



South Carolina School Boards Association Annual Convention

Hilton Head Marriott,
Hilton Head Island, SC

Presented by: SC Representative Annie E. McDaniel,
SCCBSBM Associate Member

February 22, 2019

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House Bill 3759 and Senate Bill 419 School Boards of Trustees Ethics

and

What School Boards Should know About District Administration Before District or School Takeover

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Code of Ethics Adoption

- The State Board of Education must adopt a model code of ethics that shall be adopted by local districts by July 1, 2020.
- Review current Code of Ethics for School Board Members provided by the South Carolina School Boards Association.

VI. School Board of Trustees Ethics

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Family Member Employment

- A person may not serve on a local school board if a family member is employed by the district as a superintendent, principal, assistant principal, or member of the district's administrative staff. This requirement may be waived for districts with a student population under 3,000.
- The waiver is designed to assist smaller districts where nepotism may be unavoidable.
- The State Board of Education is given the authority regarding the waiver, and should examine all aspects provided to them by the board requesting relief from the statute.

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Family Members

- Board members may not use their position for personal or family advantage.

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Codification & Economic Interest

- Expectations for board members is codified.
- The State Ethics Act, including the requirement to file a statement of economic interest, is applied to local board members.
- Sponsors of the bill wanted it made clear that the Ethics Act applies to local school board members.
- Review current ethics requirements as set forth by the South Carolina School boards Association.

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Annual Training Program

- Local school boards must adopt annual training programs for members that includes school law, ethics, school finance, instruction, nepotism, board relations, and conflicts of interest.
- Completion of the training must be reported to, and retained by SDE.

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Removal of Board Members

- Board members may be removed by the Governor if the district loses accreditation.
- The loss of accreditation would be based on the state department's accreditation, but that section may need to be made clearer.
- The Governor may remove a board member for fraud, misappropriation of funds, nepotism, or a violation of election or procurement laws.

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Removal of Board Members Conti.

- Board members should not be charged with fraud, misappropriation of funds, etc., if such activity is done without their knowledge. The bill does not require Board management into day-to-day activities, but does reiterate the expectation that boards fulfill their duties when it comes to governance. If a Board member was found to have personally violated statutes related to the items mentioned in the bill, the legislation makes it clear that the Governor has the right to remove the member (similar in respect to what is done for city and county council members.)

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Open Discussion

- Information board members need to request of their superintendent in order not to be accused of micromanaging in order to avert intervention by the State Department of Education.

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