

2021 SCSBA REGIONAL ADVOCACY MEETINGS



State takeover of school districts and removal of local school boards

Summary of Act 44 of 2021

Effective date: July 1, 2022

Declaration of a state of education emergency

The state superintendent may seek a state of education emergency declaration for a school district that he has the capacity to serve and is:

- chronically underperforming (65 percent or more of the district's schools are rated unsatisfactory or below average on the annual school report cards for three consecutive years);
- denied accreditation;
- determined by the state superintendent to have insufficient results from its turnaround plan;
- is classified as being in a fiscal emergency status; or,
- has a deficit as a result of financial mismanagement.

The State Board of Education (SBE) must approve or disapprove of the state superintendent's declaration recommendation within 10 days of the request. The state superintendent is directed to cite how the district has failed to satisfactorily address circumstances justifying the declaration.

Upon approval of the declaration, the state superintendent assumes management of the school district and must notify the district superintendent, local school board, local legislative delegation and the governor.

The local school board may, upon a majority vote, appeal the declaration to the Administrative Law Court within 10 business days of the SBE approval however, the request for a contested case hearing does not stop the declaration.

The **local school board is dissolved** upon the SBE approval of the declaration and upon the expiration of the 10 business-day appeal window.

State superintendent assumes management of the district

While the school district is under the state of education emergency, its fiscal authority relating to taxing authority and levying millage is transferred to its county council until the declaration is lifted.

Once the school district has met its annual improvement targets for a minimum of three consecutive years, the state superintendent is to notify the SBE, which will begin the process for establishing an interim, five-member local board of trustees to be appointed as follows:

- one member appointed by the governor;
- one member appointed by the local legislative delegation; and,
- three members appointed by the state superintendent in consultation with the local legislative delegation.

The interim board begins serving within 45 days of the SBE's approval of the interim board and serves for a minimum of three years and until the SBE approves to end the declaration.

District returns to local control

Upon approval to end the declaration, the S.C. Department of Education, in consultation with the district and interim board, will develop a transition plan and timeline for returning management of the district to a local board of trustees.

Beginning with the next regularly scheduled election, members for the local district board of trustees will be elected or appointed pursuant to statutory requirements.

Upon the swearing in of a new local district board of trustees, the declaration of a state of education emergency shall expire, and the powers and duties of the district superintendent and local district school board of trustees will be restored.