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COMMITTEE REPORT

January 20, 2022

**S. 203**

Introduced by Senators Hembree, Gustafson and Bennett

S. Printed 1/20/22--H.

Read the first time February 24, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (S. 203) to amend Section 59-19-60 of the 1976 code, relating to the removal of school district trustees and filling vacancies, to provide that district trustees guilty of malfeasance, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill establishes protocol for the Governor, instead of county boards of education, to remove school district trustees from office due to malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity.

**State Department of Education.** SDE indicates that this bill will have no expenditure impact on the agency since the bill does not alter the responsibilities or duties of the agency.

**State Agency Schools.** The Governor’s School for Science and Mathematics, the Governor’s School for Arts and Humanities, the Governor’s School for Agriculture at John de la Howe, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that the bill will have no expenditure impact since it does not alter the responsibilities or duties of the agencies. Therefore, this bill will have no expenditure impact on the state agency schools.

**Office of the Governor.** The Office of the Governor previously indicated that similar legislation would have no expenditure impact on the agency since it requires the agency to perform activities within the normal course of business. Therefore, we do not anticipate that this bill will have an expenditure impact on the Office of the Governor.

**Local Expenditure**

This bill establishes protocol for the Governor, instead of county boards of education, to remove school district trustees from office due to malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity.

SDE indicates that this bill will have no expenditure impact on local school districts since it does not alter the responsibilities or duties of school districts.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 59-19-60 OF THE 1976 CODE, RELATING TO THE REMOVAL OF SCHOOL DISTRICT TRUSTEES AND FILLING VACANCIES, TO PROVIDE THAT DISTRICT TRUSTEES GUILTY OF MALFEASANCE, MISFEASANCE, INCOMPETENCY, ABSENTEEISM, CONFLICTS OF INTEREST, MISCONDUCT, PERSISTENT NEGLECT OF DUTY IN OFFICE, OR INCAPACITY SHALL BE SUBJECT TO REMOVAL FROM OFFICE BY THE GOVERNOR, TO DELETE NOTICE REQUIREMENTS AND THE RIGHT TO APPEAL, AND TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 59‑16‑60 of the 1976 Code is amended to read:

“Section 59‑19‑60. Notwithstanding any provision of law to the contrary, school ~~School~~ district trustees ~~shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59‑19‑560.~~ who willfully commit or engage in an act of malfeasance, misfeasance, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office or is deemed incompetent or incapacitated must be subject to removal by the Governor upon any of the foregoing causes being made to appear to the satisfaction of the Governor. Before removing any such officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard. Vacancies occurring in the membership of any board of trustees for any cause shall be filled for the unexpired term ~~by the county board of education~~ in the same manner as provided for full‑term appointments.”

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

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