**South Carolina General Assembly**

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**A92, R11, S654**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hutto

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Introduced in the Senate on March 22, 2023

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Currently residing in the Senate

Governor's Action: April 25, 2023, Signed

Summary: Barnwell County School Districts, consolidation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/22/2023 Senate Introduced, read first time, placed on local & uncontested calendar (Senate Journal‑page 4)

 3/23/2023 Senate Read second time (Senate Journal‑page 12)

 3/27/2023 Scrivener's error corrected

 3/28/2023 Senate Read third time and sent to House (Senate Journal‑page 10)

 3/29/2023 House Introduced and read first time (House Journal‑page 74)

 3/29/2023 House Referred to **Barnwell Delegation** (House Journal‑page 74)

 4/4/2023 House Delegation report: Favorable **Barnwell Delegation** (House Journal‑page 2)

 4/5/2023 House Read second time (House Journal‑page 57)

 4/5/2023 House Roll call Yeas-107 Nays-0 (House Journal‑page 58)

 4/5/2023 Scrivener's error corrected

 4/6/2023 House Read third time and enrolled (House Journal‑page 19)

 4/19/2023 Ratified R 11

 4/25/2023 Signed By Governor

 4/27/2023 Effective date 04/25/23

 7/6/2023 Act No. 92

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**VERSIONS OF THIS BILL**

[03/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/654_20230322.docx)

[03/22/2023-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/654_20230322a.docx)

[03/24/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/654_20230324.docx)

[03/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/654_20230327.docx)

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(A92, R11, S654)

AN ACT TO CONSOLIDATE BARNWELL SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, and barnwell county school district 80 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 ON JULY 1, 2024; TO PROVIDE THAT THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF five MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2024 GENERAL ELECTION, EACH OF THE five MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE ELECTED FROM SINGLE‑MEMBER ELECTION DISTRICTS as delineated on a designated map number on file with the revenue and fiscal affairs office; TO PROVIDE THAT THE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS’ TERMS; to provide demographic information for the newly drawn election districts; TO ESTABLISH THE BOARD’S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT 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; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2024 AND 2025; AND TO PROVIDE THAT BEGINNING IN 2026, THE BARNWELL COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

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

Consolidation

SECTION 1. (A) Notwithstanding another provision of law:

 (1) on the effective date of this act, Barnwell County School District 45, Barnwell County Consolidated School District, and Barnwell County School District 80 (the three present school districts) shall commence all prudent and essential preparations necessary to achieve an efficient and well-organized consolidation of the districts;

  (2) effective July 1, 2024, the three present districts must be abolished. The powers and duties of the Board of Trustees of Barnwell County School District 45, Barnwell County Consolidated School District, and Barnwell County School District 80 must be devolved on the Board of Trustees of the Barnwell County School District, which shall consist of the combined geographic area encompassed by the three present school districts as they existed on the effective date of this act; and

 (3) pursuant to Section 59‑17‑100:

  (a) the three present school districts are required to submit their 2024 annual audit reports to the State Department of Education on or before December 1, 2024; and

 (b) the Barnwell County School District must submit its initial audit report to the State Department of Education on or before December 1, 2025.

 (B) In order to facilitate the efficient consolidation of the three present school districts, the members of the districts’ respective boards of trustees and their superintendents, administrators, and personnel shall cooperate fully with the Barnwell County Legislative Delegation and delegation staff, the initial five‑member appointed Board of Trustees for the Barnwell County School District, and the South Carolina Department of Education officials assisting with the consolidation. In addition, after the effective date of this act, the three present school districts may not:

 (1) create new full-time or part-time district level positions;

  (2) approve, award, or authorize any salary increases, raises, bonuses, or severance pay or separation incentives of any type;

 (3) create or incur new bonded indebtedness, except as set forth in SECTION 6(C);

  (4) approve requests for planned out-of-state travel or requests for reimbursement for planned out-of-state travel, unless the five‑member Barnwell County School District Board of Trustees created pursuant to SECTION 2 of this act has approved the requests, or for matters needing decision prior to that board’s creation, approval by the legislative delegation; or

 (5) make any significant district purchases unless the five‑member Barnwell County School District Board of Trustees created pursuant to SECTION 2 of this act has approved the purchase. For purposes of this item, “significant district purchase” means any district purchase in excess of fifty thousand dollars. The provisions of this item do not apply to essential district purchases directly related to student health or safety; however, any such purchases will be reported to the Barnwell County School District Board of Trustees.

 (C) Any current district level administrator for any of the three present school districts whose position will be eliminated due to the creation of an equivalent position in the consolidated district has priority consideration for the equivalent position if the administrator remains in his role at the time of hiring for the consolidated district and desires to be considered for the new position. Priority consideration is limited to review of an application for employment, or an interview; however, priority consideration does not mean that a position with the consolidated district must be offered. For purposes of this subsection, “current” means as of the effective date of this act, and “district level administrator” includes superintendents, chief academic officers, associate superintendents, assistant superintendents,

and district directors. Position equivalency must be determined based on the position’s title and responsibilities.

Board of Trustees

SECTION 2. (A) The Barnwell County School District must be governed by a board of trustees of five members to be appointed initially by a majority of the Barnwell County Legislative Delegation. The five members initially appointed by the legislative delegation after the effective date of this act must be qualified electors of either Barnwell County School District 45, Barnwell County Consolidated School District, or Barnwell County School District 80, and these appointed members shall serve on the Barnwell County School District Board of Trustees until their successors are elected in school district elections conducted at the same time as the 2024 General Election and qualify.

 (B) Beginning in 2024, the school district must be governed by a board of trustees of five members, elected in nonpartisan elections from the five single‑member election districts as shown on the official Barnwell County School District map designated as S‑11‑00‑23 and maintained by the Revenue and Fiscal Affairs Office. Each member must be a resident of the single‑member district from which he is elected, and only those electors residing in the particular district are eligible to vote for the trustee who will represent the district. Elections for the Barnwell County School District Board of Trustees must be conducted at the same time as the general election and every four years thereafter, except as provided in this act to stagger the members’ terms. Members of the Barnwell County School District Board of Trustees must be elected for four-year terms and until their successors are elected and qualify; however, in order to stagger the members’ terms, of the five trustees elected in 2024 the trustees elected from the even‑numbered election districts shall serve initial two-year terms, and the successors to these members must be elected in school district elections to be conducted at the same time as the 2026 General Election. The trustees elected in the 2026 School District Elections and their successors shall serve full four‑year terms and until their successors are elected and qualify. The members elected in 2024 from odd‑numbered election districts shall serve full four‑year terms to expire in November 2028 when their successors elected at the 2028 School District Elections qualify and take office. In the event of a vacancy on the board occurring for any reason other than the expiration of a term, the vacancy must be filled for the remainder of the unexpired term through appointment by the county legislative delegation.

 (C) All persons desiring to qualify as a candidate for the Barnwell County School District Board of Trustees shall file written notice of candidacy with the Barnwell County Board of Voter Registration and Elections on forms furnished by the board. The filing period shall open at 12:00 p.m. on August first or, if August first falls on Saturday or Sunday, then 12:00 p.m. on the following Monday and shall run until 12:00 p.m. on August fifteenth or, if August fifteenth falls on Saturday or Sunday, no later than 12:00 p.m. on the following Monday. This notice of candidacy must be a sworn statement and shall include the candidate’s name, age, election district in which he resides and from which he seeks election, voting precinct, period of residence in the county and election district, and other information that the board requires. The Barnwell County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the Barnwell County School District Board of Trustees in the manner governed by the election laws of this State, mutatis mutandis. The county board of voter registration and elections 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 county elections board also shall publish notices of the elections pursuant to Section 7‑13‑35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5‑15‑61. The members of the consolidated school district elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59‑19‑315.

 (D) The demographic information for each of the five single‑member districts shown on the Barnwell County School District map is as follows:

 District Pop. Dev. %Dev. Hisp. %Hisp.

 1 3,973 ‑145 ‑3.52% 157 3.95%

 2 4,176 58 1.41% 86 2.06%

 3 4,266 148 3.59% 71 1.66%

 4 3,920 ‑198 ‑4.81% 112 2.86%

 5 4,254 136 3.30% 94 2.21%

 Totals 20,589 520 2.53%

 District NH White %NH White NH Blk. %NH Blk. VAP %VAP

 1 2,754 69.32% 878 22.10% 3,087 77.70%

 2 1,463 35.03% 2,542 60.87% 3,119 74.69%

 3 2,408 56.45% 1,638 38.40% 3,439 80.61%

 4 2,384 60.82% 1,296 33.06% 3,018 76.99%

 5 1,343 31.57% 2,696 63.38% 3,301 77.60%

 Totals 10,352 50.28% 9,050 43.96% 15,964

 District HVAP %HVAP WVAP %WVAP BVAP %BVAP

 1 98 3.17% 2,198 71.20% 657 21.28%

 2 58 1.86% 1,195 38.31% 1,811 58.06%

 3 48 1.40% 2,000 58.16% 1,277 37.13%

 4 69 2.29% 1,917 63.52% 935 30.98%

 5 66 2.00% 1,111 33.66% 2,030 61.50%

 Totals 339 2.12% 8,421 52.75% 6,710 42.03%

Board officers

SECTION 3. (A) The members of the Barnwell County School District Board of Trustees shall elect a chairman and other officers they consider necessary for terms that are coterminous with their appointed or elected terms of office.

 (B) The Barnwell County School District Board of Trustees has the power, duty, and responsibility provided by law including to:

  (1) employ a superintendent as the chief executive officer;

 (2) establish other administrative departments upon the recommendation of the superintendent;

  (3) adopt the annual school district budget;

 (4) inquire into the conduct of an office, department, or agency of the school district;

  (5) adopt and modify attendance zones of schools within the school district;

 (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 may not exceed four hundred fifty dollars per month.

Superintendent

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 an appointed 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 that 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 that seem desirable;

 (5) perform other duties 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.

Millage levy

SECTION 5. (A) For purposes of determining the 2024 property tax millage levy of the Barnwell County School District upon its creation, the millage levy for the district must be determined and calculated by the Department of Revenue based on the 2023 levy of the three present school districts and the value of a mill in each district. The county shall levy the millage as calculated and determined by the Department of Revenue, no less. Neither Section 12‑43‑285, nor any other state or local law shall be interpreted to provide a basis or discretion for the county to reduce the millage rate set by the Department of Revenue. Thereafter, the millage levy for the year 2025 must be the millage levy for the previous year. To the allowed millage levy for 2024 and 2025 may be added any millage determined by the Department of Revenue necessary to comply with educational mandates imposed by federal or state law.

 (B) Beginning in 2026, the Barnwell County School District is vested with total fiscal autonomy. In order to obtain funds for school purposes the board of trustees is authorized to impose an annual tax levy, exclusive of any millage imposed for bond debt service. Upon certification by the board of trustees to the county auditor of the tax levy to be imposed, the auditor shall levy and the county treasurer shall collect the millage so certified upon all taxable property in the district. The consolidated school district may raise its millage by no 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. An increase above this two mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the district board of trustees and conducted by the county board of voter registration and elections. If the school district calls for the referendum provided for in this subsection to be held at any time other than at the general election conducted pursuant to Section 7‑13‑10 then the school district shall pay the cost of the referendum. To the extent the provisions of this section relating to increases in school millages conflict with the provisions of Section 6‑1‑320, relating to the millage rate increase limitation, the provisions of Section 6‑1‑320 control.

Assets and liabilities

SECTION 6. (A)(1) On July 1, 2024, the assets and liabilities of the three present school districts must be transferred to the Barnwell County School District. The records and employees of the three present school districts must be transferred to and, if applicable, assumed by the countywide school district.

 (2) Any funds under paragraph 1.88, Part I of Act 91 of 2019 or paragraph 1.92 of Act 239 of 2022 to support school district consolidation and related purposes in certain specified school districts, which have been distributed to or which are to be made available to the three present school districts must be transferred to or made available to Barnwell County School District to be used for the same purposes unless otherwise amended per the terms of those two provisos.

 (B) The constitutional debt limitation on the issuance of general obligation bonds applicable to the Barnwell County School District is to be computed according to the law of this State and based on the assessed value of all taxable property in the district 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 the present school districts.

 (C)(1) During the transition period, which begins on the effective date of this act and runs until July 1, 2024, no new general obligation bonds may be issued against the constitutional debt limitation of the three present school districts unless such general obligation bonds are scheduled to mature and be paid in full prior to July 1, 2024. Bond anticipation notes and tax anticipation notes may be issued during the transition period by the three present school districts only if such notes are scheduled to mature and be paid in full prior to July 1, 2024.

  (2) During the transition period, which begins on the effective date of this act and runs until July 1, 2024, no new general obligation bonds maturing on or after July 1, 2024, may be issued against the constitutional debt limitation of the three present school districts, except in the case of an emergency. If new general obligation bonds are issued, then the board of trustees of the issuing school district must adopt a resolution declaring the emergency and specifying the necessity of the issue.

Previous districts abolished

SECTION 7. (A) Barnwell County School District 45, Barnwell County Consolidated School District, and Barnwell County School District 80 are abolished on July 1, 2024, at which time the Barnwell County School District 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 countywide school district board of trustees appointed after the effective date of this act shall take office on the date they take the oath of office. From this date and until July 1, 2024, the boards shall organize, begin planning for the changeover to the consolidated district, enter into contracts to effectuate these purposes, begin spending SRS settlement funds designated to the Barnwell County School District, and perform other related matters, except that the responsibility and authority to manage the schools of the three present school districts rests solely with the individual boards for each of the three present school districts until July 1, 2024, and the appointed countywide board of trustees may not interfere with this authority.

 (B) Funding for the activities of the appointed consolidated board of trustees, from the date the members assume office until July 1, 2024, must be paid from funds provided to the Barnwell County School District by the State Department of Education for this purpose.

 (C)(1) After the effective date of this act, a member of one of the three present school districts’ governing boards may:

 (a) be appointed to the Barnwell County School District Board of Trustees; or

  (b) seek election to the Barnwell County School District Board of Trustees in 2024.

 (2) If a member of one of the present boards is either appointed or elected to the Barnwell County School District Board of Trustees pursuant to item (1):

  (a) prior to assuming his new duties on the consolidated school district board of trustees, he must first resign as a member of the present board; and

 (b) notwithstanding another provision of law, the vacancy on the present board must be filled for the remainder of the unexpired term by appointment of the county legislative delegation if the vacancy will cause the loss of a quorum on the present board, or will cause a violation of Section 59‑19‑20.

Repeal of prior acts

SECTION 8. All local acts concerning Barnwell County School District 45, Barnwell County Consolidated School District, and Barnwell County School District 80 (known as Barnwell County Vocational Education School Board) inconsistent with the provisions of this act are repealed as of July 1, 2024, 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.

Severability

SECTION 9. If any provision of this act for any reason is held by a court of competent jurisdiction to be unconstitutional or invalid, that holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly declares that it would have passed this act and each and every provision in it, irrespective of the fact that any one or more provisions of it may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 10. This act takes effect upon approval by the Governor.

Ratified the 19th day of April, 2023.

Approved the 25th day of April, 2023.

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