State Board of Education.

22 (b) If the State Board of Education adopts a revision to the  
23 training program, a local school board shall adopt and incorporate  
24 the revision into its local training program within three months of  
25 the adoption of the revision by the State Board of Education.

26 (c) A local school board only may adopt its local training  
27 program or any changes to that local training program at a regularly  
28 cheduled meeting.

29 (d) A local school board shall submit a copy of its local  
30 code of ethics and subsequent revisions to the State Department of  
31 Education within thirty days of adoption.

32 (C) ~~The provisions of this section also apply to members of~~  
33 ~~county boards of education appointed or elected after July 1, 1997,~~  
34 ~~in the same manner the provisions of this section apply to members~~  
35 ~~of school district boards of trustees.~~

36 (D) ~~The provisions of this section do not apply to a school board~~  
37 ~~trustee or county board of education member who was serving in~~  
38 ~~such office on July 1, 1997, and who is continuously reelected or~~  
39 ~~reappointed to office thereafter. In addition to meeting other~~  
40 ~~requirements provided by law, a person serving on a school board~~  
41 ~~shall:~~

42 ~~(1)~~ sign a statement asserting that he understands and is in  
43 compliance with, the South Carolina Ethics law, and the applicable

1 local code of ethics and policy on nepotism; and the training  
2 required under this Section.

3 ~~(2) annually disclose compliance with the State Board of~~  
4 ~~Education policy on training for local school boards, the applicable~~  
5 ~~local code of ethics, the nepotism policy, and the conflict of interest~~  
6 ~~provisions applicable to local school boards.~~  
7 ~~“Section 8-13-810.~~  
8

9 ~~(E)(D) The State Department of Education shall reimburse a~~  
10 ~~school district or county board of education conducting an~~  
11 ~~orientation training for a new board member as required by this~~  
12 ~~section at the rate of eighty dollars for a member, provided that the~~  
13 ~~total reimbursements by the department in one fiscal year must not~~  
14 ~~exceed ten thousand dollars. If the total projected cost of these~~  
15 ~~reimbursements for a year as determined by the department exceeds~~  
16 ~~ten thousand dollars, the eighty dollar reimbursement for each new~~  
17 ~~member must be reduced proportionately. If funds are not available~~  
18 ~~for these reimbursements, the board member orientation training is~~  
19 ~~not required but may be conducted at the option of a school district~~  
20 ~~or county board of education. The State Board of Education shall~~  
21 ~~establish guidelines and procedures for these reimbursements.~~

22 ~~—(FE) The State Department of Education must keep a record of the~~  
23 ~~school board trustees who complete the orientation training program~~  
24 ~~for a period of at least five years.” At the beginning of each calendar~~  
25 ~~year, the local board shall certify compliance with provisions of~~  
26 ~~Subsection (C) by all board members, and publish this certification~~  
27 ~~in the minutes of the next regularly scheduled school board meeting.~~  
28

29  
30 SECTION 53. Section 59-19-60 of the 1976 Code is amended to  
31 read:

32  
33 ~~“Section 59-19-60. (A) School district trustees shall be are~~  
34 ~~subject to removal from office for cause by the county boards of~~  
35 ~~education, upon notice and after being given an opportunity to be~~  
36 ~~heard by the county board of education. Any such order of removal~~  
37 ~~shall state the grounds thereof, the manner of notice and the hearing~~  
38 ~~accorded the trustee, and any such trustee shall have the right to~~  
39 ~~appeal to the court of common pleas, as provided in Section~~  
40 ~~59-19-560 pursuant to the provisions of Chapter 3, Title 1.~~  
41 ~~Vacancies occurring in the membership of any board of trustees for~~  
42 ~~any cause shall must be filled for the unexpired term by the county~~

1 ~~board of education local legislative delegation in the same manner~~  
2 ~~as provided for full term appointments.~~

3 ~~—(B) In addition to the basis bases for removal from office by the~~  
4 ~~Governor provided in Chapter 3, Title 1, the Governor may remove~~  
5 ~~a member of a school district board of trustees in a case involving:~~

6 ~~—(1) fraud;~~

7 ~~—(2) misappropriation of funds;~~

8 ~~—(3) nepotism;~~

9 ~~—(4) violation of election or procurement laws; or~~

10 ~~—(5) any combination of items (1) through (4) (5).~~

11 ~~(C) If the entire membership of a board of trustees is removed,~~  
12 ~~five vacancies automatically are created, regardless of the prior~~  
13 ~~number of seats held by the board of trustees. The Governor shall~~  
14 ~~appoint members to fill three of the vacancies, the State~~  
15 ~~Superintendent of Education shall appoint a member to fill one of~~  
16 ~~the vacancies, and the local legislative delegation shall appoint a~~  
17 ~~member to fill one of the vacancies within ninety days.~~

18 ~~—(D) If one or more members, but not the entire membership, of a~~  
19 ~~board of trustees is removed, the Governor must fill the vacancies~~  
20 ~~within ninety days.~~

21 ~~—(E) A person appointed pursuant to subsection (C) or (D) to fill~~  
22 ~~a vacant seat on a board of trustees shall serve until the next general~~  
23 ~~election is held for the seat and may run in that general election for~~  
24 ~~the seat to which he was appointed.~~

25 ~~—(F) If only two members remain serving on a board of trustees,~~  
26 ~~the members may take no action that requires a vote until a third~~  
27 ~~member is appointed.”~~

28

29 SECTION 59. This act takes effect upon approval by the  
30 Governor.

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