

Summary of Legal Issues

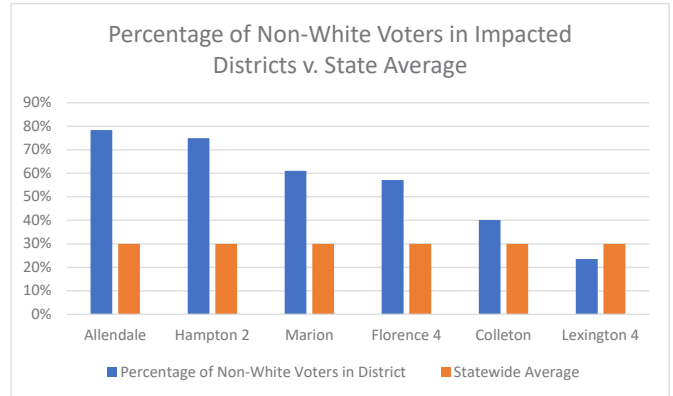
Termination of Locally-Elected School Boards Provision

Senate bill 419

- SCSBA calls on the Senate to remove the provision in Section 59-18-1640 of Senate bill 419 mandating the termination of locally-elected school boards in school districts declared to be in a state of emergency because we believe, based on a recent legal opinion, that this bill in its application could result in the violation of the Voting Rights Act of 1965.
 - The bill authorizes the state superintendent of education to seek a state of emergency declaration in school districts that have 65 percent or more of their schools rated as Below Average or Unsatisfactory for three consecutive years. Upon approval of the declaration, the school board is dissolved.

- The Voting Rights Act of 1965 prohibits racial discriminatory voting policies and practices. For a violation to occur, two elements must exist:
 - One, there must be a change in voting policy or practice.
The termination of an elected school board, as authorized in S.419, is a change in the voting practice because it would revoke the voters' choice in the most recent school board election and eliminate the rights of voters in future school board elections.
 - Second, the change has a racially disparate impact.
In an analysis of school report card rating results for the past two years, school boards in six school districts* were identified for possible termination if the districts are identified as underperforming next year. Research of voter information in these districts showed that in five of these districts, percentages of non-white voters are higher than the state average. Furthermore, if the school boards in all six school districts were removed, SCSBA's analysis shows that non-white voters would be negatively impacted at a rate of 2.35 times higher than the state.

* Allendale County Schools (currently under state management), Colleton County Schools, Florence District Four (currently under state management), Hampton District 2, Lexington District Four and Marion County Schools.



Registered Voters by Race		
School District	White Voters	Non-White Voters
Hampton 2	25%	75%
Florence 4	43%	57%
Allendale	22%	78%
Colleton	60%	40%
Marion	39%	61%
Lexington 4	76%	24%
Statewide Average	70%	30%

Racially Disparate Impact by District	
School District	Disparate Effect Compared to Statewide Average
Hampton 2	150% more non-white voters
Florence 4	91% more non-white voters
Allendale	162% more non-white voters
Colleton	34% more non-white voters
Lexington 4	21% less non-white voters
Marion	103% more non-white voters

