

Provisions Governing the School Districts of Orangeburg County

Act 526 of 1996
as amended by Acts 487 of 1998, 203 of 1999, 150 of 2001, and
205 of 2005

SECTION 1. (A) Effective July 1, 1997, Orangeburg County shall consist of three school districts to be known as Orangeburg County Consolidated School District Three, Orangeburg County Consolidated School District Four, and Orangeburg County Consolidated School District Five. Each consolidated school district shall consist of the following areas:

- (1) **Orangeburg County Consolidated School District Four**--the boundaries of present school districts One, Four, and Eight;
- (2) **Orangeburg County Consolidated School District Five**--the boundaries of present school districts Two, Five, and Six; and
- (3) **Orangeburg County Consolidated School District Three**--the boundaries of present school districts Three and Seven.

The board of trustees of each consolidated school district shall be elected from single-member or other election districts as set forth below:

[SEE MAPS]

(B) The eight present school districts of the county shall be abolished on July 1, 1997, and the powers and duties of the respective boards of trustees of each district devolved upon the board of trustees for the applicable consolidated school district except as hereinafter established.

SECTION 2. (A) Except for Consolidated School District Five, each consolidated school district shall be governed by a board of trustees of seven members who must be elected in nonpartisan elections to be held beginning in 1997 in the manner hereinafter provided. Each member of the board must be a resident of and elected from single-member election districts provided in this act. The members of each board shall elect a chairman and such other officers as they deem necessary to serve for terms of one year in these capacities. The 1997 nonpartisan election shall be held on the third Tuesday in January, 1997. After the 1997 election, members of each board shall thereafter be elected at nonpartisan elections to be conducted on the first Tuesday after the first Monday of November every two or four years thereafter as applicable beginning in 1999. Members of each board shall be elected for four-year terms and until their successors are elected and qualify, except that of the seven members of each board elected in 1997, the members elected from election districts one, three, five, and seven shall serve for initial terms to expire in November, 2001, when their successors elected at the 2001 election qualify and take office, and the members elected from election districts two, four, and six shall serve for initial terms to expire in November, 1999, when their successors elected at the 1999 election qualify and take office. All members of each board shall serve until their successors are elected and qualify.

Orangeburg County Consolidated School District Five must be governed by a board of trustees of seven members who must be elected in nonpartisan elections to be held in the manner hereinafter provided. Each member of the board must be a resident of and elected from election districts provided in this subsection.

[these subsections renumbered]

(1) The trustee representing election district 5-1 as delineated in subsection (A) of this section must reside in election district 5-1 and the trustee representing election district 5-2 as delineated in subsection (A) of this section must reside in district 5-2, with both trustees elected at-large from the combined area of the two districts.

(2) Three trustees, who must reside within the boundaries of district 5-3 as delineated in subsection (A) of this section must be elected at large from election district 5-3.

(3) The trustee representing election district 5-4 as delineated in subsection (A) of this section must reside in election district 5-4 and the trustee representing election district 5-5 as delineated in subsection (A) of this section must reside in district 5-5, with both trustees elected at-large from the combined area of the two districts.

(4) The members of the board shall elect a chairman and such other officers as they deem necessary to serve for terms of one year in these capacities. Beginning with the 1999 election, members of the board must be elected at nonpartisan elections to be conducted on the first Tuesday after the first Monday of November every second year for four-year terms and until their successors are elected and qualify. At the 1999 election, the successors to members elected pursuant to Section 2(A) of Act 526 of 1996 whose terms expire in 1999 must be elected from election districts two, three, and four and shall serve for terms to expire in November, 2003, when their successors elected at the 2003 election qualify and take office. At the 2001 election, the successors to members elected pursuant to Section 2(A) of Act 526 of 1996 whose terms expire in 2001 must be elected from election districts one, three, and five and shall serve for terms to expire in November, 2005, when their successors elected at the 2005 election qualify and take office. All members of each board shall serve until their successors are elected and qualify.

Each member of the board must be elected by the qualified electors of the single-member district from which he seeks election. All persons desiring to qualify as a candidate shall file written notice of candidacy with the county election commission on forms furnished by the commission. This notice of candidacy must be a sworn statement and must include the candidate's name, age, election district from which he resides and seeks election, voting precinct, period of residence in the county and election district, and other information as the county election commission requires. The filing period opens on the first day of November, 1996, at noon to run for two weeks for the 1997 election to expire at noon of the last day of the filing period and thereafter is as provided in Section 7-13-352 of the 1976 Code. The results of the elections must be determined by the nonpartisan plurality method as contained in Section 5-15-61 of the 1976 Code.

The county commissioners of election shall conduct and supervise the elections for members of each board in the manner governed by the election laws of this State, *mutatis mutandis*. The commissioners 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 commission shall publish notices of the elections in the same manner provided in Section 7-13-35 of the 1976 Code. The results of the elections must be determined by the nonpartisan plurality method as contained in Section 5-15-61 of the 1976 Code.

The members of each board elected in these nonpartisan elections shall take office one week following certification of their election as provided in Section 59-19-315 of the 1976 Code. In the event of a vacancy on the board of trustees of each Orangeburg County Consolidated School District for any reason other than expiration of a term, the vacancy must be filled for the unexpired term through appointment by the Orangeburg County Legislative Delegation.

(B) Each board shall employ a superintendent for its district. The district superintendent shall be the chief operating officer of the district and shall be 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 any appointive 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 as 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 as may seem desirable; and

(5) perform other duties as may be prescribed by law or required of him by the board not inconsistent with the provisions of law.

SECTION 3. (A) The Orangeburg County Board of Education is hereby abolished and all powers and duties of the county board of education are devolved upon the Orangeburg County Consolidated School District Fiscal Commission as established pursuant to this section.

Effective July 1, 2005, there is established the Orangeburg County Consolidated School District Fiscal Commission to be composed of three members who shall serve ex officio. The Orangeburg County Consolidated School District Fiscal Commission is to be made up of the Orangeburg County Treasurer, the Orangeburg County Auditor, and the chairman or his designee of one of the boards of trustees of the Orangeburg County Consolidated School District Three, the Orangeburg County Consolidated School District Four, or the Orangeburg County Consolidated School District Five. The chairman's designee must be a member of that chairman's school board of trustees or the district's superintendent. On an annual revolving basis one of the school district's board of trustees is to be represented. The Chairman or his designee of Orangeburg County Consolidated School District Three is to serve on the commission from July 1, 2005, through June 30, 2006. At the end of one year the Chairman or his designee of Orangeburg County Consolidated School District Four is to serve and the following year the Chairman or his designee of the Orangeburg County Consolidated School District Five is to serve. This rotation is to continue for the lifetime of the Orangeburg County Consolidated School District Fiscal Commission.

(B) The primary role of the Orangeburg County Consolidated School District Fiscal Commission is to equalize funding among the three consolidated districts in the manner provided by this act.

(C) The Orangeburg County Consolidated School District Fiscal Commission shall have only those powers, duties, and functions as provided in this act and not as provided by the general law, all of the other powers, duties, and functions being reserved to the boards of the particular consolidated school districts.

(D) The Orangeburg County Consolidated School District Fiscal Commission shall serve as a fiscal agent to distribute the countywide school millage levy for operating and debt service purposes to the three consolidated school districts of the county as provided in this act.

(E) The Orangeburg County Consolidated School District Fiscal Commission also shall:

- (1) serve as arbitrator in disputes concerning school district lines;
- (2) receive a copy of each district's annual audit of its financial affairs; and
- (3) prescribe a uniform salary schedule for all certified teachers to be effective beginning with school year 1997-98.

(F) The Orangeburg County Consolidated School District Fiscal Commission, in consultation with the boards of the three consolidated school districts, shall review annually the impact of the formula established in Section 5 of this act and shall recommend revisions as necessary or shall develop a new formula to provide for the equalization of the districts' per pupil funding to within plus or minus five percent of the county average local and EFA revenue per pupil, taking into consideration any differences in local tax effort, within five years of the effective date of this act. The recommendations on the formula must be presented to the county legislative delegation no later than March 30 of each year.

(G) Funds remaining on this act's effective date previously under the control or use for the operation of the Orangeburg County Board of Education are transferred to the Orangeburg County Consolidated School District Fiscal Commission and must be distributed among the three consolidated districts in the same proportion as funds are distributed to these districts in accordance with the average daily membership formula in accordance with Section 5(A) of this act.

SECTION 4. (A) The board of trustees of each consolidated school district, before July first of each year beginning in 1997, shall prepare a school district budget for the ensuing school year. Before September second of each year beginning in 1997, the board shall notify the county auditor and treasurer in writing of the millage required for the operation of the schools in the district for the ensuing school year. The notice by the board constitutes authority for the levying and collection of the millage upon all of the real and personal property within the school district. The levy must be placed to the credit of the district and expended for the district. Beginning in 1997, a school district may raise its millage by not more than three 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 of the 1976 Code. Any increase above this three mills for operations may be levied only after a majority of the registered electors of the district voting in a referendum, called by the district school board and conducted by the county election commission, vote in favor of the millage increase. However, Consolidated District Four shall be permitted to adjust millage to compensate for the loss of Education Finance Act funding attributable to the assessed valuation of the Cope Electric Generating Station. The amount of decrease in the Education Finance Act funding resulting from the generating station must be certified by the State Department of Education. This millage adjustment shall occur only once and shall be limited to the millage needed to replace the Education Finance Act funds.

(B) Each consolidated board shall hold a public hearing prior to its final approval of the budget for the district. Notice of these public hearings must be placed in a newspaper of general circulation in the district at least fifteen days before the public hearing.

(C) For purposes of 1997 only, the millage levied for the previous year of a consolidated district must be derived by dividing the total revenue raised in 1996 from school tax millage by each of the former school districts of the county now a part of that consolidated district by the total 1996 assessed value of all taxable property of those former districts less thirty mills.

SECTION 5. (A) Beginning with the year 1997, a countywide school tax millage levy of twenty-five mills for operating purposes is hereby imposed and shall be distributed by the Orangeburg County Consolidated School District Fiscal Commission to the consolidated school districts on the following formula:

Step 1. Determine the countywide wealth per student by dividing the total value of a countywide mill by the total average daily membership (ADM) of the three consolidated districts. The ADM will be determined by the prior year one hundred thirty-five day report for each district.

Step 2. Determine each district's wealth per student by dividing the total value of the district's mill by its ADM.

Step 3. Determine the variance of each district's wealth per student from the highest district's wealth per student.

Step 4. Equalize the wealth per student for the least wealthy district by multiplying that district's variance from the highest wealth per student by the district's ADM and multiplying by twenty-five mills; equalize the next least wealthy district by multiplying that district's variance from ninety-five percent of the highest wealth per student by the district's ADM and multiplying by twenty-five mills.

Step 5. The district with the lowest wealth per student is assigned one mill.

Step 6. Consolidated District Five will receive five mills for hold harmless purposes. These mills will be phased out by reducing the hold harmless mills by one each year beginning in 1998. The amount of hold harmless funds will be calculated by multiplying the value of a countywide mill times the number of hold harmless mills; less the district's equalized funds from the wealth per student calculation; plus the district share of the mill assigned to the district with the lowest wealth per student.

Step 7. The remaining funds from the countywide millage shall be divided equally among the three districts based on their percentage of the county's ADM.

(B) Beginning with the year 1997, a countywide school tax millage levy of five mills for capital improvements or debt service purposes is hereby imposed and shall be distributed by the Orangeburg County Consolidated School District Fiscal Commission to the consolidated school districts on the following formula:

Step 1. Determine the countywide wealth per student by dividing the total value of a countywide mill by the total average daily membership (ADM) of the three consolidated districts. The ADM will be determined by the prior year one hundred thirty-five day report for each district.

Step 2. Determine each district's wealth per student by dividing the total value of the district's mill by its ADM.

Step 3. Determine the variance of each district's wealth per student from the highest district's wealth per student.

Step 4. Equalize the wealth per student for the least wealthy district by multiplying that district's variance from the highest wealth per student by the district's ADM and multiplying by five mills; equalize the next least wealthy district by multiplying that district's variance from ninety-five percent of the highest wealth per student by the district's ADM and multiplying by five mills.

Step 5. The district with the lowest wealth per student is assigned one mill.

Step 6. The remaining funds from the countywide millage shall be divided equally among the three districts based on their percentage of the county's ADM.

(C) The Orangeburg County Consolidated School District Fiscal Commission shall make the determinations and allocations required by the formula established in this section.

(D) The Orangeburg County Consolidated School District Fiscal Commission, before July first of each year beginning in 1998, shall determine whether the countywide tax millage levy of twenty-five mills is sufficient to meet the five-year phase-in of equalization of funding. Before September second of each year, the commission shall notify the county auditor and treasurer in writing of the increase in countywide millage required for the equalization of funding. The notice by the commission constitutes authority for the levying and collection of the increase in countywide millage upon all the real and personal property within the county. Beginning in 1998, the commission may raise the countywide millage by no more than three mills over that levied for the previous year. This millage shall be added to the formula as the commission determines best contributes to the phase-in of equalization.

(E) The Orangeburg County Consolidated School District Fiscal Commission shall hold a public hearing prior to its final approval of any increase in the countywide millage. Notice of these public hearings must be placed in a newspaper of general circulation in the county at least fifteen days before the public hearing.

(F) Notwithstanding the requirements of this section, if new construction and improvements are not exempted from any roll back millage requirement, the formula shall not be implemented until the millage can be adjusted to generate the projected revenue needed to fund the formula.

SECTION 6. The board of trustees of each consolidated district shall have the powers, duties, and responsibilities as are provided by law including:

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

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

(3) adopt the proposed budget of the school district;

(4) have the power to inquire into the conduct of any office, department, or agency of the school district;

(5) adopt and modify attendance zones of schools within the school district except that through school year 1998-99, existing attendance zones cannot be changed. However, no elementary or middle school may be closed until two public hearings are held at least two weeks apart within the affected attendance area with information to include, among other things, a delineation of the cost factors involved in keeping the school open and transporting the students to another school. No high school in an attendance area may be closed without the holding of the same public hearings required above for an elementary or middle school, provided, that in addition to the public hearings requirement, if a high school in an attendance area that existed before consolidation is to be closed and the students thereof moved to a high school in another attendance area, the qualified electors within the attendance area where the high school is to be closed must also first approve the closing by referendum. No such referendum may be held at the same time as a school bond referendum. Any school building which is the responsibility of the board of trustees of a consolidated school district must be maintained in conformity with all applicable building code standards and requirements to protect and ensure the health, safety, and welfare of students, faculty, administrators, and the general public;

(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 on an annual basis shall not exceed four thousand eight hundred dollars. The salary set by each consolidated board may be paid on a per meeting, monthly, annual, or other basis provided that for any year the total paid to any member shall not exceed the limits provided above.

SECTION 7. (A) On July 1, 1997, the assets and liabilities of the eight present school districts shall be transferred to the respective consolidated district of which they are a part. The records and employees of the eight present school districts of the county must be transferred to and, if applicable, assumed by the consolidated school district of which they become a part.

(B) The constitutional debt limitation on the issuance of general obligation bonds applicable to consolidated districts is to be computed based on the assessed value of all taxable property in the consolidated district minus that bonded indebtedness of each of the present school districts made a part of the consolidated district which was includable against the constitutional debt limit of those present school districts.

SECTION 8. In creating the consolidated districts, it is anticipated that there will be savings in the total district level administrative costs from the former individual districts; therefore, district level administrative costs in each consolidated district will be no more than four percent of federal, state, and local revenues by July 1, 2000. Administrative costs shall be those defined in the State Department of Education financial analysis model.

SECTION 9. (A) The eight present school districts of Orangeburg County shall be abolished on July 1, 1997, at which time the consolidated school districts of the county as herein provided shall be established. The terms of all members of the boards of trustees of the eight present school districts of the county shall expire on this date. However, the members of the board of trustees of each consolidated school district elected at the 1997 nonpartisan election shall take office one week following certification of their election as provided in Section 59-19-315 of the 1976 Code. From this date and until July 1, 1997, the boards may organize, begin planning for the changeover to a consolidated district, enter into contracts to effectuate these purposes, and perform other related matters pertaining thereto, except that the responsibility and authority to manage the schools of the county rests solely with the individual boards for each of the eight present districts until July 1, 1997, and no consolidated board may do anything to interfere with this authority.

(B) Any member of one of the eight present school boards of the county may seek election to a consolidated school district board or to the county board of education in 1997. However, if they are elected to such office, prior to assuming the duties thereof, they must first resign as a member of their present board. In this event and notwithstanding any other provision of law, the vacancy on the present board they are vacating shall be filled for the remainder of the unexpired term by appointment of the county legislative delegation.

SECTION 10. All local acts pertaining to any school district of Orangeburg County inconsistent with the provisions of this act are repealed as of July 1, 1997, it being the intent of the General Assembly to have this act and the general law be the only provisions of law governing the consolidated school districts of the county and the county board of education.