**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3868**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. West

Document Path: l:\council\bills\rt\17968wab21.docx

Companion/Similar bill(s): 578

Introduced in the House on February 10, 2021

Currently residing in the House Committee on **Education and Public Works**

Summary: Education: Mandatory mediation for school board disputes

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/10/2021 House Introduced and read first time ([House Journal‑page 5](file:///h:\hj\20210210.docx))

2/10/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 5](file:///h:\hj\20210210.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3868&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/10/2021](file:///p:\pprever\2021-22\3868_20210210.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑105 SO AS TO PROVIDE SCHOOL BOARD TRUSTEES SHALL ATTEMPT MEDIATION OF DISPUTES AMONG BOARD MEMBERS OR WITH THE BOARD ITSELF BEFORE INITIATING LITIGATION TO RESOLVE SUCH DISPUTES, TO PROVIDE REQUIREMENTS FOR MEDIATION AND LITIGATION, AND TO PROVIDE MEDIATION COSTS MUST BE PAID BY BOARD MEMBERS IN THEIR PERSONAL CAPACITY AND NOT CORPORATELY BY LOCAL SCHOOL BOARDS.

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

SECTION 1. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑105. (A) A member of a local school district board of trustees may not initiate a lawsuit against the board or another individual member of it unless the parties unsuccessfully attempted to mediate the dispute as provided in this section.

(B) In attempting to resolve a dispute between or among board members or against the board itself, the parties first shall enter into nonbinding mediation with a mediator certified by the South Carolina Supreme Court Board of Arbitrator and Mediator Certification. If the mediation fails to successfully resolve the dispute, the parties shall provide notice of the unsuccessful resolution attempt and copies of the mediator’s report to their legislative delegation and the State Superintendent of Education before any of the parties may initiate a lawsuit on an issue that the mediation unsuccessfully attempted to resolve.

(C) All costs associated with the mediation must be paid by board members in their personal capacity and not corporately by the local school board.”

SECTION 2. This act takes effect upon approval of the Governor.

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