

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Circuit Court Judge

Appellate Case No. 2012-212697

BOARD OF TRUSTEES FOR THE
FAIRFIELD COUNTY SCHOOL DISTRICT Appellants,

vs.

STATE OF SOUTH CAROLINA, CHESTER
COUNTY SCHOOL DISTRICT, FAIRFIELD
COUNTY TREASURER, and STATE
DEPARTMENT OF EDUCATION Respondents.

RECORD ON APPEAL

RECEIVED

DEC 27 2012

S.C. SUPREME COURT

Armand Derfner
Derfner Altman & Wilborn, LLC
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29402
(843) 723-9804

Alice F. Paylor
Rosen, Rosen & Hagood, LLC
P.O. Box 893
Charleston, SC 29402
(843) 577-6726

ATTORNEYS FOR APPELLANTS

INDEX TO RECORD ON APPEAL

Orders and Judgments

Interim Order dated February 18, 2011	1
Judgment dated February 18, 2011	3
Amended Interim Order dated March 9, 2011	4
Consent Order dated December 16, 2011	7

Pleadings, Motions, Affidavits, and Memoranda

Complaint filed June 16, 2010	9
Answer of State of South Carolina dated January 20, 2012	21
Answer of Chester County School District dated August 6, 2010	25
Answer of Fairfield County Treasurer dated August 10, 2010	31
Answer of South Carolina Department of Education dated August 5, 2010	36
Appellant's Motion for Summary Judgment filed February 2, 2011	40
Appellant's Re-Filed Motion for Summary Judgment filed February 27, 2012	41
Appellant's Supplemental Memorandum in Support of Summary Judgment filed June 7, 2012	43
Respondent State of South Carolina's Motion for Summary Judgment filed February 24, 2012	71
Respondent State of South Carolina's Memorandum of Law in Support of Summary Judgment, filed May 30, 2012	75
Respondent Chester County School District's Amended Motion for Summary Judgment filed February 24, 2012	77
Respondent Chester County School District's Memorandum of Law in Support of Amended Motion for Summary Judgment filed June 1, 2012	80

Affidavit of Belva Bush	169
Affidavit of Laurens W. Fort, Jr.	170
Affidavit of Anna Stroud	171
Supplemental Affidavit of Anna Stroud	172
Affidavit of Tressa Harrington.....	182

Exhibits

Order, dated August 18, 1970, <u>United States of America v. Fairfield County School District</u>	187
Minutes, Fairfield County Board of School Trustees, March 20, 1973.....	196
Minutes, Fairfield County Board of School Trustees, April 17, 1973.....	197
Policy JCAB, Chester County School District	198
Letter from Samantha Ingram to Larry Heath dated November 8, 2007.....	199
Letter from Richard Hughes to Catherine Kennedy dated April 22, 2009	200
Letter from Boyd Brown to Jill Cincotta dated May 13, 2009	201
Letter from Creighton Coleman to Annie McDaniel dated April 7, 2010.....	203
Letter from Annie McDaniel to Creighton Coleman dated May 21, 2010.....	205
Chester County School District Budget pages.....	207
Article, <i>The News and Reporter</i> , School Trustees Await Bond Sales Minus Funds, April 4, 1973	218
Article, <i>The News and Reporter</i> , Consolidation Mitford Students in the Mix of Discussion, Nancy Parson, February 10, 2009	221
Article, <i>Herald Independent</i> , Setting the Record Straight on the Mitford Issue, Sen. Creighton Coleman, June 22, 2010.....	223
Article, <i>The News and Reporter</i> , Fairfield Files Lawsuit for Mitford Student Money, Staff, July 21, 2010.....	227

Other

Act No. 1236 of 1972, Statutes at Large of South Carolina	230
Act No. 161 of 1973, Statutes at Large of South Carolina	232
Act 294 of 2010	233
Proviso 1.83, Section 1-H63, S.C. General Appropriations Act 2000, Act. No. 387	237
Proviso 1.33, Section 1-H63, S.C. General Appropriations Act 2010.....	238
Certificate of Counsel	240

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

Board of Trustees for the Fairfield
County School District,)

Plaintiff(s))

vs.)

State of South Carolina, Chester County
School District, Fairfield County
Treasurer and State Department of
Education)

Defendant(s))

INTERIM ORDER
(REGARDING SCHOOL FUNDS)

Docket No. 2010-CP-40017

2011 FEB 18 PM 2:45
JANET W. BRIDLE
C.C.P. & C.S.

This matter came before the Court on February 7, 2011 on motions for summary judgment filed by the Fairfield County School District and the Chester County School District as well as a Motion to Dismiss filed by the State of South Carolina. All parties were represented by counsel.

Before proceeding with arguments pertaining to the motions noted above, the parties informed the Court of collateral developments involving school funding and the application of Act 294 of 2010 (the "Act"), the validity of which Act is the subject of this action. It appears that the Chester School District has invoiced the Fairfield County Treasurer for the sum of Five Hundred Fifty-four Thousand Seven Hundred Six and 00/100 (\$554,706.00) Dollars; the invoice is due and payable not later than February 15, 2011 as is required by the Act. In view of the pending dispute over the validity of the Act, the Fairfield County Treasurer has sought this Court's direction as to the disbursement of funds to either school district. Consequently, counsel for the Treasurer suggested that this Court direct the Treasurer to retain funds pending the resolution of the

~~various Motions of the of the parties and a further Order of this Court.~~

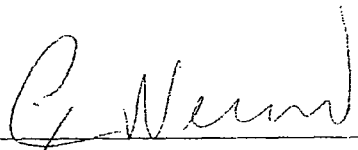
Counsel for each of the parties agreed that the funds invoiced by the Chester County School District should be retained by the Fairfield County Treasurer pending the resolution of the districts' cross motions for Summary Judgment and pending the further Order of this Court specifically dealing with the disbursement of funds.

THEREFORE, with the Agreement of counsel for all parties and good cause appearing therefore;

IT IS ORDERED that the Defendant Fairfield County Treasurer shall allocate from the general fund of the Fairfield County School District the sum of Five Hundred Fifty-four Thousand Seven Hundred Six and 00/100 (\$554,706.00) Dollars into a separate internal fund to be designated on the Treasurer's accounts as "Chester Contingency". The Treasurer may invest the funds as permitted by applicable South Carolina law, and interest, if any, which accrues shall be credited to the contingency fund.

AND IT IS FURTHER ORDERED that the Defendant Fairfield County Treasurer shall maintain the contingency account without reduction or withdrawal until further Order of this Court.

AND IT IS SO ORDERED:



Clifton Newman
Presiding Judge

Dated: February 18, 2011
Columbia, South Carolina

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF RICHLAND

CASE NO: 2010CP4004017

IN THE COURT OF COMMON PLEAS

Board Of Trustees For The Fairfield
County School District

vs.

State Of South Carolina

Plaintiff

Defendant

CHECK ONE:

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other:
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j) SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other:

☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

☐ See attached order;☐ Statement of Judgment by the Court:Matter taken Under AdvisementDated at Columbia, South Carolina, this 7 day of February, 2011.

PRESIDING JUDGE

This judgment was entered on the 18 day of Feb, 2011, and a copy mailed first class this day of Feb, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Armand G. Derfner

Shelly Bezanson Kelly
Kenneth L. Childs
James S. Meggs
Emory Smith

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

SCRPC APP-24/FORM 4

Clerk of Court

Jeannette W. McBride

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

Board of Trustees for the Fairfield
County School District,)

Plaintiff(s))

vs.)

State of South Carolina, Chester County
School District, Fairfield County
Treasurer and State Department of
Education)

Defendant(s))

**AMENDED
INTERIM ORDER**

(REGARDING SCHOOL FUNDS)

Docket No. 2010-CP-40-4017

This matter came before the Court on February 7, 2011 on motions for summary judgment filed by the Fairfield County School District and the Chester County School District as well as a Motion to Dismiss filed by the State of South Carolina. All parties were represented by counsel.

Before proceeding with arguments pertaining to the motions noted above, the parties informed the Court of collateral developments involving school funding and the application of Act 294 of 2010 (the "Act"), the validity of which Act is the subject of this action. It appears that the Chester School District has invoiced the Fairfield County Treasurer for the sum of Five Hundred Fifty-four Thousand Seven Hundred Six and 00/100 (\$554,706.00) Dollars; the invoice is due and payable not later than February 15, 2011 as is required by the Act. In view of the pending dispute over the validity of the Act, the Fairfield County Treasurer has sought this Court's direction as to the disbursement of funds to either school district. Consequently, counsel for the Treasurer

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~~suggested that this Court direct the Treasurer to retain funds pending the resolution of the various Motions of the parties and a further Order of this Court.~~

Counsel for all of the parties except counsel for the State of South Carolina agreed that the funds invoiced by the Chester County School District should be retained by the Fairfield County Treasurer pending the resolution of the districts' cross motions for Summary Judgment and pending the further Order of this Court specifically dealing with the disbursement of funds. Counsel for the State of South Carolina took no position on the matter.

THEREFORE, with the Agreement of counsel for the parties, except for counsel for the State of South Carolina who took no position, and good cause appearing therefore:

IT IS ORDERED that the Defendant Fairfield County Treasurer shall allocate from the general fund of the Fairfield County School District the sum of Five Hundred Fifty-four Thousand Seven Hundred Six and 00/100 (\$554,706.00) Dollars into a separate internal fund to be designated on the Treasurer's accounts as "Chester Contingency". The Treasurer may invest the funds as permitted by applicable South Carolina law, and interest, if any, which accrues shall be credited to the contingency fund.

AND IT IS FURTHER ORDERED that the Defendant Fairfield County Treasurer shall maintain the contingency account without reduction or withdrawal until further Order of this Court.

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AND IT IS SO ORDERED:



Clifton Newman
Presiding Judge

Dated: March 9, 2011
Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,

Plaintiff,

vs.

State of South Carolina, Chester County
School District, Fairfield County
Treasurer, and State Department of
Education,

Defendant.

C.A. No. 2010-CP-40-4017

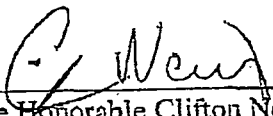
AMENDED CONSENT ORDER

The Court currently has under advisement various dispositive motions filed by the State of South Carolina, Chester County School District, and Fairfield County School District. The Court heard arguments on these motions on February 7, 2011, and thereafter took the motions under advisement. On July 25, 2011, the South Carolina Supreme Court entered its decision in *Charleston County School District v. Harrell*, 713 S.E. 2d 604 (2011), which clarified the legal standard concerning the constitutionality of local legislation under the South Carolina Constitution, Art. III, § 34. As a result the parties concur that an opportunity for additional discovery and briefing is desirable with respect to their various dispositive motions.

Accordingly, the Court hereby denies, without prejudice to re-file, all pending dispositive motions, and: (1) grants the State of South Carolina 30 days, from the date this order is filed, in which to file its answer or other responsive pleading to the complaint; (2) directs that all formal discovery shall be completed by February 3, 2012, unless otherwise agreed to by the parties; and (3) directs that dispositive motions be filed with the Court by March 2, 2012. All other interim orders of the Court shall remain in effect.

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IT IS SO ORDERED.


The Honorable Clifton Newman
Circuit Court Judge Presiding

December 16, 2011

Columbia: 2, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Board of Trustees for the Fairfield County
School District,

Plaintiff,

vs.

State of South Carolina,
Chester County School District,
Fairfield County Treasurer
and State Department of Education,

Defendants.

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

C.A. No. 10-CP-40- _____

COMPLAINT

RICHLAND COUNTY
FILED
2010 JUN 16 PM 12:09
JEANETTE W. McBRIDE
C.C.P. & G.S.

INTRODUCTION

1. This is a suit challenging Act R. 291 of 2010, a local and special law requiring the Fairfield County School District -- alone among all the school districts in the state -- to pay "tuition" of certain students attending school in another county. This special law is challenged on the ground that it violates the South Carolina Constitution in several respects: (1) Act R. 291 violates Art. III § 34, because it directly conflicts with and undermines South Carolina's general law governing residence requirements for school attendance and general law governing the financing of schools; (2) Act R. 291 violates Art. X § 5, because it allows the Chester County School District to levy a tax on the citizens of Fairfield County without their consent; (3) Act R. 291 violates Art. XI § 3, because it conflicts with the General Assembly's "system" of public schools; (4) Act. R. 291 violates Art. I, § 4, because it is an *ex post facto* law requiring payment from Fairfield County for a school year that was completed before the enactment of the law; and Act R. 291 violates Art. VIII, § 7, because it is a local law imposing duties on the Treasurer of

only one county, Fairfield County. Plaintiff seeks a declaratory judgment that Act R. 291 is unconstitutional, and an injunction against its enforcement.

PARTIES AND JURISDICTION

2. Fairfield County District is a body politic and corporate created under the laws of the State of South Carolina and is responsible for public education within the geographic area designated by the South Carolina General Assembly, located in Fairfield County, South Carolina. The District may sue in its own name, pursuant to South Carolina Code Ann. § 59-17-10.

3. The Board of Trustees of the Fairfield County School District (hereinafter "the Board") is an elected body, which governs the District. The Board is responsible for promulgating policies that are utilized to insure that the needs of its students, employees, and affiliate members of the community are met. The members of the Board are residents, voters and taxpayers of Fairfield County.

4. The State of South Carolina is a state of the United States of America and embodies the sovereign power of the people including the power to make and enforce laws, including the law challenged in this case, Act R291.

5. The Chester County School District is a body politic and corporate created under the laws of South Carolina and is responsible for public education within the geographic area designated by the South Carolina General Assembly, located in Chester County, South Carolina. It may be sued in its own name, pursuant to South Carolina Code Ann. § 59-17-10. The Chester County School District is assigned certain powers under Act R. 291.

6. The Fairfield County Treasurer is an officer of Fairfield County responsible for collecting, managing and disbursing funds of the Fairfield County and, to a certain extent, funds of the Fairfield County School District. The Treasurer is assigned certain duties under Act R. 291.

7. The State Department of Education is an agency of the State of South Carolina responsible for managing the public schools of South Carolina, including financial administration and funding. The State Department of Education is assigned certain duties under Act R. 291.

8. This action is brought pursuant to the Constitution and laws of South Carolina.

9. This Court has jurisdiction over the parties and subject matter jurisdiction under S.C. Code § 15-53-10 *et seq.*

10. Venue is proper in this Court because some of the defendants reside in this County and a substantial part of the events giving rise to this action occurred in this County.

FACTUAL ALLEGATIONS

A. Background

11. Pursuant to the South Carolina constitution, Art. XI § 3, the General Assembly has established a system of public education throughout the State. This system operates through approximately 85 school districts in the 46 counties of the State, which are operated by local officials who have some autonomy but who act pursuant to state law and subject to state supervision.

12. As part of the State's education system, the General Assembly has adopted general laws governing almost every aspect of schools and education. Two aspects of the general laws are (a) attendance policy and (b) school financing. Both these areas are highly regulated by comprehensive general state laws.

13. As to attendance policy: The General Assembly has adopted the basic rule that students may attend school without charge only in the school district in which they reside, S.C. Code § 59-63-30, -31. This usually means residing with a parent or legal guardian within the district, § 59-63-30, but the General Assembly has also provided for certain added narrow categories of "residence," such as residing in a district by reason of a court custody order or DSS placement. § 59-63-31.

14. The General Assembly has also by general law defined certain narrow categories of permissible non-resident students, *i.e.*, students who are permitted to attend school in a district where they do not meet one of the residence qualifications listed in § 59-63-30 or -31. However, in these narrowly defined situations, the student is obligated to pay the out-of-residence district in an amount set by general law. S.C. Code § 59-63-45 ("nonresident child" may attend "if the person responsible for educating the child pays an amount equal to the prior year's local revenue per child . . .").

15. The chief category of students allowed to attend school in nonresident districts is specified in S.C. Code §59-63-480, which allows a student who lives closer to a school in an adjacent school district to attend that school, upon the completion by the sending and receiving districts of detailed procedural requirements. A student who makes a transfer under this section

must make the payment required by §59-63-45. The student's payment obligation is also repeated in §59-63-480 itself.

16. The General Assembly has by general law indicated that these attendance policies are to be strictly complied with. For example, a student who fails to pay the nonresident tuition required by law "must" be removed from the school, §59-63-45(C), unless he has obtained a waiver as provided by law. §59-63-45(A). Also, in the case of student transfers to adjacent districts, the general law makes it a misdemeanor for trustees of a district knowingly to enroll such a student without the consent of the student's residence district, §59-63-500.

17. Overall, with regard to a student transferring under §59-63-480 to a nearer school in an adjacent district, the general law provides for the student, not the district of the student's residence, to pay tuition to the transferee district.

18. On information and belief, there are many situations around the state, possibly several hundred, in which some students attend closer schools in an adjacent district pursuant to S.C. Code §59-63-480. Further on information and belief, no residence school district in the State pays tuition or other money to the transferee district on behalf of the transferring student. Such a student is counted in the attendance rolls of the transferee district, §59-63-45(B), -540, so it receives the full state share and federal share of funding for that student.

19. As to school funding: The General Assembly has by general law provided a detailed and comprehensive mechanism for financing the system of education, covering every school district and every school in every school district. This comprehensive mechanism includes and regulates funds from different sources, including federal, state and local funds for operating and capital expenditures. Among the main elements of this comprehensive financing

mechanism are the Education Finance Act of 1977, the Education Improvement Act of 1984, and other general laws. *See, e.g.,* S.C. Code §§ 59-20-10 *et seq.*, 59-21-10 *et seq.* Under these provisions of general law, state funds and local funds are both taken into account in determining how much a school district will receive in state funds as well as how much a school district may or must raise in local funds. In other words, state and local funds are intertwined. Together with federal funds, they determine how much money will be available to teach the students attending school in each school district.

20. The detailed mechanism contained in the general law contains complex formulas administered by the Department of Education and other state agencies that calculate the funds available to each school district with great precision. The general law sets the precise formula in S.C. Code § 59-63-40, a section which is five pages long and contains no fewer than 30 numbered or lettered line items, many of which have their own lengthy statutory definitions.

21. At the heart of the formula, however, is the number of students to be educated, with different weights assigned to different categories of students. § 59-63-40. Thus, the amount of money that a district receives or raises, whether from the state or from local effort, is related to the number of students it has.

22. The general law also describes the purpose of this complex set of financing formulas. S.C. Code § 59-20-30. In addition to the obvious purpose of providing students with an education, other elements of the purpose include providing state funds on the basis of need as calculated by the formula (subsection 3), balancing state and local funds (subsection 5), requiring each district to pay its fair share (subsection 6), and insuring effective use of tax dollars in the public schools (subsection 7).

B. Act R. 291

23. The general law reflects an overall purpose that a school district is to receive funds to educate the students in its schools, and is to expend funds for the same purpose—i.e., to educate the students in its schools.

24. Act R. 291 was adopted in 2010. From introduction in the Senate on April 29, 2010, to the House of Representatives and finally the Governor's signature on June 8, 2010, the total elapsed time was 40 days. On information and belief, there was no Committee hearings nor floor debate.

25. Act R. 291 contains only one finding, that "numerous public school students reside in Fairfield County School district but are entitled to attend the schools of Chester County school district pursuant to Section 59-63-480." There is no finding that these students are different in character from any other students who are entitled to attend school in adjacent districts pursuant to Section 59-63-480. This is followed by a statement that the General Assembly "finds it necessary" [not really a finding] "to provide by law for uniform arrangements between Fairfield County School District and Chester County School District pertaining to these students."

26. Act R. 291 contains the following main provisions:

- a. Chester County School district alone determines the eligibility of a Fairfield County resident to transfer. Section 1(B).
 - b. For each student that Chester County School District finds to be eligible, it is entitled to 103% of its prior year per-pupil local revenue for operations. Section 1(B)(1).
 - c. This amount is to be invoiced by the Chester County School District to the Fairfield County Treasurer, who is to pay it directly to the Chester County School District from funds of the Fairfield County School District. Section 1(C), 1(B)(1).
-

- d. If the Fairfield County Treasurer fails to pay the invoiced amount by a time specified in the law, the State Department of Education shall pay the invoice directly to Chester County School District from funds due to be disbursed to Fairfield County School District.
- e. The law applies retroactively by requiring immediate payment to Chester County School District for Fairfield County resident students who attended Chester County School District in the 2009-10 school year, which ended before the law was passed. Section 2.
- f. There is no indication of any role by Fairfield County School District, not even receiving a copy of the Chester County School District invoices sent to the Fairfield County Treasurer for payment.

27. Act R. 291 does injury to the students of Fairfield County School District and the citizens of Fairfield County. By requiring Fairfield County School District to pay to educate students who attend school in another district, Act R. 291 deprives students in Fairfield County School District of funds that would otherwise be available to educate them. If Fairfield County School District sought to increase its local funding to make up for the money taken away by Chester County School District, it would mean higher taxes on Fairfield County residents.

28. Act R. 291 applies to only two of the approximate 85 school districts. It is not uniform even as to those districts because it gives Chester County School District tuition for Fairfield County School District residents, but does nothing about Fairfield County tuition for Chester County School District residents.

29. Upon information and belief, no other school district in South Carolina is required to pay tuition for students who attend schools in adjoining districts.

FIRST CAUSE OF ACTION
S.C. Const. Art. III § 34 – Special law in conflict with general law

30. The South Carolina Constitution, Art III § 34, prohibits a special law where a general law can be made applicable. As to the provisions of Act R. 291, not only can a general law be made applicable, but general laws are applicable.

31. There is nothing in the law indicating that these students are different from any others covered by S.C. Code § 59-63-480, to support the bare statement in Section 1(A) of R. 291 that "the General Assembly finds it is necessary to" take this action.

32. Act R. 291 directly conflicts with numerous provisions of general law governing school attendance, particularly S.C. Code § 59-63-45 and § 59-63-480.

33. Act R. 291 directly conflicts with numerous provisions of general law governing school funding, particularly S.C. Code § 59-20-10 *et seq.* and § 59-21-10 *et seq.*

SECOND CAUSE OF ACTION
S.C. Const. Art. X § 5 – Taxation without consent of the people

34. Article X, § 5 of the South Carolina Constitution provides that "no tax, subsidy or charge shall be established, fixed, laid or levied under any pretext whatsoever, without the consent of the people or their representatives lawfully assembled."

35. Act R. 291 puts Chester County School District in control of Fairfield County School District funds, partly raised from Fairfield County residents, to pay for students in Chester County schools. That is a tax on Fairfield County residents without their consent.

THIRD CAUSE OF ACTION
S.C. Const. Art. XI § 3 – Violating requirement of a system of education

36. Pursuant to Article XI, § 3 of the South Carolina Constitution, "the General Assembly shall provide for the maintenance and support of a system of free public schools open to all children in the State."

37. The constitutional requirement is for "a" system, not 85 systems of education. The General Assembly's general laws are designed to operate a system, but Act R. 291 conflicts with that system and therefore violates Art. XI of the Constitution.

FOURTH CAUSE OF ACTION
S.C. Const. Art. I § 4 – *Ex post facto* law

38. Pursuant to Article I, § 4 no *ex post facto* law may be passed.

39. Act R. 291 is an unconstitutional *ex post facto* law because it imposes liability on Fairfield County School District for events that took place before the law was enacted.

FIFTH CAUSE OF ACTION
S.C. Const. Art. VII § 7 – Violation of home rule as to Fairfield County Treasurer

40. Article VIII, § 7 provides that the General Assembly shall provide by general law for the powers and duties of counties, and shall not pass laws for a specific county.

41. Act R. 291 is an unconstitutional local law because it applies solely to Fairfield County and requires the Treasurer of Fairfield County, alone among all counties, to make certain payments.

42. The payments required to be made by the Fairfield County Treasurer injure Plaintiff and the Fairfield County School District.

REMEDIES – Declaratory Judgment

43. There is a question whether Act R. 291 violates Art III, § 34 because it is a special law in conflict with applicable general law.

44. There is a question whether Act R. 291 violates Article X, section 5 of the South Carolina Constitution, because it vests Chester County School District with the ability to fix a charge upon the Fairfield County School District, which must be paid by funds that ultimately come from Fairfield County residents.

45. There is a question whether Act R. 291 violates Article XI, section 3 of the South Carolina Constitution because it conflicts with the state system of public schools.

46. There is a question whether Act R. 291 violates Article 1, § 4 of the South Carolina Constitution as an *ex post facto* law

47. There is a question whether Act R. 291 violates Article 8, § 7 as unconstitutional local legislation applying solely to one county, the Fairfield County Treasurer.

48. Pursuant to the Uniform Declaratory Judgments Act S.C. Code § 15-53-10, *et seq.*, Plaintiff seeks an Order of this Court declaring that Act R. 291 violates Art. III, § 34, Art.

X, § 5, Art. XI, § 3, Art. I, § 4 and Art. VIII § 7 of the South Carolina Constitution.

REMEDIES – Injunction

49. Irreparable injury will result to Plaintiff and the students in its schools if the provisions of Act R. 291 are enjoined.

50. There is no adequate remedy at law.

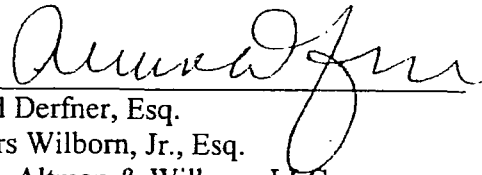
51. Based upon the foregoing, Plaintiff seeks an Order of this Court restraining and enjoining Defendants from carrying out the provisions of Act R. 291.

RELIEF

52. WHEREFORE, having fully set forth its allegations, Plaintiff respectfully requests the following relief:

- (1) A declaratory judgment as described above;
- (2) Preliminary and permanent injunction as described above;
- (3) Interest, costs and attorneys' fees as allowed by law; and
- (4) Such other relief as may be appropriate.

Respectfully submitted,



Armand Derfner, Esq.
D. Peters Wilborn, Jr., Esq.
Derfner, Altman & Wilborn, LLC
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29403
Telephone: (843) 723-9804

Date: June 16, 2010
Charleston, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Board of Trustees for the
Fairfield County School District,

Plaintiff,

v.

State of South Carolina, Chester County
School District, Fairfield County
Treasurer and State Department of
Education,

Defendants.

)
) IN THE COURT OF COMMON PLEAS
)

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) C/A No. 2010-CP-10-4017
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) ANSWER
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Defendant State of South Carolina answering the Complaint herein. alleges the following:

FOR A FIRST DEFENSE

1. The State denies each and every allegation of the Complaint not hereinafter specifically admitted.
2. As to Paragraph 1, the State admits only that Plaintiff seeks the relief requested on the grounds alleged. but the State denies that Plaintiff is entitled to relief and denies that the referenced Act is unconstitutional. The State alleges that R291 now carries the Act number 294, and all references in this Answer to Act 294 are to R291.
3. The State admits Paragraphs 2 through 7, inclusive, but craves reference to the laws of the State of South Carolina for a complete description of the duties and authority of the public bodies and officers named therein. and the State denies that the Department of Education manages the public schools of the State.

4. The State admits Paragraphs 8 and 9 but denies that Plaintiff is entitled to any relief.

5. The State admits Paragraph 10.

6. The State admits Paragraphs 11 - 13, inclusive, but craves reference to State statutes related to these allegations and denies any allegations inconsistent with State law.

7. As to Paragraphs 14 - 17, inclusive, the State craves reference to the cited statutes and denies any allegations inconsistent therewith.

8. The State is without knowledge or information sufficient to form a belief as to paragraph 18 of the Complaint, and therefore denies the allegations of that paragraph.

9. As to Paragraphs 19 through 23, inclusive, the State craves reference to the cited statutes and other State law and denies any allegations inconsistent therewith.

10. As to Paragraph 24, the State admits only the introduction and signature dates and craves reference to the legislative history regarding the Act as to all other matters alleged and denies any allegations inconsistent therewith.

11. As to Paragraphs 25 and 26, the State craves reference to Act 294 and denies any allegations inconsistent therewith.

12. As to Paragraphs 27 and 28, the State craves reference to Act 294 and denies any allegations inconsistent therewith. The State is without knowledge or information sufficient to form a belief as to the fiscal impact of Act 294 on Fairfield County and its students and, therefore, denies any such allegations. The State denies that Act 294 is unconstitutional.

13. The State is without knowledge or information sufficient to form a belief as to paragraph 29 of the Complaint, and therefore denies the allegations of that paragraph.

14. As to Paragraphs 30 - 33, inclusive, the State ~~craves reference to the cited~~ Constitutional and statutory provisions, and denies any allegations inconsistent therewith. The State specifically denies that Act 294 violates art. III, §34.
15. As to Paragraph 34, the State admits only that the Paragraph recites the first sentence of art. X, §5.
16. The State denies paragraph 35 and ~~craves reference to Act 294.~~
17. As to Paragraph 36, the State the State admits only that the Paragraph recites part of art. XI, §3.
18. As to Paragraph 37, the State ~~craves reference to art. XI, §3 and related case law~~ and denies any allegations inconsistent therewith. The State specifically denies that Act 294 violates that article.
19. The State admits Paragraph 38.
20. As to Paragraph 39, the State denies that Act 294 is an unconstitutional *ex post facto* law.
21. As to Paragraph 40, the State ~~craves reference to art. VIII, §7, and denies any~~ allegations inconsistent therewith.
22. The State denies Paragraph 41 ~~and craves reference to Act 294.~~
23. The State is without knowledge or information sufficient to form a belief as to paragraph 42 of the Complaint, and therefore denies the allegations of that paragraph.
24. As to Paragraphs 43 through 48, inclusive, the State admits only that Plaintiff has raised the questions posed and seeks relief, but the State denies that Plaintiff has raised any claim entitling him to relief in this proceeding and denies that Act 294 violates the referenced provisions of the Constitution.

25. The State denies Paragraphs 49 and 50.

26. The State denies that Plaintiff is entitled to the relief requested in Paragraphs 51 and 52.

FOR A SECOND DEFENSE

27. The State ~~may not be made subject to an injunction in~~ that it comprises the entirety of the State rather than a single agency or officer.

WHEREFORE, having fully answered the Plaintiff's Complaint, the State prays as follows:

1. That judgment for the State be entered as to the Complaint and that the relief sought by the Plaintiff be denied.

2. For such further relief as the Court deems just and proper.

ALAN WILSON
Attorney General

J. EMORY SMITH, JR.
Assistant Deputy Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3680
S.C. Bar. No. 5262

BY: 

ATTORNEYS FOR THE DEFENDANT STATE OF
SOUTH CAROLINA

January 20, 2012

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,

C.A. No. 2010-CP-40-4017

Plaintiff,

vs.

State of South Carolina, Chester County
School District, Fairfield County
Treasurer, and State Department of
Education,

Defendants.

**DEFENDANT CHESTER COUNTY
SCHOOL DISTRICT'S ANSWER AND
AFFIRMATIVE DEFENSES**

DEFENDANT Chester County School District ("District") hereby responds to the allegations of the Complaint according to the numbered paragraphs thereof as follows:

1. The District admits only that this suit challenges Act R. 291 of 2010 on various constitutional grounds and that Plaintiff seeks a declaratory judgment that Act R. 291 is unconstitutional, along with an injunction against its enforcement. The remainder of this allegation is denied.

2. Admitted.

3. Admitted on information and belief.

4. Admitted.

5. Admitted.

6. Admitted.

7. The District admits that the State Department of Education is an agency of the state of South Carolina with specified responsibilities for managing the public schools of South Carolina, including certain aspects of financial administration and funding. The District further admits that the State Department of Education is assigned certain duties under Act R. 291.

8. Admitted.

9. Admitted.

10. Admitted.

11. The District admits only that Article XI, Section 3 of the South Carolina

Constitution authorizes the General Assembly to establish a system of public education

throughout the state. To implement the system, the General Assembly has established 86 school districts and various special schools, which are generally operated by local officials. The school districts and special schools have varying degrees of autonomy and authority established pursuant to state law.

12. Denied as stated.

13. Admitted.

14. Denied as stated.

15. Denied as stated.

16. The District admits only that, in certain cases involving non-resident students required to pay non-resident tuition, students who fail to pay non-resident tuition must be removed from the school under § 59-63-45(C), unless the student has obtained a waiver, and that, in some cases involving student transfers to adjacent districts, it is a misdemeanor for trustees of a district knowingly to enroll students without the consent of the student's resident district under § 59-63-500.

17. Denied as stated.

18. Denied as stated.

19. Denied.

20. The District admits only that each school district's total funds are determined through a complex set of formulas administered in part by the South Carolina Department of Education.

21. The District admits only that, in part, the amount of money each school district receives or raises is related to the number of students it has, but many other factors are also involved.

22. The District admits only that S.C. Code § 59-20-30 sets forth certain purposes for funds distributed pursuant to that Act.

23. Denied. Rather, the general law reflects the overall purpose that a school district is to receive funds to educate students residing within its geographic borders and is to expend funds for the education and related services to educate those students.

24. Admitted, except that the District denies for lack of sufficient information that there were neither committee hearings nor floor debate regarding Act R. 291.

25. This allegation purports to summarize Act R. 291, and the District denies the allegation as stated and craves reference to Act R. 291 for its specific findings and content.

26. This allegation purports to summarize Act R. 291, and the District denies the allegation as stated and craves reference to Act R. 291 for its specific findings and content.

27. Denied.

28. Admitted.

29. Denied.

30. Denied as stated.

31. This allegation purports to summarize Act R. 291, and the District denies the allegation as stated and craves reference to Act R. 291 for its specific findings and content.

32. Denied.

33. Denied.

34. Admitted.

35. Denied.

36. Admitted.

37. Denied.

38. Admitted.

39. Denied.

40. The District admits only that Article VIII, Section 7 of the South Carolina

Constitution states that

the General Assembly shall provide by general law for the structure, organization, powers, duties, functions, and the responsibilities of counties, including the power to tax different areas at different of taxation related to the nature and level of government services provided. Alternate forms of government, not to exceed five, shall be established. No laws for a specific county shall be enacted, and no county shall be exempted from the general law or laws applicable to the selected alternative form of government.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Admitted.

49. Denied.

50. Denied.

51. Admitted.

52. The District respectfully contends that Plaintiff's Complaint should be dismissed and that Plaintiff is not entitled to any relief.

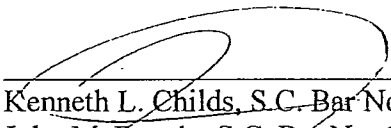
AFFIRMATIVE DEFENSE
(Failure to State a Cause of Action)

53. The District further alleges that Plaintiff's Complaint should be dismissed pursuant to Rule 12(b), SCRPC, because, as a matter of law, the Complaint fails to state facts sufficient to constitute a cause of action.

WHEREFORE, having fully responded to the allegations of the Complaint, the District respectfully asks the Court to dismiss the Complaint, deny Plaintiff any relief, and award the District such relief as may be just and appropriate.

Respectfully submitted,

CHILDS & HALLIGAN, P.A.

By: 

Kenneth L. Childs, S.C. Bar No. 1217
John M. Reagle, S.C. Bar No. 14185
~~Allison Aiken Hanna~~, S.C. Bar No. 15668

kchilds@childs-halligan.net
jreagle@childs-halligan.net
ahanna@childs-halligan.net

P.O. Box 11367
Columbia, South Carolina 29211
(803) 254-4035

Attorneys for Defendant Chester County School
District

August 6, 2010

Columbia, South Carolina

CERTIFICATE OF SERVICE BY MAIL

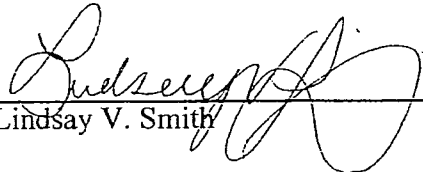
The undersigned of Childs & Halligan, P.A., hereby certifies that she has served the following counsel of record with the foregoing **DEFENDANT CHESTER COUNTY SCHOOL DISTRICT'S ANSWER AND AFFIRMATIVE DEFENSES** by mailing a copy of same, postage prepaid and return addresses clearly indicated, to the following on this 6th day of August 2010:

Armand Derfner, Esq.
Derfner, Altman & Wilborn, LLC
P.O. Box 600
Charleston, SC 29403

Shelly Bezanson Kelly, Esq.
S.C. Department of Education
1429 Senate Street
Columbia, South Carolina 29201

J. Emory Smith, Jr., Esq.
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211

James S. Meggs, Esq.
Callison Tighe & Robinson, LLC
P.O. Box 1390
Columbia, SC 29202-1390



Lindsay V. Smith

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

Board of Trustees for the Fairfield County
School District,)

Plaintiff(s))

vs.)

State of South Carolina, Chester County
School District, Fairfield County
Treasurer and State Department of
Education)

Defendant(s))

**ANSWER OF DEFENDANT
FAIRFIELD COUNTY TREASURER
2010-CP-40-4017**

The Defendant, Fairfield County Treasurer, answering the Complaint of the Plaintiff, would respectfully show as follows:

FOR A FIRST DEFENSE

1. Except as hereinafter specifically admitted, qualified or explained, each and every allegation of the Complaint is denied and strict proof thereof is hereby demanded.

2. This Defendant admits that this is an action challenging Act R.291 of 2010 on a number of grounds and that the Complaint seeks a Declaratory Judgment concerning the constitutionality of Act R.291 of 2010 and certain equitable relief. The remainder of Paragraph 1 is denied.

3. This Defendant admits the allegations in Paragraphs 2, 3, 4, 5, 6, 7, 8, 9, and 10 of the Complaint.

4. Answering Paragraph 11, this Defendant admits that Article XI, Section 3 of the

Constitution of South Carolina directs the General Assembly to establish a statewide system of public education.

5. The allegations of Paragraph 12 are denied as alleged.

6. The allegations of Paragraph 13 are admitted.

7. The allegations of Paragraphs 14 and 15 are denied as alleged.

8. Answering the allegation of Paragraph 16, this Defendant admits only that certain statutory provisions provide for non-resident students transferring to adjacent districts, for the financial terms of such transfers and for certain penalties for trustees who violate the relevant provisions.

9. Answering the allegations of Paragraphs 17 and 18, this Defendant denies those allegations as alleged.

10. Answering the allegations of Paragraph 19 of the Complaint, this Defendant denies those allegations and demands strict proof thereof.

11. Answering Paragraph 20, the Defendant admits that there are formulas for the allocation of funds and those funds are administered by the South Carolina Department of Education.

12. Answering Paragraph 21, the Defendant admits that the funds received by school districts around the state are based on numbers of students attending district schools, but would also show that other factors are involved in the determination of funding.

13. Answering Paragraph 22, this Defendant craves reference to S.C. Code §59-20-30 for the terms and specific language of that section.

14. This Defendant admits the allegations of Paragraph 23.

15. Answering the allegations of Paragraph 24, this Defendant admits those allegations upon information and belief. However, this Defendant is without sufficient information or

knowledge to admit or deny that there were no committee hearings or floor debate regarding Act R.291 of 2010.

16. Answering the allegations of Paragraphs 25 and 26, this defendant craves reference to Act R.291 for its specific language and content.

17. The allegations of Paragraph 27 are denied.

18. The allegations of Paragraph 28 are denied as alleged

19. The allegations of Paragraphs 29 and 30 are denied.

20. Answering the allegations of Paragraph 31, this Defendant craves reference to Act R.291 for its specific content and language.

21. The allegations of Paragraphs 32 and 33 are denied.

22. The allegations of Paragraph 34 are admitted.

23. The allegations of Paragraph 35 are denied.

24. The allegations of Paragraph 36 are admitted.

25. The allegations of Paragraph 37 are denied.

26. The allegations of Paragraph 38 are admitted.

27. The allegations of Paragraph 39 are denied.

28. Answering Paragraph 40, this Defendant craves reference to Article VIII, Section 7 of the South Carolina Constitution for its precise language and content.

29. The allegations of Paragraphs 41, 42, 43, 44, 45, 46, and 47 are denied.

30. The allegations of Paragraph 48 are admitted.

31. The allegations of Paragraphs 49 and 50 are denied.

32. The allegations of Paragraph 51 are admitted.

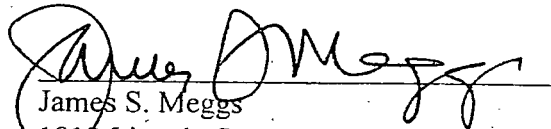
33. Paragraph 52 contains no allegations and thus requires no response.

**FOR A SECOND DEFENSE
(FAILURE TO STATE A CAUSE OF ACTION)**

34. The Complaint fails to state facts sufficient to constitute a cause of action and consequently the Plaintiff's Complaint should be dismissed pursuant to Rule 12(b), SCRPC.

WHEREFORE having fully set forth its Answer to the Plaintiff's Complaint, the Defendant, Fairfield County Treasurer, prays for an Order dismissing the Complaint of Plaintiff and for such further relief as may be deemed just and proper.

CALLISON TIGHE & ROBINSON LLC



James S. Meggs
1812 Lincoln Street
Post Office Box 1390
Columbia, South Carolina
Telephone: (803) 404-6900
Facsimile: (803) 404-6902

ATTORNEYS FOR DEFENDANT
FAIRFIELD COUNTY TREASURER

Columbia, South Carolina
August 10, 2010

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

CASE NO. 2010-CP-40-4017

Board of Trustees for the Fairfield County
School District,)

Plaintiff(s))

vs.)

State of South Carolina, Chester County)
School District, Fairfield County)
Treasurer and State Department of)
Education)

Defendant(s))

CERTIFICATE OF SERVICE

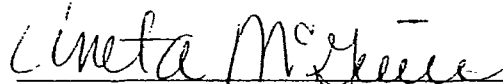
I, Anita McGuire, an employee of Callison Tighe & Robinson, LLC, do hereby certify that, on this date, I served the foregoing **Answer of Defendant Fairfield County Treasurer** upon all counsel of record, by depositing a copy of the same in the United States mail with proper first-class postage affixed thereon, addressed as follows:

Armand Derfner, Esquire
Derfner, Altman & Wilborn, LLC
PO Box 600
Charleston, SC 29402

John Regal, Esq.
Kenneth L. Childs, Esq.
Allison Aiken Hanna, Esq.
Childs & Halligan
PO Box 11367
Columbia, SC 29211-1367

Shelly Bezanson Kelly, Esq
S.C. Department of Education
1429 Senate Street
Columbia, SC 29201

J. Emory Smith, Jr., Esq.
South Carolina Attorney General's Office
PO Box 11549
Columbia, SC 29211



ANITA MCGUIRE

August 11, 2010

4993.006\COS

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Board of Trustees for the Fairfield
County School District

Plaintiff,

vs.

State of South Carolina, Chester
County School District, Fairfield
County Treasurer and South Carolina
Department of Education

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C.A. NO.: 10-CP-40-4017

ANSWER

ANSWER TO COMPLAINT

The Co-defendant, South Carolina Department of Education (SCDE), answering the Complaint of the Plaintiff respectfully shows, as follows:

FOR A FIRST DEFENSE

1. Paragraph 1 is denied.
2. Paragraphs 2 through 6 are admitted.
3. Paragraph 7 is admitted in part and denied in part. The SCDE denies the statement that it is responsible for managing the public schools of South Carolina.
4. Paragraphs 8 through 12 are admitted.
5. Paragraph 13 sets forth conclusions of law, and thus does not require a response.
6. Paragraph 14 sets forth conclusions of law, and thus does not require a response.
7. Paragraph 15 is admitted in part and denied in part. SCDE admits that S.C. Code

Ann. § 59-63-480 defines a category of students who can apply for admission to a non-resident

district but denies that it is the chief category, as alleged. SCDE admits that §§ 59-63-45 and 59-63-480 contain language addressing the payment of tuition and/or charges but those sections have inconsistent methods for calculating such charges and § 59-63-480 does not specifically reference the person or entity required to make such payments.

8. Paragraph 16 sets forth conclusions of law, and thus does not require a response.

9. Paragraph 17 is denied as stated in that § 59-63-480 does not specify the party that is responsible for payment of tuition.

10. SCDE is without sufficient knowledge to admit or deny the contents of paragraph 18, and therefore denies the same.

11. Paragraph 19 is admitted.

12. Paragraph 20 is admitted; however, the code section setting forth the EFA formula is § 59-20-40, not § 59-63-40.

13. Paragraph 21 is admitted in part and denied in part. It is denied with respect to the conclusion that the amount of local effort is related to the number of students a district has.

14. Paragraph 22 states a conclusion of law and is therefore denied.

~~15. Paragraph 23 states a conclusion of law and is therefore denied.~~

16. SCDE is without sufficient information and belief to admit or deny paragraph 24, and therefore denies the same.

17. SCDE is without sufficient information and belief to admit or deny paragraph 25, and therefore denies the same.

18. Paragraph 26 is admitted in part and denied in part. Paragraph 26, parts a-e are admitted. Paragraph 26, part f is denied.

19. SCDE is without sufficient information and belief to admit or deny Paragraph 27, and therefore denies the same.

20. Paragraph 28 states a conclusion of law and is therefore denied.

21. SCDE is without sufficient information and belief to admit or deny Paragraph 29, and therefore denies the same.

22. Paragraphs 30-33 are stating conclusions of law and are therefore denied.

23. Paragraph 34 is admitted.

24. Paragraph 35 is stating a conclusion of law and is therefore denied.

25. Paragraph 36 is admitted.

26. Paragraph 37 is stating a conclusion of law and is therefore denied.

27. Paragraph 38 is admitted.

28. Paragraph 39 is stating a conclusion of law and is therefore denied.

29. Paragraph 40 is denied as stated in that it is not a complete statement of Article VIII, § 7.

30. Paragraph 41 is stating a conclusion of law and is therefore denied.

~~31. SCDE is without sufficient information and belief to admit or deny paragraph 42,~~
and therefore denies the same.

32. Paragraphs 43 through 47 are stating conclusions of law and are therefore denied.

33. SCDE is without sufficient information and belief to admit or deny paragraph 48, and therefore denies the same.

34. SCDE is without sufficient information and belief to admit or deny paragraph 49, and therefore denies the same

35. Paragraphs 50-52 are denied.

FOR A SECOND DEFENSE

36. The SCDE is an administrative agency that is charged with carrying out certain laws.

37. Laws are presumed to be valid unless they are determined to be unconstitutional or invalid by a court of competent jurisdiction.

38. The SCDE has no authority to determine the validity of any law.

39. The SCDE must execute the law until such time as a court rules on the validity of the law or otherwise enjoins the enforcement or execution of the law.

WHEREFORE, having fully answered the Complaint of Plaintiff, the SCDE prays dismissal of this Complaint, with prejudice, and requests that judgment be rendered in SCDE's favor and against Plaintiff, with all costs, reasonable attorney's fees, and such other relief that the Court deems just and proper.

Respectfully submitted:



Shelly Bezanson Kelly (SC Bar #15215)
Wendy Bergfeldt Cartledge (SC Bar #2790)
1429 Senate Street
Columbia, South Carolina 29201
(803) 734-8783

Attorneys for Defendant
South Carolina Department of Education
skelly@ed.sc.gov
wcartled@ed.sc.gov

Columbia, South Carolina
August 5, 2010

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

The Board of Trustees for [on behalf of] The
School District of Fairfield County,

Plaintiff,

vs.

The State of South Carolina, the South
Carolina General Assembly, Chester County
School District, Fairfield County Treasurer
and the State Department of Education,

Defendants.

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

C.A. No. 10-CP-40-4017

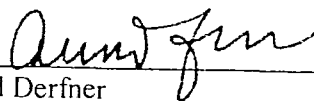
**PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AS TO FIRST
CAUSE OF ACTION (SPECIAL
LEGISLATION IN VIOLATION OF S.C.
CONST. ART III § 34)**

FILED
2011 FEB - 2 PM 4:22
J. W. McGRIMMON
S.C.P. & G.S.

Plaintiff moves for Summary Judgment as to the First Cause of Action, which alleges that
Act R 291 is a special law where a general law can be made applicable, thus violating S.C.
Const. Art III § 34. A Memorandum in Support of this Motion is filed herewith.

Respectfully submitted,

Date: February 2, 2011


Armand Derfner
D. Peters Wilborn, Jr.
Derfner Altman & Wilborn, LLC
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29402
(843) 723-9804

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

The Board of Trustees for [on behalf of] The
School District of Fairfield County,

Plaintiff,

vs.

The State of South Carolina, the South
Carolina General Assembly, Chester County
School District, Fairfield County Treasurer
and the State Department of Education,

Defendants.

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

C.A. No. 10-CP-40-4017

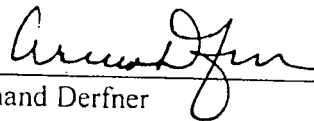
PLAINTIFF'S RE-FILED MOTION FOR
SUMMARY JUDGMENT

2012 FEB 27 PM 12:51
RECEIVED
C.C.P. & D.S.

Pursuant to the Court's Order of December 21, 2011, plaintiff re-files its previous Motion for Summary Judgment as to the First Cause of Action, which alleges that Act R 291 is a special law where a general law can be made applicable, thus violating S.C. Const. Art III § 34.

Respectfully submitted,

Date: February 24, 2012



Armand Derfner
D. Peters Wilborn, Jr.
Derfner Altman & Wilborn, LLC
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29402
(843) 723-9804

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

The Board of Trustees for [on behalf of] The
School District of Fairfield County,

Plaintiff,

vs.

The State of South Carolina, the South
Carolina General Assembly, Chester County
School District, Fairfield County Treasurer
and the State Department of Education,

Defendants.

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

C.A. No. 10-CP-40-4017

CERTIFICATE OF SERVICE

FILED
2012 FEB 27 PM 12:51
CLARENCE R. BRIDGE
C.C.P. & G.S.

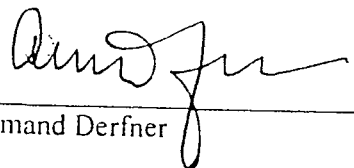
I do hereby certify that on the 24th day of February, 2012, I served a copy of
Plaintiff's Re-filed Motion for Summary Judgment, properly addressed, on the following.

John M. Reagle, Esq.
Childs & Halligan, PA
P.O. Box 11367
Columbia, SC 29211

James S. Meggs, Esq.
Callison, Tight & Robinson
P.O. Box 1390
Columbia, SC 29202

J. Emory Smith, Esq.
Assistant Deputy Attorney General
Office of State Attorney General
P.O. Box 11549
Columbia, SC 29211

Shelley B. Kelly, Esq.
Wendy B. Cartledge, Esq.
South Carolina Department of Education
Office of General Counsel
1429 Senate Street, Suite 1015
Columbia, SC 29201


Armand Derfner

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) OF THE FIFTH JUDICIAL CIRCUIT
CASE NO. 2010-CP-40-4017

The Board of Trustees for [on behalf of] The
School District of Fairfield County,

Plaintiff,

v.

The State of South Carolina, the South
Carolina General Assembly, Chester County
School District, Fairfield County Treasurer
and the State of Department of Education,

Defendants.

**SUPPLEMENTAL MEMORANDUM OF
LAW IN SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

FILED
C.C.P. & O.S.
2012 JUN - 7 AM 9:58
CLERK OF COURT
FIFTH JUDICIAL CIRCUIT

Plaintiff submits this Memorandum of Law in Support of its Motion for Summary Judgment and in Opposition to Defendant Chester County School District's Motion for Summary Judgment.

The question in this case is whether Act 294 of 2010 (Act R 291, S.C. Code § 59-63-485), a special law applying only to the Fairfield and Chester County school districts, is unconstitutional under Art. III, § 34, of our Constitution, which bars special laws when general law can be made applicable.

BACKGROUND

This case involves a group of students who live in the Mitford area of Fairfield County but attend school in Great Falls; that is, their residence is in the Fairfield County School District but the school they attend is in the Chester County School District. The special law at issue in this case sets up special procedures for determining these students' eligibility and requires the Fairfield County School District to pay the Chester County School District for these students.

This case thus deals with the State's laws involving school attendance and school funding. A brief review of general law in these areas is as follows:

Attendance. In South Carolina, by general law, students of school age are entitled to a free public education at a school within the district of their residence. S.C. Code Ann. §§ 59-63-30 and 59-63-31. In certain circumstances, general law also allows students to attend school outside their residence district, but in all these situations the parent or other person responsible for the child's education must pay the cost of such attendance, unless the school district waives that cost. § 59-63-45. Examples where a student may enroll in a non-resident district include districts where a student owns property, or there is a school closer to the student's home, or where the student can be better accommodated. S.C. Code Ann. §§ 59-63-30, 59-63-480, and 59-63-490. In all these situations where non-resident attendance is permitted, S.C. Code Ann. § 59-63-45 not only requires payment from the parent or other responsible person (unless waived), but also specifies the method of calculating the amount of the parent or responsible person's payment.

General law also provides a detailed procedure for determining eligibility of students who ~~wish to attend school in a non-resident district because they live closer to a school in that district~~ than to one school in their home district. This detailed procedure involves participation and decision by both the sending and receiving districts. S.C. Code Ann. § 59-63-480.

Funding. The General Assembly has also, by general law, created a detailed and comprehensive formula for financing school districts, including regulation of federal, state, and local funds, in order to fund public education. See, e.g., Education Finance Act of 1977; Education Improvement Act of 1984; S.C. Code Ann. §§ 59-20-10 *et seq.*; and S.C. Code Ann. §§ 59-21-10 *et seq.*

In allocating funds among school districts, the detailed formulas address the situation of students who attend school in districts where they do not reside. First, for purposes of state funds, the nonresident student is included on the enrollment of the school he is attending to determine the allocation of state aid to that district under the general law enacted for funding public education. S.C. Code Ann. § 59-63-45(B). That is also generally true with regard to federal funds.

As to the “local share” of the funding, the aforementioned § 59-63-45 comes into play, providing that it is to be paid to the receiving school district by the *person* responsible for educating the non-resident child, and specifying that the amount of this tuition is to be based on the amount of tax funds raised by the local millage. S.C. Code Ann. § 59-63-45(A). As noted, the receiving district may elect to waive some, or all, of this tuition amount. Id.

FACTS

For more than sixty years, a number of Fairfield County students who reside in the Mitford area have qualified to transfer to Chester County School District pursuant to S.C. Code Ann. § 59-63-480. See Memorandum of Defendant Chester County School District, pp. 1-2. Although not required by statute, for about half those years Fairfield County School District voluntarily paid \$25,000 annually to Chester County School District in connection with those Mitford students. See Memorandum of Defendant Chester County School District, pp. 1-2 and Exhibit B. The Fairfield County School District stopped these payments after the 2007-08 school year, for lack of a written agreement or other legal authority for the payments. Chester County School District continued to receive the state and federal funds based on Mitford students’ attendance. It also had the option of charging those students’ parents tuition in some amount, as provided by S.C. Code Ann. § 59-63-45.

In 2010, the Senator who represents both Chester and Fairfield Counties, “drafted local legislation to force payments from Fairfield to Chester.” See Memorandum of Defendant Chester County School District, Exhibit B. This special law is Act 294. Thus, the Senate delegation addressing this bill consisted of one Senator. It was passed by the Senate six days after its introduction. It was then sent to the House of Representatives, where it was referred to the Fairfield delegation (likewise consisting of only one Representative), and passed in 16 days. Id.

Under the formula set forth in Act 294, the amount supposedly owing to Chester from Fairfield is not \$25,000 annually, like the voluntary payments of the past, but an average of more than \$600,000 per year. See Memorandum of Defendant Chester County School District, Exhibit D.

PROVISIONS OF ACT 294

Act 294, now codified as S.C. Code § 59-63-485, has several critical provisions, all of which, however, deal with issues also addressed by general law. The main special provisions of Act 294 will be quoted below, and a footnote to each quoted provision will quote the comparable general law provision.

1. Procedure for determining who is eligible:

Section 1(B). “A student who qualifies for transfer pursuant to Section 59-63-480 may be admitted, and remain enrolled, by Chester County School District upon proof of eligibility as Chester County School District finds acceptable.”¹

2. Payment is owed by the sending school district.

Section 1(B)(1). “Each fiscal year, for each pupil authorized to transfer from Fairfield County School District to Chester County School District pursuant to Section 59-63-480 and actually enrolled in a public school of Chester County School District, the Fairfield County

¹ “The board of trustees in the school district in which the pupils reside shall make written application through its county board of education to the board of trustees of the district in which the school is located for the admission of such children, giving full information as to the ages, residence and school attainment, and the board of trustees in the school district, agreeing to accept such pupils, shall give written statement of agreement.” S.C. Code Ann. § 59-63-480.

Treasurer, on behalf of and from funds of the Fairfield County School District, shall pay Chester County School District . . .”²

3. Amount to be paid for non-resident tuition:

Section 1(B)(1). “. . . one hundred and three percent of Chester County School District’s prior year local revenue per pupil for school operating purposes as reported in Chester County School District’s audit for the immediately preceding fiscal year.”³

Section 1(B)(2). “As used in this section, prior year local revenue per pupil for school operating purposes” includes any state reimbursement paid for property tax exemptions from Chester County School District ad valorem taxes including, but not limited to, all payments pursuant to Section 11-11-156.

4. Diversion of state funds.

Section 1(C) “Upon invoice, the Fairfield County Treasurer, on behalf of and from the funds of the Fairfield County School District, shall pay Chester County School district the amount determined pursuant to Section B(!) of this section. . . . If the Fairfield County Treasurer fails to pay this invoice by the fifteenth day of February, the South Carolina Department of Education, upon application by Chester County School district, out of the funds meant for the next Education Finance Act disbursement to Fairfield County School District, shall pay the invoice on behalf of Fairfield County School District.”⁴

The law itself is premised solely on a “finding” at the beginning that “numerous public school students reside in Fairfield County School District but are entitled to attend the schools of Chester County School District pursuant to § 59-63-480. The General Assembly finds it necessary to provide by law for uniform arrangements between Fairfield County School District and Chester County School district pertaining to these students.” S.C. Code § 59-63-485(A).

The word “uniform” is not related to uniformity of state law.

² “[A] nonresident child otherwise meeting the enrollment requirements of this chapter may attend a school in a school district which he is otherwise qualified to attend if the person responsible for educating the child pays...” S.C. Code Ann. § 59-63-45(A).

³ The amount to be paid is “an amount equal to the prior year’s local revenue per child raised by the millage levied for school district operations and debt service reduced by school taxes on real property owned by the child paid to the school district in which he is enrolled.” S.C. Code Ann. § 59-63-45(A).

⁴ Numerous provisions specify the amount or formula for state payments to a school district. For example, S.C. Code § 59-20-40: “The annual allocation to each school district for the operation of the foundation program as it relates to the school district shall be determined as follows:” The rest of the section specifies a detailed mandatory formula.

LEGAL ANALYSIS

Summary judgment is appropriate when it is clear that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Baird v. Charleston County, 333 S.C. 519, 511 S.E.2d 69 (1999); Duncan v. CRS Serrine Engineers, Inc., 337 S.C. 537, 524 S.E.2d 115 (Ct. App. 1999).

I. Because Act 294 is special legislation which violates Article III, § 34 of the South Carolina Constitution, the Court should grant summary judgment to Plaintiff and declare the law invalid.

There are 85 school districts in South Carolina, and in virtually every situation there are students living near the boundary line between two or even three districts. Under § 59-63-480, virtually every district enrolls non-resident students, and virtually every district sends some of its residents to adjacent districts. Yet general law contains no provision for a sending district to pay a receiving district; indeed, general law provides the opposite, by making it the responsibility of the parent or other person responsible for the child's education. Likewise, counsel have found no special law that provides for any sending district to pay any receiving district – at least none other than this law applying only to make Fairfield County School District pay Chester County School District. In these circumstances, although a litigant always has a burden when challenging the constitutionality of a state law, the burden here is really on the proponents of the special law to show how it can be justified in the face of the plainest constitutional language.

A. Article III, § 34 (IX) of the South Carolina Constitution prohibits special legislation

Article III, § 34 of the South Carolina Constitution is an absolute bar to special laws concerning certain subjects, and for all other cases, Subdivision IX specifically prohibits the enactment of a special law where a general law can be made to apply. The reasoning behind this constitutional prohibition has been clearly explained and relied upon:

There had grown up in the General Assemblies of the entire Union a disposition for legislation by delegation. That kind of legislation was deemed pernicious; it lacked the settled consideration and consent of the lawmaking body; it evaded state-wide responsibility; it encouraged local activity; it discouraged the attrition of minds and the consideration of those problems which make for a wise public policy. The ninth paragraph was the fruit of this large conviction of the convention.

Tisdale v. Scarborough, 99 S.C. 377, 83 S.E. 594, 595 (1914) (quoted in McElveen v. Stokes, 240 S.C. 1, 6, 124 S.E.2d 592, 594 (1962)).

All provisions of the Constitution “shall be construed to be mandatory and prohibitory” unless otherwise stated, and this provision, in particular, is a restriction on the power of the legislature to act. Thomas v. Macklen, 186 S.C. 290, 195 S.E. 539, 542 (1938); S.C. Const. art. I, § 29.

B. Act 294 is special legislation.

“A law is general when it applies uniformly to all persons or things within a proper class, and special when it applies to only one or more individuals or things belonging to that same class.” Kizer v. Clark, 360 S.C. 86, 92, 600 S.E.2d 529, 532 (2004). Our Constitution rightly recognizes that special laws can undermine the legitimacy of governmental action, and therefore confines them to a narrow scope and places a high burden to justify a special law. The Supreme Court has been rigorous in rejecting special laws that could not pass constitutional muster. See, e.g., Shillito v. City of Spartanburg, 214 S.C. 11, 51 S.E.2d 95 (1948) (Supreme Court rejected arguments that special conditions justified a special provision affecting the City of Spartanburg.)

Act 294 has not been defended as a special provision in a general law, nor could it be. That exception, which is allowed in rare instances by Art. III, § 34(X), is very narrowly construed, as the Supreme Court has stressed many times. It is not a catch-all to save a law which is obviously special or local: “It is manifest, from even a casual reading of the constitution, that ‘local or special laws’ and ‘special provisions in general laws’ do not mean the

same thing.” Dean v. Spartanburg County, *supra*. As explained in Elliot v. Singh, 233 S.C. 161, 103 S.E.2d 923 (1958), and Gillespie v. Pickens County, 197 S.C. 217, 14 S.E.2d 900, 904 (1941), “this cannot be construed so as to nullify the constitutional purpose to secure general laws having uniform operation throughout the State.”

Because Act 294 applies only to Fairfield County School District students who transfer to Chester County School District pursuant to S.C. Code Ann. § 59-63-480, the Act is special legislation. In that event, the Act is necessarily unconstitutional where general law is otherwise applicable.

C. South Carolina general law exists regarding the transfer of students to adjacent school districts and reimbursement for the costs their education.

As explained *infra*, S.C. Code Ann. § 59-63-480 is the general law that governs the transfer of all South Carolina students, including those residing in Fairfield County, who live closer to a school in an adjacent school district than to a school in their home district. The transfer process is straightforward and generally applicable: the student applies to his/her home district, which examines the child’s eligibility and applies to the receiving district for the transfer, and the receiving district gives written consent.

Likewise, there is a general law already in existence which provides for payment of tuition for nonresident students. This law is codified at S.C. Code Ann. § 59-63-45 and entitled “Reimbursement for attending another school district.” Pursuant to this statute, tuition is paid by the *parent* in “an amount equal to the prior year’s local revenue per child raised by the millage levied for school district operations and debt service reduced by school taxes on real property owned by the child paid to the school district in which he is enrolled.” S.C. Code Ann. § 59-63-45(A). This provision was adopted *after* the transfer provision set forth in § 59-63-480, and applies equally to all non-resident students whether they qualify for transfer under S.C. Code

Ann. § 59-63-30, § 59-63-480, or § 59-63-490. S.C. Op. Att’y Gen., WL 3208468 (2009); S.C. Op. Att’y Gen., WL 2406415 (2009); S.C. Op. Att’y Gen., WL 3463709 (2005). The language of § 59-63-45(A) applies “notwithstanding” any other provisions included in Chapter 63 of Title 59, and therefore must be read in addition to all other provisions, including § 480 of Chapter 63.

D. Act 294 abrogates the general law as it applies to certain Fairfield County School District students.

The ban on special laws applies with special force here because general law not only can be made applicable but has been made applicable. Parts of Act 294 actually conflict with the general law. In such cases, the South Carolina Supreme Court has upheld the primacy of the general law. Smythe v. Stroman, 251 S.C. 277, 162 S.E.2d 168 (1968); Henry v. Horry County, 334 S.C. 461, 514 S.E.2d 122 (1999); Hurst v. Sumter Co., 189 S.C. 376, 1 S.E.2d 238 (1939); Craig v. Pickens, 189 S.C. 164, 200 S.E. 825 (1939); Elliott v. Singh, 233 S.C. 161, 103 S.E.2d 923 (1958); State ex rel. McLeod v. Court of Probate of Colleton Co., 266 S.C. 279, 223 S.E.2d 166 (1975).

The general law of South Carolina concerning the transfer of students from one district to another because of the proximity of the schools applies to all South Carolina students. To the contrary, Act 294 applies to a very limited population of the students who attend public school in this state. Furthermore, the special legislation adopted by the General Assembly essentially abrogates the general law in its application to Fairfield County School District. First, it eliminates any authority or involvement of Fairfield County School District, as the sending district, in the transfer process, or even an opportunity to determine whether the students do, in fact, qualify. The importance of the general state law of involving the sending district is shown by the affidavit of Belva Bush, Attendance Specialist for the Fairfield County School District, indicating her finding that six students on the Chester County list are not in fact Fairfield County

residents, and her further statement that she cannot verify this for certain because her school district has no role in determining eligibility under Act 294. See Exhibit 1, attached.

Second, it uniquely requires Fairfield County School trustees to pay for students transferring to Chester County schools at the desire of the parents. Third, it completely rewrites the reimbursement formula set out in general law, as is obvious by comparing the plain language of § 59-63-45 with the language of this special law. Fourth, it compels the Fairfield County Treasurer to pay the invoiced amount directly to Chester County, without any input from Fairfield County School District. Fifth, it diverts state funds by obligating the State Department of Education, again without Fairfield's involvement, to pay the invoice from Fairfield County School District's state legislatively mandated appropriation.

E. Act 294 is unconstitutional.

Although an Act of the General Assembly is generally presumed valid, the Court, when considering the constitutionality of the Act, must be mindful that "the Constitution of South Carolina is a limitation upon, rather than a grant of, legislative power" and should declare it invalid where it clearly violates any provision of the Constitution. Thomas v. Macklen, 186 S.C. 290, 195 S.E. 539, 542-43 (1938); see also State v. Hammond, 66 S.C. 219, 44 S.E. 797, 799 (1903) ("If the provision is a limitation upon legislative power, then, under our form of government, the power must lie somewhere to enforce such limitation, and there can be but one answer to the question as to where lies the power-in the judicial department.")

While it is true that the General Assembly has greater discretion to act in matters of public education, its power is nonetheless limited by the prohibitions of Article III, § 34. Charleston County Sch. Dist. v. Harrell, 393 S.C. 552, 558, 713 S.E.2d 604, 607 (2011). The mere fact that the General Assembly adopted special legislation cannot support the conclusion

that there was a valid basis for it, because that logic would allow every piece of legislation to escape the limiting authority of the judiciary. Thomas, 186 S.C. at ___, 195 S.E. at 542-43. "Such a rule of construction would be contrary to the mandatory character of the constitutional provisions" at issue. Id. at ___, 195 S.E. at 543.

Where there is no reasonable or logical justification to single out [a particular county] for special treatment, the challenged legislation violates Article III, § 34(IX). Horry County v. Horry County Higher Educ. Comm'n, 306 S.C. 416, 420, 412 S.E.2d 421, 424 (1991). In fact, the courts of South Carolina have time and again struck down special legislation dealing with schools. E.g., Horry County, 306 S.C. at 420, 42 S.E.2d at 424 (Court invalidated two Acts of the General Assembly which provide for the levy and disbursement of *ad valorem* taxes for the benefit of the Horry County Higher Education Commission); Charleston County School District v. Thomas, 277 S.C. 145, 283 S.E.2d 441 (1981) (Court held that special law applying only to investments by Charleston County was contrary to the general law and, thus, unconstitutional.); Smythe v. Stroman, 251 S.C. 277, 162 S.E.2d 168 (1968) (Court struck down § 11 of the Charleston school consolidation law which provided for an allocation of the various districts' bonded indebtedness that was inconsistent with the general state law.).

The analytical framework to determine whether special legislation is unconstitutional has been clearly articulated as follows:

If the legislation does not apply uniformly, the inquiry then becomes whether the legislation creates an unlawful classification. However, the mere fact that a law creates a classification does not render it unlawful. ... A classification is arbitrary, and therefore unconstitutional, if there is no reasonable hypothesis to support it. Accordingly, special legislation is not unconstitutional where there is a substantial distinction having reference to the subject matter of the proposed legislation, between the objects or places embraced in such legislation and the objects and places excluded. Thus, where a special law will best meet the exigencies of a particular situation, it is not unconstitutional. In other words, the General

Assembly must have a logical basis and sound reason for resorting to special legislation.

Charleston County Sch. Dist. v. Harrell, 393 S.C. 552, 558-59, 713 S.E.2d 604, 608 (2011) (internal citations and punctuation omitted).

When the legislature attempts to segregate a particular area for purposes of special legislation, there must be some sound justification to allow the law to “operate upon some and not upon all, or... affect some differently from others, [and] this classification must be based upon differences which are either defined by the Constitution, or are natural or intrinsic, and which suggest a reason that may rationally be held to justify the diversity in the legislation.” Elliott, 233 S.C. at 165-66, 103 S.E.2d at 926 (quoting Sirrine v. State, 132 S.C. 241, 128 S.E. 172, 175); see also Thomas, 186 S.C. at ___, 195 S.E. at 544 (1938) (“Judicial decisions uniformly declare that the classification of cities and towns must be based on a rational difference of situation or condition found in the municipalities placed in the different classes...”)

Act 294, as a special law, did not get “the settled consideration and consent of the lawmaking body” which Article III, § 34 sought to encourage. See Tisdale, 99 S.C. at ___, 83 S.E. at 595. There has been no explanation of how this small group of students in Fairfield County is constitutionally or intrinsically different from any other students in this state. In fact, there has been absolutely no logical basis or sound reason expressed by the General Assembly to justify the narrow classification of Mitford students and the need to create special legislation for them and them alone. Act 294 is a special law which violates Article III, § 34 of the Constitution of South Carolina and should be struck down by this Court.

II. Because the arguments espoused by Defendant Chester County are legally and factually insufficient to establish the constitutionality of Act 294, the Court should grant summary judgment to Plaintiff and declare the law invalid.

Several arguments are advanced to support adoption of a special law here. However, none of these arguments establishes that the segregated class of Mitford students is intrinsically or constitutionally distinguishable from all other students in South Carolina such that the general law of S.C. Code Ann. §§ 59-63-480 and 59-63-45 cannot be made applicable, and this special legislation is necessary.

First, it is said that a court order entered in 1970 justifies requiring Fairfield County School District to pay for the Mitford students attending Great Falls schools. Memorandum of Chester County School District, Exhibit G. But that Order dealt only with the closing of a segregated black elementary school in Mitford. It had nothing to do with white students of any grade, or middle or high school students of any color. Even as to African-American elementary school children, it said only that those "presently" attending the about-to-be-closed Mitford Elementary School should have the choice to attend the Great Falls school without paying for transportation. Since that time, the proviso in the state appropriation bill has paid for the cost of transportation, thus carrying forward the purpose of the desegregation order and then some. In short, a desegregation decree designed to meet a limited issue cannot be the basis for a far-ranging requirement that Fairfield County School District pay more than half a million dollars per year for any student of any color or any age, more than 40 years later and in perpetuity. In any event, Fairfield County School District has been declared unitary so that 1970 Order no longer has any impact.

Second, there is a form of "equitable" argument that since these are Fairfield County School District residents, Fairfield rather than Chester should bear the burden. That could be an argument for a general law, but there is no such law so obviously the General Assembly has not thought it an advisable legislative step.

In addition, it must be remembered that § 59-63-45(B) specifically gives the district where the child attends school all the state funds, and federal funds are typically also awarded on the basis of attendance, not residence. Chester County School district budgets for the past several years show state funds amounting to over \$20,000,000 per year, and most of that funding is related to attendance figures – including the Mitford students. See Exhibit 2 attached. Thus, the Mitford students are already bringing substantial funding to the Great Falls schools.

This substantial funding must be compared to Chester's added or "marginal" cost of adding the Mitford students to the Great Falls enrollments. As Belva Bush's affidavit points out, Exhibit 1 attached, the 166 students for this year are spread out through 14 grades (pre-K, K, and 1-12), and more than half the grades have a dozen or fewer students. This means that, for most of the grades, the Mitford students are simply added to existing classes, with no need to add extra classes or teachers. Only the 9th and 10th grades, with 25 and 18 students, respectively, seem very likely to require an extra class or extra teacher. Since teacher costs are the major expense of a school, it seems very likely that – just based on the state funds -- the Mitford students are more than "earning their keep" by bringing a net fiscal gain to Chester County School District.

It should also be noted that the Defendant does not address the plain language of S.C. Code Ann. § 59-63-45 which specifically says who pays if anyone pays. Although Defendant points out that § 59-63-480 is silent on funding, that is not sufficient justification for the adoption of Act. 294 when there is a general law existing and applicable for the payment of tuition for all other nonresident students attending school in this state. Statutory provisions can and are read together, and in this case, § 59-63-45 applies "notwithstanding" any other provision contained in Chapter 63.

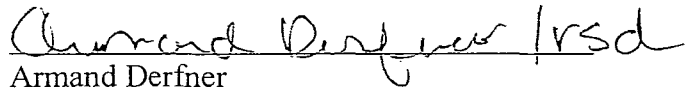
Finally, the Defendant relies on two examples of state statutes which require payment by school districts to other schools or districts: S.C. Code Ann. § 59-40-140 (dealing with charter schools), and Budget Proviso 1.8 (dealing with children in foster homes). However, both these pieces of legislation are general laws applicable to all South Carolina school districts and all students receiving education at charter schools or in foster care. Thus, these examples support Plaintiff's position that issues like the one in this case must be dealt with by general law rather than a special law.

CONCLUSION

Obviously, if the General Assembly passed a general law providing for tuition to be paid by all sending districts to all receiving districts, that would be permissible, but that is the point – there is no such legislative judgment, and Art. III, § 34 tells us that if that isn't done wholesale, it can't be done retail, just to benefit one district and burden another.

Accordingly, Plaintiff prays for judgment in this case.

Respectfully submitted,



Armand Derfner

D. Peters Wilborn, Jr.

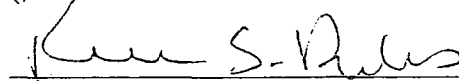
Derfner Altman & Wilborn, LLC

575 King Street, Suite B (29403)

P.O. Box 600

Charleston, SC 29402

(843) 723-9804



Alice F. Paylor

Rene S. Dukes

Rosen, Rosen & Hagood, LLC

P.O. Box 893

Charleston, SC 29402

(843) 577-6726

Charleston, SC

June 6, 2012

CERTIFICATE OF SERVICE

I certify that on June 6, 2012, I caused
to be: ☒ mailed
 ☐ hand delivered
 ☐ faxed
 ☒ e-mailed
a true copy of the foregoing pleading(s) to
each counsel of record.

Deborah Croft

2012 JUN -7 AM 9:58
JEANETTE M. McBRIDE
C.C.P. & G.S.

10/14/12 COURT
FILED

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	OF THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2010-CP-40-4017
The Board of Trustees for [on behalf of] The School District of Fairfield County,	)	
	)	
Plaintiff,	)	
v.	)	AFFIDAVIT OF BELVA BUSH
	)	
The State of South Carolina, the South Carolina General Assembly, Chester County School District, Fairfield County Treasurer and the State of Department of Education,	)	
	)	
Defendants.	)	

I, Belva Bush, being duly sworn, do depose and say as follows:

1. I am the Attendance specialist for the Fairfield County School District.
2. I have been provided with a list prepared by Chester County School District entitled "2011-12 Fairfield Student Listing," which I understand to be Chester County School District's list of students who reside in Fairfield County but attend school in Chester County.

3. The list has 166 names, broken down by grade as follows:

Pre-K	6	6	5
K	14	7	10
1	12	8	11
2	9	9	25
3	9	10	18
4	13	11	14
5	11	12	9

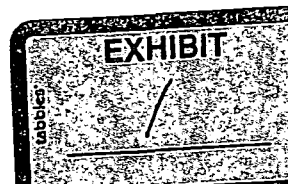
4. I have reviewed the list, and based on my familiarity with the area and my review of tax and other records of the two counties, I believe six of the students actually live in Chester County. I cannot verify this for certain because under the local law these students were not required to obtain releases from this school district before attending schools in another district.

Belva Bush

Sworn to and subscribed before me this 4 day of June 2012.

My commission expires June 16, 2012

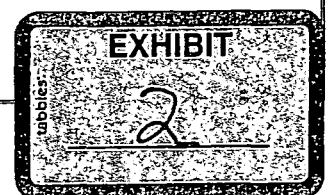
Roxie S Woodard
Notary Public for South Carolina



CHESTER COUNTY SCHOOL DISTRICT

GENERAL FUND BUDGET

FISCAL YEAR 2011-2012



**CHESTER COUNTY SCHOOL DISTRICT
PROPOSED GENERAL FUND BUDGET
FISCAL YEAR 2011 - 2012**

FINAL

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
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REVENUES:

1000 Revenue from Local Sources:

Projected local revenue for FY 2012 is conservative based FY 2011 current year to date collections and balance of unpaid 2010 property tax. The projection is based on a 90% collection rate at 182.2 mills. Fee in Lieu revenue has been reduced due to the closing of local industries.

1100 Taxes Levied/Assessed by the LEA:

1110 Levies for Current Operations	10,540,206	10,270,914	10,052,861	(218,053)
1140 Delinquent Taxes	850,000	850,000	700,000	(150,000)

**1200 Revenue From Local Governmental
Units Other Than LEA's:**

1280 Revenue in Lieu of Taxes	2,123,433	1,667,011	1,348,022	(318,989)
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1300 Tuition:

1320 Regular Day School Other LEA's	0	600,000	500,000	(100,000)
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1500 Earnings on Investments:

1510 Interest on Investments	125,000	75,000	25,000	(50,000)
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1900 Other Revenue from Local Sources:

1910 Rentals	5,000	5,000	3,000	0
1950 Refund of Prior Year Expenditures	115,188	105,000	125,000	20,000
1999 Miscellaneous Revenue	0	0	54,000	54,000

Total Local Sources	13,758,827	13,572,925	12,807,883	(763,042)
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2000 Intergovernmental Revenue

Projected Intergovernmental Revenue is calculated based on the contractual agreement signed during the 2011 Fiscal Year. This charter school allocation is calculated by a formula established by the South Carolina Department of Education.

2200 Payments from Charter Schools

2215 Academy of Teaching and Learning	353,361	290,424	170,058	(120,366)
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Total Intergovernmental Sources	353,361	290,424	170,058	(120,366)
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2012 BUDGET
FINAL

3000 Revenue from State Sources:

Revenue from State Sources include General Appropriations from the State of South Carolina and State Revenue in Lieu of Taxes. The Revenue in Lieu of Taxes represent funds which are used to offset local tax dollars and are guaranteed through State Legislation with the exception of Manufacturers Depreciation Reimbursement and Other State Property Taxes. Manufacturers Depreciation Reimbursement and Other State Property Taxes are based upon actual assessed value during the year.

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Increase (Decrease)
3100 Education Improvement Act				
3160 School Bus Driver's Salary	331,338	331,338	276,968	(54,370)
3162 Bus Driver's Worker's Compensation	30,974	30,974	28,000	(2,974)
3180 Fringe Benefits Employer Cont.	4,419,132	4,130,497	4,331,424	200,927
3181 Retiree Insurance	705,659	642,556	781,965	139,409
3300 Education Finance Act	11,648,946	8,812,182	10,028,585	1,216,403
EFA reflects Base Student Cost as recommended by the South Carolina House of Representatives.				
3800 State Revenue in Lieu of Taxes:				
3810 Reimbursement for Local Property Tax Relief	2,027,221	2,027,221	2,027,221	0
3820 Homestead Exemption	930,853	930,853	930,853	0
3821 Homestead Exemption II	2,500,000	2,500,000	2,500,000	0
3830 Merchant's Inventory Tax	123,446	123,446	123,446	0
3840 Manufacturers Depreciation Reimbursement	453,185	435,000	348,121	(86,879)
3890 Other State Property Tax Revenues	132,000	132,000	110,000	(22,000)
Total State Sources	23,302,754	20,096,067	21,486,583	1,390,516

5000 Other Financing Sources:

Other Finance Sources are allowable transfers from Other Special Revenue Sources. The EIA transfers represent State funding to help offset the cost of teacher salaries and fringe benefits. The Indirect Cost transfers are allowable charges to offset the cost of services provided to Other Special Revenue Programs.

5230 Transfer from Special Revenue - EIA	787,860	700,000	786,277	86,277
5280 Transfer from Special Revenue - Indirect cost	200,000	175,000	160,000	(15,000)
Total Other Financing Sources	987,860	875,000	946,277	71,277

Total Revenue All Sources	38,402,802	34,834,416	35,410,801	578,385
Fund Balance Assigned to Balance Budget	0	500,000	1,052,519	552,519
Total Revenue and Fund Balance	38,402,802	35,334,416	36,463,320	1,130,904

EXPENDITURES:

Instructional line item expenditures are based on an average class size ratio of 23:1 for grades K - 3, and 25:1 in grades 4 - 12.

In general instructional line item expenditures have been reduced for FY 2012; however, a few line items increased based on adjusted State Maintenance of Effort Requirements and reduced Other Special Revenue Funding.

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
100 Instruction				
110 General Instruction				
111 Kindergarten Programs:				
100 Salaries	766,072	851,094	925,508	74,414
200 Employee benefits	240,887	266,159	329,680	63,521
	<u>1,006,959</u>	<u>1,117,253</u>	<u>1,255,188</u>	<u>137,935</u>
112 Primary Programs:				
100 Salaries	1,919,260	2,248,443	2,343,980	95,537
200 Employee benefits	596,157	705,097	787,449	82,352
400 Supplies and materials	136,822	89,006	78,780	(10,226)
	<u>2,652,239</u>	<u>3,042,546</u>	<u>3,210,209</u>	<u>167,663</u>
113 Elementary Programs:				
100 Salaries	4,745,235	4,844,789	4,330,705	(514,084)
200 Employee benefits	1,415,447	1,502,178	1,385,402	(116,776)
300 Purchased Services	285,000	285,000	285,000	0
400 Supplies and materials	83,390	54,460	47,544	(6,916)
	<u>6,529,072</u>	<u>6,686,427</u>	<u>6,048,651</u>	<u>(637,776)</u>
114 High School Programs:				
	Salaries were transferred to the new State Funding Source reducing this line item.			
100 Salaries	4,065,936	3,766,855	3,559,734	(207,121)
200 Employee benefits	1,351,252	1,213,486	1,268,399	54,913
400 Supplies and materials	274,800	173,956	144,164	(29,792)
500 Capital outlay	0	0	0	0
	<u>5,691,988</u>	<u>5,154,297</u>	<u>4,972,297</u>	<u>(182,000)</u>
115 Vocational Programs:				
100 Salaries	996,474	1,021,044	957,576	(63,468)
200 Employee benefits	282,069	288,518	305,882	17,364
300 Purchased services	0	0	0	0
400 Supplies and materials	77,483	50,364	46,490	(3,874)
500 Capital outlay	0	0	0	0
	<u>1,356,026</u>	<u>1,359,926</u>	<u>1,309,948</u>	<u>(49,978)</u>

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
120 Exceptional Programs:				
121 Educable Mentally Handicapped:				
100 Salaries	339,780	213,300	291,965	78,665
200 Employee benefits	113,661	74,572	88,438	13,866
	453,441	287,872	380,403	92,531
122 Trainable Mentally Handicapped:				
100 Salaries	115,291	109,037	107,373	(1,664)
200 Employee benefits	42,017	34,961	42,849	7,888
	157,308	143,998	150,222	6,224
123 Orthopedically Handicapped:				
100 Salaries	9,085	9,085	9,085	0
200 Employee benefits	1,866	1,866	1,967	101
300 Purchased services	0	0	0	0
	10,951	10,951	11,052	101
124 Visually Handicapped:				
300 Purchased services	28,000	0	0	0
	28,000	0	0	0
125 Hearing Handicapped:				
100 Salaries	13,796	14,089	17,508	3,419
200 Employee benefits	2,823	2,894	3,790	896
	16,619	16,983	21,298	4,315
126 Speech Handicapped:				
100 Salaries	306,062	305,954	288,334	(17,620)
200 Employee benefits	93,846	94,354	98,174	3,820
	399,908	400,308	386,508	(13,800)
127 Learning Disabilities:				
100 Salaries	860,084	481,267	557,315	76,048
200 Employee benefits	186,266	148,618	185,338	36,720
	1,046,350	629,885	742,653	112,768
128 Emotionally Handicapped:				
100 Salaries	127,988	146,029	139,461	(6,568)
200 Employee benefits	40,401	44,138	48,063	3,925
300 Purchased services	0	0	0	0
	168,389	190,167	187,524	(2,643)
137 Preschool Handicapped Self Contained:				
100 Salaries	104,742	70,015	65,959	(4,056)
200 Employee benefits	33,267	13,892	17,934	(958)
	138,009	83,907	83,893	(5,014)

2012 BUDGET
FINAL

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
139 Four Year Old Early Childhood:				
100 Salaries	16,741	0	0	0
200 Employee benefits	13,507	0	0	0
	30,248	0	0	0
140 Special Programs:				
141 Gifted and Talented:				
100 Salaries	0	0	0	0
200 Employee benefits	12,418	12,666	14,509	1,843
	12,418	12,666	14,509	1,843
145 Homebound:				
100 Salaries	60,000	60,000	60,000	0
200 Employee benefits	12,324	12,324	12,990	666
300 Purchased services	27,100	27,100	26,100	(1,000)
	99,424	99,424	99,090	(334)
161 Autism				
100 Salaries	47,030	48,104	39,900	(8,204)
200 Employee benefits	11,577	15,357	25,687	10,330
400 Supplies and materials	0	0	0	0
	58,607	63,461	65,587	2,126
180 Adult Education Programs				
181/182 Adult Education	0	0	0	0
200 Employee benefits	5,000	3,250	3,000	(250)
400 Supplies and materials	5,000	3,250	3,000	(250)
Total Instruction:				
Total Current Expenditures	19,860,956	19,308,321	18,942,032	(366,289)
Total Capital Outlay	0	0	0	0
Total Instruction	19,860,956	19,308,321	18,942,032	(366,289)

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
200 Supporting Services:				
210 Pupil Services:				
211 Attendance and Social Work:				
100 Salaries	64,634	69,795	66,795	(3,000)
200 Employee benefits	25,043	24,104	25,846	1,742
300 Purchased services	1,500	1,500	2,300	800
400 Supplies and materials	2,700	2,700	1,900	(800)
500 Capital outlay				0
	93,877	98,099	96,841	(1,258)
212 Guidance:				
100 Salaries	571,348	575,006	581,745	6,739
200 Employee benefits	182,984	180,499	190,441	9,942
	754,332	755,505	772,186	16,681
213 Health:				
100 Salaries	160,977	122,630	152,295	29,665
200 Employee benefits	53,828	51,730	49,611	(2,119)
	214,805	174,360	201,906	27,546
214 Psychologist:				
100 Salaries	95,496	88,760	102,023	13,263
200 Employee benefits	25,352	25,357	34,560	9,203
300 Purchased services	40,000	0	0	0
	160,848	114,117	136,583	22,466
220 Instructional Staff Services:				
221 Improvement of Instruction:				
100 Salaries	106,706	138,996	159,544	20,548
200 Employee benefits	35,661	46,762	53,752	6,990
300 Purchased services	108,000	102,000	99,000	(3,000)
400 Supplies and materials	25,700	23,700	23,700	0
500 Capital outlay	0	0	0	0
600 Other objects	9,400	8,400	8,400	0
	285,467	319,858	344,396	24,538
222 Educational Media:				
100 Salaries	558,328	530,562	501,604	(28,958)
200 Employee benefits	173,452	171,393	167,722	(3,671)
400 Supplies and materials	0	0	0	0
	731,780	701,955	669,326	(32,629)
223 Supervision of Special Programs:				
100 Salaries	115,038	110,243	115,374	5,131
200 Employee benefits	34,080	34,020	36,152	2,132
	149,118	144,263	151,526	7,263

2012 BUDGET
FINAL

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
230 General Administration Services:	Reporting of casualty insurance premiums increase function 600. Reduction shown in Maintenance.			
231 Board of Education:				
200 Employee benefits	458,683	0	459,747	459,747
300 Purchased services	163,772	140,773	178,572	37,799
400 Supplies and materials	2,000	2,000	2,000	0
500 Capital outlay	0	0	0	0
600 Other objects	198,956	42,000	256,941	214,941
	823,411	184,773	897,260	712,487
232 Office of Superintendent:				
100 Salaries	181,968	183,000	263,000	80,000
200 Employee benefits	46,806	54,228	84,496	30,268
300 Purchased services	8,000	8,000	4,000	(4,000)
400 Supplies and materials	4,500	9,500	9,500	0
500 Capital outlay	0	0	0	0
600 Other objects	7,000	7,000	8,000	1,000
	248,274	261,728	368,996	107,268
233 School Administration:				
100 Salaries	2,353,029	2,208,450	2,201,176	(7,274)
200 Employee benefits	732,785	673,626	716,475	42,849
	3,085,814	2,882,076	2,917,651	35,575
250 Finance and Operations Services:				
252 Fiscal Services:				
100 Salaries	285,522	285,522	285,522	0
200 Employee benefits	85,450	87,800	91,040	3,240
300 Purchased services	48,100	50,100	48,375	(1,725)
400 Supplies and materials	14,000	14,000	14,000	0
500 Capital outlay	0	0	0	0
600 Other objects	3,500	3,500	3,500	0
	436,572	440,922	442,437	1,515
253 Facilities				
325 Facilities Rental	0	0	54,000	54,000
	0	0	54,000	54,000

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
254 Operations and Maintenance of Plant:	Function reduced due to reporting of casualty insurance costs. \$40000 added for electric expenses.			
100 Maintenance Salaries	492,832	473,759	494,180	20,421
119 Custodial Salaries	371,910	275,520	132,029	(143,491)
200 Maintenance Employee benefits	159,190	156,876	171,363	14,487
219 Custodial benefits	154,499	109,307	62,497	(46,810)
300 Maintenance Purchased services	1,355,750	1,066,202	1,271,790	205,588
319 Custodial Contract	1,235,133	1,243,226	1,331,000	87,774
400 Maintenance supplies and materials	1,207,333	870,971	1,318,531	447,560
419 Custodial supplies and materials	0	0	0	0
500 Capital outlay	0	0	0	0
	<u>4,976,647</u>	<u>4,195,861</u>	<u>4,781,390</u>	<u>585,529</u>
255 Pupil Transportation:				
100 Salaries	908,726	873,726	872,813	(913)
200 Employee benefits	363,185	350,094	384,559	34,465
300 Purchased services	48,100	48,100	43,000	(5,100)
400 Supplies and materials	11,500	11,500	11,800	300
500 Capital outlay				0
	<u>1,331,511</u>	<u>1,283,420</u>	<u>1,312,172</u>	<u>28,752</u>
256 Food Service:				
200 Employee benefits	225,312	225,312	242,754	17,442
	<u>225,312</u>	<u>225,312</u>	<u>242,754</u>	<u>17,442</u>
257 Internal Services:				
100 Salaries	134,940	124,848	124,848	0
200 Employee benefits	40,645	33,562	32,906	(656)
300 Purchased services	226,107	187,000	140,500	(46,500)
400 Supplies and materials	9,000	10,000	15,000	5,000
500 Capital outlay	0	0	0	0
600 Other objects	1,000	1,000	1,000	0
	<u>411,692</u>	<u>356,410</u>	<u>314,254</u>	<u>(42,156)</u>
258 Security Purchased Services:				
300 Purchased services	187,100	167,500	153,300	(14,200)
400 Supplies and materials	30,000	10,000	25,000	15,000
	<u>217,100</u>	<u>177,500</u>	<u>178,300</u>	<u>800</u>
263 Information Services:				
100 Salaries	0	0	0	0
200 Employee benefits	0	0	0	0
300 Purchased services	4,000	29,000	29,000	0
400 Supplies and materials	4,000	4,000	4,000	0
600 Other objects	500	500	500	0
	<u>8,500</u>	<u>33,500</u>	<u>33,500</u>	<u>0</u>

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
264 Human Resources:				
100 Salaries	159,053	174,860	174,860	0
200 Employee benefits	52,306	61,753	64,937	3,184
300 Purchased services	14,000	16,000	14,200	(1,800)
400 Supplies and materials	5,200	5,200	4,200	(1,000)
500 Capital outlay	0	0	0	0
600 Other objects	0	0	800	800
	230,559	257,813	258,997	1,184
266 Data Processing Services:				
100 Salaries	289,787	271,651	271,651	0
200 Employee benefits	86,241	85,503	97,614	12,111
300 Purchased services	927,548	406,700	320,800	(85,900)
3ER Erate funded purchased services	148,000	148,000	148,000	0
400 Supplies and materials	73,500	73,500	73,500	0
500 Capital outlay	0	0	0	0
600 Other objects	500	500	250	(250)
	1,525,576	985,854	911,815	(74,039)
270 Supporting Services Pupil Activity:				
271 Pupil Services Activities:				
100 Salaries	293,549	291,494	294,570	3,076
200 Employee benefits	60,295	59,873	63,771	3,898
300 Purchased Services	75,000	0	68,000	68,000
	428,844	351,367	426,341	74,974
Total Support :				
Total Current Expenditures	16,340,039	13,944,693	15,512,631	1,567,938
Total Capital Outlay	0	0	0	0
Total Support	16,340,039	13,944,693	15,512,631	1,567,938

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
500 Debt Service				
610 Redemption of Principal	0	0	11,250	11,250
620 Interest	60,000	75,000	51,250	(23,750)
	60,000	75,000	62,500	(12,500)
Total Debt Service:				
Total current Expenditures	60,000	75,000	62,500	(12,500)
Total Debt Service	60,000	75,000	62,500	(12,500)
 700 Transfers				
412 Transfer to Charter School	2,141,807	2,006,402	1,946,159	(60,243)
Total Transfers				
Total current Expenditures	2,141,807	2,006,402	1,946,159	(60,243)
Total Transfers	2,141,807	2,006,402	1,946,159	(60,243)
Total Expenditures:				
Current:				
General Instruction	19,860,956	19,308,321	18,942,032	(366,289)
Support Services	16,340,039	13,944,693	15,512,631	1,567,938
Community Services	0	0	0	0
Capital Outlay	0	0	0	0
Debt Service	60,000	75,000	62,500	(12,500)
Transfers	2,141,807	2,006,402	1,946,159	(60,243)
Total Expenditures	38,402,802	35,334,416	36,463,322	1,128,906

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Board of Trustees for the
Fairfield County School District,

Plaintiff,

v.

State of South Carolina, Chester County
School District, Fairfield County
Treasurer and State Department of
Education,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A No. 2010-CP-10-4017

MOTION FOR SUMMARY JUDGMENT

The Defendant State of South Carolina hereby moves for summary judgment herein pursuant to Rule 56, SCRCPP, in that the pleadings and any exhibits now or hereinafter submitted, show that there is no genuine issue as to any material fact as to the defenses herein and that the moving party is entitled to judgment as a matter of law. The grounds for this motion include that the statute challenged in this suit, Act 294, 2010 S.C. Acts___, does not violate the provisions of the Constitution at issue. The State reserves the right to rely on any exhibits filed by other parties to this case.

Respectfully submitted,

ALAN WILSON
Attorney General

[Signature block continues next page]

J. EMORY SMITH, JR.

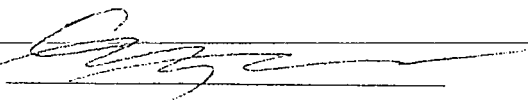
Assistant Deputy Attorney General

Post Office Box 11549

Columbia, SC 29211

(803) 734-3680

S.C. Bar. No. 5262

BY: 

February 24, 2012

ATTORNEYS FOR THE DEFENDANT
STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Board of Trustees for the
Fairfield County School District,

Plaintiff,

v.

State of South Carolina, Chester County
School District, Fairfield County
Treasurer and State Department of
Education,

Defendants.

) IN THE COURT OF COMMON PLEAS

) C/A No. 2010-CP-10-4017

) CERTIFICATE OF SERVICE

I hereby certify that I have served copies of the Motion for Summary Judgment of the Defendant State of South Carolina upon each of the other parties by mailing the copies to their counsel at the addresses below via the United States Mail this February 24, 2012:

Armand Derfner, Esquire
D. Peters Wilborn, Jr., Esquire
Derfner, Altman & Wilborn, LLC
P.O. Box 600
Charleston, SC 29402

Kenneth L. Childs, Esquire
John M. Reagle, Esquire
Allison Aiken Hanna, Esquire
Childs & Halligan, P.A.
P.O. Box 11367
Columbia, SC 29211

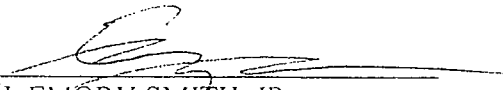
James S. Meggs, Esquire
Callison Tighe & Robinson LLC
P.O. Box 1390
Columbia, SC 29202

Certificate of Service

Fairfield v. State
February 24, 2012
Page 2

Shelly Bezanson Kelly, Esquire
Wendy Bergfeldt Cartledge, Esquire

South Carolina Department of Education
1429 Senate St.
Columbia, SC 29201


J. EMORY SMITH, JR.
Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
Board of Trustees for the	)	
Fairfield County School District,	)	C/A No. 2010-CP-10-4017
	)	
Plaintiff,	)	
	)	
v.	)	MEMORANDUM IN SUPPORT OF
	)	STATE'S MOTION FOR SUMMARY
State of South Carolina, Chester County	)	JUDGMENT
School District, Fairfield County	)	
Treasurer and State Department of	)	
Education,	)	
	)	
Defendants.	)	
	)	

In support of its Motion for Summary Judgment, the Defendant State of South Carolina submits the following memorandum:

THE STATE MAY NOT BE SUBJECTED TO AN INJUNCTION

The State of South Carolina, as an entity comprising the entire State rather than a single officer or agency, is not a proper subject of an order for injunctive or other relief as to the matters alleged-if, *arguendo*, such an order were to be issued. A "state itself cannot be enjoined." CJS INJUNCTION §203. An injunction as to the State would not direct a particular official or agency as to what to do.

II

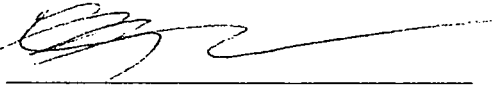
**THE STATE RESERVES THE RIGHT TO INCORPORATE ANY AND ALL
LEGAL ARGUMENTS OF THE DEFENDANT CHESTER**

The State reserves the right to assert any and all legal arguments of the Defendant Chester School District as fully as if set forth in this Memorandum.

For the foregoing reasons, judgment should be entered for the State of South Carolina.

ALAN WILSON
Attorney General

J. EMORY SMITH, JR.
Assistant Deputy Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3680
S.C. Bar. No. 5262

BY: 

May 30, 2012

ATTORNEYS FOR THE DEFENDANT STATE OF
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,

C.A. No. 2010-CP-40-4017

Plaintiff,

vs.

**DEFENDANT CHESTER COUNTY
SCHOOL DISTRICT'S AMENDED
MOTION FOR SUMMARY JUDGMENT**

State of South Carolina, Chester County
School District, Fairfield County
Treasurer, and State Department of
Education,

Defendants.

DEFENDANT, Chester County School District ("District"), respectfully moves this Court pursuant to Rule 56, SCRCP, and the Court's Amended Consent Order, for an order granting summary judgment to the District and dismissing Plaintiff's remaining claim against it. Plaintiff's complaint is a declaratory judgment action seeking a judicial declaration that Act R. 294 of 2010 violates the South Carolina Constitution, Article III, §34. The District asserts that Act R. 294 is constitutional under well settled precedent of the South Carolina Supreme Court.

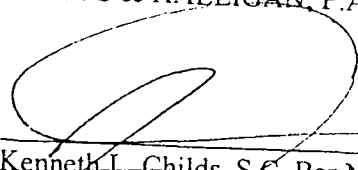
The District's motion for summary judgment is based on the grounds that there are no material issues of disputed fact and that as a matter of law it is entitled to judgment on Plaintiff's claim.

Wherefore, the District respectfully asks this Court to enter summary judgment in its favor, declare Act R. 294 of 2010 to be constitutional, and dismiss Plaintiff's complaint.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

CHILDS & HALLIGAN, P.A.

By: 

Kenneth L. Childs, S.C. Bar No. 1217

John M. Reagle, S.C. Bar No. 14185

Allison Aiken Hanna, S.C. Bar No. 15668

kchilds@childs-halligan.net

jreagle@childs-halligan.net

ahanna@childs-halligan.net

P.O. Box 11367

Columbia, South Carolina 29211

(803) 254-4035

Attorneys for Defendant

Chester County School District

February 24, 2012

Columbia, South Carolina

CERTIFICATE OF SERVICE BY MAIL

The undersigned of Childs & Halligan, P.A., hereby certifies that she has served the following counsel of record with the foregoing **DEFENDANT CHESTER COUNTY SCHOOL DISTRICT'S AMENDED MOTION FOR SUMMARY JUDGMENT** by mailing

a copy of same, postage prepaid and return addresses clearly indicated, to the following on this

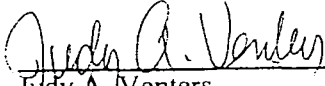
24th day of February, 2012:

Armand Derfner, Esq.
Derfner, Altman & Wilborn, LLC
P.O. Box 600
Charleston, SC 29403

Shelly Bezanson Kelly, Esq.
S.C. Department of Education
1429 Senate Street
Columbia, South Carolina 29201

J. Emory Smith, Jr., Esq.
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211

James S. Meggs, Esq.
Callison Tighe & Robinson, LLC
P.O. Box 1390
Columbia, SC 29202-1390


Judy A. Venters

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,

C.A. No. 2010-CP-40-4017

Plaintiff,

vs.

State of South Carolina, Chester County
School District, Fairfield County
Treasurer, and State Department of
Education,

Defendants.

**DEFENDANT CHESTER COUNTY
SCHOOL DISTRICT'S MEMORANDUM
OF LAW IN SUPPORT OF AMENDED
MOTION FOR SUMMARY JUDGMENT**

I. INTRODUCTION

Defendant Chester County School District ("Chester"), respectfully submits this memorandum in support of its motion for summary judgment. Chester asserts herein that it is entitled to summary judgment on Plaintiff's claim against it as a matter of law. Plaintiff's claim challenges the constitutionality of Act 291 of 2010 ("Act"),¹ which authorizes certain students residing in Fairfield County to continue to attend the public schools of Chester, as they have since 1947, and provides for the payment of funds by the Fairfield County School District ("FCSD") to Chester for its educational services to these students. Myriad so-called special or local legislation govern the operations of the 86 school districts of South Carolina, and there is nothing novel or unconstitutional concerning the Act. Chester respectfully asks this Court to declare the Act constitutional and enter judgment in its favor on FCSD's claim.

¹ S.C. Act 291 of 2010 is codified as S.C. Code Ann. § 59-63-485, and a copy is attached as Exhibit A.

II. CURRENT CLAIMS AND PARTIES

This civil action brought by FCSD challenges the constitutionality of the Act. FCSD's complaint initially alleged the Act violated the following provisions of the South Carolina Constitution: Art. III § 34 (special law in conflict with general law); Art. X § 5 (taxation without consent of the people); Art. XI § 3 (a system of education); Art. I § 4 (ex post facto law); and Art. VIII § 7 (home rule). The Defendants named in the Complaint are the State of South Carolina, Chester County School District, Fairfield County Treasurer, and the State Department of Education. However, at the hearing on February 7, 2011, FCSD abandoned all of its claims except the claim arising under Art. III § 34. Consequently, with respect to the resolution of the cross-motions for summary judgment now before the Court, this case currently involves only FCSD's claim that the Act violates the South Carolina Constitution, Art. III § 34, as against the Defendants, Chester, the State of South Carolina, the State Department of Education, and the Fairfield County Treasurer.

III. BACKGROUND

This suit alleges that the Act violates the special legislation prohibitions of S.C. Const., Art. III, § 34. The Act provides in part as follows:

SECTION 1. (A) The General Assembly finds that numerous public school students reside in Fairfield County School District but are entitled to attend the schools of Chester County School District pursuant to § 59-63-480. The General Assembly finds it necessary to provide by law for uniform arrangements between Fairfield County School District and Chester County School District pertaining to these students.

(B) A student who qualifies for transfer pursuant to § 59-63-480 may be admitted, and remain enrolled, by Chester County School District upon proof of eligibility as Chester County School District finds acceptable. A roster of these students must be kept current by Chester County School District and sent to Fairfield County School District as and when updated.

(1) Each fiscal year, for each pupil authorized to transfer from Fairfield County School District to Chester County School District pursuant to § 59-63-480 and actually enrolled in a public school of Chester County School District, the Fairfield County Treasurer, on behalf of and from

funds of Fairfield County School District, shall pay Chester County School District 103% of Chester County School District's prior year local revenue per pupil for school operating purposes as reported in Chester County School District's annual audit for the immediately preceding fiscal year.

Following the passage of the Act in June of 2010, FCSD brought this lawsuit seeking declaratory relief. Thereafter both FCSD and Chester filed motions for summary judgment, and the motions were heard by this Court on February 7, 2011. The Court took the motions under consideration, and following the South Carolina Supreme Court's decision in *Charleston County School District v. Harrell*, 393 S.C. 552, 713 S. E. 2d 604 (2011), at the request of the parties, Judge Newman denied the pending motions without prejudice to the parties to re-file motions for summary judgment. (Exhibit B, order of Judge Newman.). The parties, thereafter, re-filed their motions for summary judgment following a period of time for discovery.

IV. UNDISPUTED FACTS

For decades, and at least since 1947, children residing in the North East corner of Fairfield County ("Mitford area") have been attending Chester's schools in Chester County. (Exhibits C, Fort Affidavit; D, Stroud Affidavit; E, Harrington Affidavit; F, news articles.) The general statutory authority for these students to attend Chester's schools is S.C. Code Ann. § 59-63-480. Under § 59-63-480, a child who resides closer to a school of a school district in which he does not reside than he does to a school in the school district in which he does reside may attend the more proximate school of the non-resident school district. S.C. Code Ann. § 59-63-480, is silent about funding for students. Rather, § 59-63-480 contemplates that "proper arrangement" shall be made for the monthly payment of the per-pupil cost for students attending public school outside of the school district in which they reside.

The students of the Mitford area of Fairfield County have been attending Chester's schools in the Great Falls area of Chester County since at least 1947. The arrangement between

Chester and FCSD allowing the Mitford area students to attend Chester's schools at no cost to the students was institutionalized in several ways following 1947. In 1970, FCSD's desegregation decree entered by the United States District Court for the District of South Carolina required the closing of the all black Mitford Elementary School and required that its students be given the choice of attending school at Great Falls in Chester. (Exhibit G, Desegregation Order.)

Thereafter, in 1972, the General Assembly passed Act 1236 of 1972, consolidating the Mitford area into Chester. (Exhibit H, Act 1236 of 1972.) This Act was repealed the following year based on an agreement between FCSD and Chester respecting the attendance of the Mitford area students at Chester's Great Falls schools. (Exhibit I, Act 161 of 1973; Exhibit J, FCSD motions regarding Mitford area students, and Chester policy regarding the Mitford area.) Subsequently, the General Assembly through annual budget provisos has provided for the cost of transporting students in the Mitford area to Chester's Great Falls schools. (Exhibit K, provisos.) Further, Chester readjusted its formal attendance zones for the Great Falls schools to include the Mitford area. (Exhibit E, Harrington affidavit.) Consequently, for generations over several decades, approximately 100-200 students residing in the Mitford area have annually attended, without charge, Chester's Great Falls schools. This historical relationship between the Mitford and Great Falls areas and their respective school districts involving a substantial number of students is unique, and the approximately 160 students currently affected are caught in the middle of this dispute.

Since at least 1974, FCSD and Chester had agreed upon "proper arrangements" for the cost of educating the Mitford area students. These arrangements began breaking down in 2007, and they finally collapsed in the 2009-10 school year when no arrangement was reached for that school year and negotiations between the school districts failed. (Exhibit L, correspondence.) In light of the school districts' failure to reach a proper arrangement for the cost of the Mitford area students to attend Chester's schools, and indeed FCSD's refusal to continue negotiations, the

General Assembly passed the Act in 2010 in order to provide for the for the educational costs of these students in a reasonable, stable, and predictable manner for the 2009-10 school year and thereafter. Under the Act, for the 2009-10 school year, approximately 190 Mitford area students attended Chester's schools. The amount invoiced to the Fairfield County Treasurer for these students is \$692,549, pursuant to the Act's formula. For the 2010-11 school year, Chester invoiced the Fairfield County Treasurer the amount of \$554,706 based on 156 students enrolled in its schools from the Mitford area, and for the 2011-12 school year, Chester invoiced the Fairfield County Treasurer \$591,448 for 166 students enrolled from the Mitford area. (Exhibit D, supplemental Stroud affidavit.) By separate orders of the Court, the invoiced funds are being held in a separate account by the Fairfield County Treasurer pending resolution of the parties' motions for summary judgment.

V. STANDARD OF REVIEW

In reviewing the constitutionality of a State statute not only must the court resolve all doubt in favor of the constitutionality of the act, but the act can only be found unconstitutional if it is contrary to a specific provision of the State constitution limiting and circumscribing legislative action in that area. *Crow v. McAlpine*, 277 S.C. 240, 288 S.E. 2d 355, 356 (1981); *State v. Neumann*, 384 S.C. 395, 683 S.E. 2d 268, 271 (2009). Further, all statutes are presumed constitutional and will, if possible, be construed to render them valid. *Neumann*, 683 S.E. 2d at 271. A statute will not be declared unconstitutional unless its violation of the constitution is clear and beyond a reasonable doubt. *Id.*

In considering the constitutionality of State laws dealing with public education, it is important to highlight the particularly broad discretion of the General Assembly:

Under the South Carolina Constitution, the Legislature is charged with "provid[ing] for the maintenance and support of a system of free public schools open to all children in the State." S.C. Const. Art. IX, § 3. The legislature has "wide discretion in determining how to go about accomplishing [this] duty."

Horry County School District v. Horry County, 346 S.C. 621, 532 S.E. 2d 737, 743 (2001).

Burriss v. Anderson County Bd. of Educ., 369 S.C. 443, 633 S.E. 2d 482, 486 (2006). Finally, it is the Plaintiff's burden to show a statute to be unconstitutional, and the powers and duties set forth in a statute have themselves been determined to be sufficient evidence of the need therefor.

Hagley Homeowners Assoc. v. Hagley Water, Sewer, and Fire Authority, 326 S.C. 67, 485 S.E. 2d 92 (1997).

VI. ARGUMENT

It is true that "[o]ur Constitution does not favor special laws where a general law can be made to apply." *Michelin Tire Corp. v. Spartanburg Co. Treas.*, 281 S.C. 31, 314 S.E. 2d 8,9 (1984). Accordingly, for a special law like § 59-63-485 to be constitutional there must exist:

... a substantial distinction having reference to the subject matter of the proposed legislation, and the objects or place embraced in such legislation, and the objects or places excluded. The marks of distinction upon which the classification is founded must be such, in the nature of things, as will in some reasonable degree, at least, account for or justify the restriction of the legislation.

Shillito v. City of Spartanburg, 214 S.C. 11, 51 S.E. 2d 95, 98 (1948). In other words, as more recently discussed by the South Carolina Supreme Court:

However, the mere fact that a law creates a classification does not render it unlawful. Instead, the constitutional prohibition against special legislation operates similarly to our equal protection guarantee in that it prohibits unreasonable or arbitrary classifications. "A classification is arbitrary, and therefore unconstitutional, if there is no reasonable hypothesis to support it." ... Thus, where a special law best meets the exigencies of a particular situation, it is not unconstitutional.

Charleston County School District v. Harrell, 393 S.C. 552, 713 S.E. 2d 604, 608 (2011)

(citations omitted). In short, "... the General Assembly must have a logical basis and sound

reason for resorting to special legislation." *Medical Soc. of S.C. v. MUSC*, 334 S.C. 270, 513 S.E. 2d 352, 357 (1999).

Applying these principles respecting special legislation within the context of the General Assembly's broad responsibility for public education, the Supreme Court has recognized that "[i]t is exceedingly doubtful whether a general law, uniform in operation throughout the State, regulating the measure of aid to be given by the counties to the districts, or the extent of control which should be vested in the county board of education, could be made applicable." *Mosely v. Welch*, 209 S.C. 19, 39, S.E. 2d 133, 138 (1946). This is the case concerning § 59-63-485 and the funding of the students in the Mitford area. Indeed, as noted in *Mosely*, the Supreme Court has shown particular deference to legislative discretion regarding school funding issues. See also, *Abbeville Co. School District v. South Carolina*, 335 S.C. 55, 515 S.E. 2d 525, 540-41 (1999); *Bradley v. Cherokee School District*, 322 S.C. 181, 470 S.E. 2d 570, 572 (1996).

Under the unique facts and circumstances concerning the students of the Mitford area attending Chester's Great Falls schools, there is no evidence tending to show the General Assembly clearly and palpably abused its discretion in enacting § 59-63-485. Rather, the evidence demonstrates only that a logical basis and sound reason exists for the General Assembly resorting to special legislation in enacting § 59-63-485 in order to provide for stable, predictable, and proper arrangements between FCSD and Chester pertaining to the Mitford area students.

The Mitford area students present a unique situation in South Carolina where for more than sixty years a substantial number of students in a discrete geographic area and community within FCSD have been attending Chester's Great Falls schools. Until the 2009-10 school year, funding for the Mitford area students had been paid by FCSD to Chester based on an agreement or understanding between FCSD and Chester. Prior to the 2009-10 school year, and as far back as 1947, Mitford area students have been attending the Great Falls schools of Chester. In 1970,

FCSD's desegregation order required FCSD to close its Mitford Elementary School and for the students to be allowed to attend Chester's Great Falls schools. In 1972, the General Assembly formally made the Mitford area part of Chester. (Act No.1236 of 1972.) In 1973 the General Assembly repealed the Mitford area consolidation with Chester, and FCSD authorized the ~~Mitford area's students to attend Chester's schools and payment to Chester on behalf of the~~ Mitford area students. (Exhibits I and J.) In further support of the Mitford area student's attendance at Chester's Great Falls schools, the General Assembly has historically provided transportation funds for students to attend the Great Falls schools. (Exhibit K.) And, Chester has formally zoned the Mitford area for attendance at its Great Falls schools. (Exhibit E.) Accordingly, the State, FCSD, and Chester have all approved of, fostered, and encouraged the attendance of the Mitford area students at Chester's schools in various ways for decades prior to the 2009-10 school year.

Then during the 2009-10 school year, FCSD refused to agree to any arrangements for the payment to Chester for the approximately 190 Mitford area students to continue to attend Chester's schools. In light of this failure, the General Assembly reasonably stepped into the breach by enacting § 59-63-485 to ensure the Mitford area students could continue to attend Chester's Great Falls schools and the payment of a reasonable amount of funds by FCSD to ~~Chester for educational services to the Mitford area students.~~ Given these circumstances, a logical basis and sound reason for resorting to special legislation exists, and the General Assembly's enactment of § 59-63-485 cannot be characterized as unreasonable or arbitrary. *Medical Society of S.C.*, 513 S.E. 2d at 537; *Charleston County School District*, 713 S.E. 2d at 608.

Moreover, § 59-63-485 does not otherwise conflict with general law, but instead builds upon § 59-63-480 by specifying a funding formula where § 59-63-480 is silent to provide for a reasonable and stable level of local school funds to Chester for educating students residing in the

Mitford area of FCSD. As set forth in the Supplemental Affidavit of Anna Stroud, Chester's Director of Finance, (exhibit D) FCSD's level of local per student funding is \$8,875 as compared to Chester's \$3,452. Thus, by seeking only to make Chester's taxpayers whole for educating students residing in FCSD, FCSD is actually spending \$5,423 less per student than its per student revenue. Additionally, Ms. Stroud also determined that the payment per student under the § 59-63-485 funding scheme, which for 2011-12 school year is \$3,452 per student, is actually less than the actual local cost of educating students in the Great Falls schools, which is an average per student local funds expenditure of \$6,375.

Further, the concept of local funds following a school district's students to other schools is not novel, but well accepted. For example, the Charter Schools Act provides for local district funding of students of the district enrolled in a charter school. S.C. Code Ann. § 59-40-140. Likewise, an annual Budget Proviso provides for local district funds to be paid to other school districts providing educational services to students in foster care. Budget Proviso 1.8 (2009-10 Bill H. 4657 – Part 1B, 1.8). (Exhibit M, student funding acts.) The similar funding scheme included in § 59-63-485 is likewise logical and reasonable.

Consequently, § 59-63-485 is not unconstitutional special legislation, but instead falls within the well recognized category of constitutional special legislation that is reasonably and logically designed to address a unique situation or local condition.

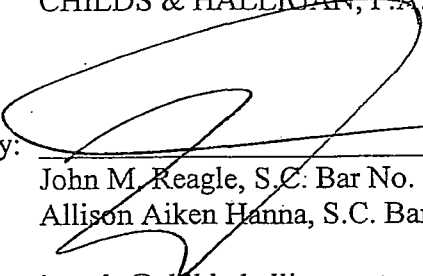
VII. CONCLUSION

Section 59-63-485 is a fair, rational and reasonable response by the General Assembly, in light of its duty to maintain and manage the public schools of South Carolina, to the unique situation of the long-term attendance of students in the Mitford area of Fairfield County at the public schools of Chester. The Act does not offend the South Carolina Constitution, but rather is a practical exercise of the General Assembly's broad discretionary powers under Article IX to

provide for the public education of the Mitford area students. The Chester County School District respectfully asks this Court to declare the Act constitutional and enter judgment in its favor on Plaintiff's claims against it.

Respectfully submitted,

CHILDS & HALLIGAN, P.A.

By: 

John M. Reagle, S.C. Bar No. 14185
Allison Aiken Hanna, S.C. Bar No. 15668

jreagle@childs-halligan.net
ahanna@childs-halligan.net

P.O. Box 11367
Columbia, South Carolina 29211
(803) 254-4035

Attorneys for Defendant
Chester County School District

June 1, 2012
Columbia, South Carolina

CERTIFICATE OF SERVICE BY MAIL

The undersigned of Childs & Halligan, P.A., hereby certifies that she has served the following counsel of record with the foregoing **DEFENDANT CHESTER COUNTY SCHOOL DISTRICT'S MEMORANDUM OF LAW IN SUPPORT OF AMENDED MOTION FOR SUMMARY JUDGMENT** by mailing a copy of same, postage prepaid and return address clearly indicated, to the following on this 1st day of June 2012:

Armand Derfner, Esq.
Derfner, Altman & Wilborn, LLC
P.O. Box 600
Charleston, SC 29402
e-mail: Aderfner@dawlegal.com

Alice F. Paylor, Esq.
Renee Dukes, Esq.
Rosen, Rosen & Hagood, LLC
P.O. Box 893
Charleston, SC 29402

Shelly Bezanson Kelly, Esq.
S.C. Department of Education
1429 Senate Street
Columbia, South Carolina 29201
e-mail: skelly@ed.sc.gov

J. Emory Smith, Jr., Esq.
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211
e-mail: agesmith@scag.gov

James S. Meggs, Esq.
Callison Tighe & Robinson, LLC
P.O. Box 1390
Columbia, SC 29202-1390
e-mail: JimMeggs@callisontighe.com

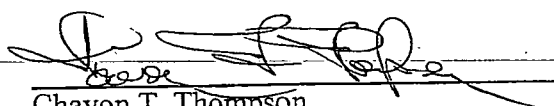

Chavon T. Thompson

EXHIBIT A

ATION

is made to assault and battery with intent to kill, it 6-3-29."

in or delinquency adjudication for certain administrator at student's school; placement records.

flaw:

for adjudicated delinquent for assault and ed in Section 16-3-612, assault and battery nitted on school grounds or at a school- ated with the school in an official capacity, 16-1-60, an offense in which a weapon as or for distribution or trafficking in unlawful 3 of Title 44 is assigned to the Department f Corrections, or to the Department of that agency is required to provide immedi- adjudication to the senior administrator of olled, intends to be enrolled, or was last to request information concerning school or adjudicated delinquent for an offense

for text of (2) to (4)]

. 435, § 6.

repealed by 2010 Act No. 273, § 7.

e is made to the common law offense of assault and means assault and battery with intent to kill, as cept for references in Section 16-1-60 and Section is made to assault and battery with intent to kill, it 6-3-29."

iol crime report act summary in student

ool is responsible for including an accurate cle and Section 16-3-612 in the school's

this section was repealed by 2010 Act No. 273, § 7.

ICLE 5

AND TRANSFER

estraining order; interscholastic activity eligi-

Fairfield County School District to Chester ovision for payment of funds; State Superin- tle disputes.

PUPILS GENERALLY

§ 59-63-485.

§ 59-63-425. Transfer upon violation of restraining order; interscholas- tic activity eligibility.

A high school student who is the victim of physical abuse, harassment, or stalking by a classmate during school hours or otherwise resulting in a restraining order being granted against the classmate by a court of competent jurisdiction may transfer with the consent of the student's school district to another high school within or out of the district within thirty school days of the restraining order being violated, without any loss of eligibility to participate in interscholastic activities at the school to which the student transfers.

HISTORY: 2008 Act No. 293, § 1, eff June 11, 2008.

§ 59-63-485. Transfer of students from Fairfield County School District to Chester County School District; provision for payment of funds; State Superintendent of Education to settle disputes.

(A) The General Assembly finds that numerous public school students reside in Fairfield County School District but are entitled to attend the schools of Chester County School District pursuant to Section 59-63-480. The General Assembly finds it necessary to provide by law for uniform arrangements between Fairfield County School District and Chester County School District pertaining to these students.

(B) A student who qualifies for transfer pursuant to Section 59-63-480 may be admitted, and remain enrolled, by Chester County School District upon proof of eligibility as Chester County School District finds acceptable. A roster of these students must be kept current by Chester County School District and sent to Fairfield County School District as and when updated.

(1) Each fiscal year, for each pupil authorized to transfer from Fairfield County School District to Chester County School District pursuant to Section 59-63-480 and actually enrolled in a public school of Chester County School District, the Fairfield County Treasurer, on behalf of and from funds of the Fairfield County School District, shall pay Chester County School District one hundred and three percent of Chester County School District's prior year local revenue per pupil for school operating purposes as reported in Chester County School District's annual audit for the immediately preceding fiscal year.

(2) As used in this section, "prior year local revenue per pupil for school operating purposes" includes any state reimbursement paid for property tax exemptions from Chester County School District ad valorem taxes including, but not limited to, all payments pursuant to Section 11-11-156.

(C) Upon invoice, the Fairfield County Treasurer, on behalf of and from the funds of the Fairfield County School District, shall pay Chester County School District the amount determined pursuant to subsection (B)(1) of this section. Payment to Chester County School District must be completed before the fifteenth day of February in each fiscal year. If the Fairfield County Treasurer fails to pay this invoice by the fifteenth day of February, the South Carolina Department of Education, upon application by Chester County School District, out of the funds otherwise meant for the next Education Finance Act disbursement to Fairfield County School District, shall pay the invoice on behalf of Fairfield County School District. Any undisputed amounts must be paid when due.

(D) Chester County School District may consider payments pursuant to this act to be anticipated ad valorem taxation for purposes of Subsection 7, Section 15, Article X of the South Carolina Constitution, relating to tax anticipation notes.

(E) The State Superintendent of Education shall settle any dispute between Chester County School District and Fairfield County School District arising from the implementation and administration of this act by the school districts and the State Department of Education.

(F) For the 2009-2010 school and the fiscal year only, the Fairfield County Treasurer, on behalf of and from the funds of the Fairfield County School District, shall pay the Chester County School District an amount calculated pursuant to items (B)(1) and (2) of this section on account of the pupils enrolled in the Chester County School District from Fairfield County pursuant to Section 59-63-480 for the 2009-2010 school year. This amount must be invoiced by the Chester County School District promptly upon the effective date of this section, and must be paid no later than June 30, 2010, or the delinquency provisions of subsection (C) apply to the payment.

HISTORY: 2010 Act No. 294, §§ 1, 2, eff June 8, 2010.

Code Commissioner's Note

This section was codified at the direction of the Code Commissioner.

ARTICLE 11

SEARCH OF PERSONS AND EFFECTS ON SCHOOL PROPERTY

§ 59-63-1120. Searches by school administrators or officials with or without probable cause.

Law Review and Journal Commentaries

The doctrine of deference: Shifting constitutional presumptions and the Supreme Court's restatement of student rights after Board of Education v. Earls. 56 S.C. L. Rev. 1 (Autumn 2004).

§ 59-63-1130. Searches by principals or their designees.

Law Review and Journal Commentaries

The doctrine of deference: Shifting constitutional presumptions and the Supreme Court's restatement of student rights after Board of Education v. Earls. 56 S.C. L. Rev. 1 (Autumn 2004).

Transportation of

Article

1. GENERAL PROVISIONS
3. TRANSPORTATION BY STATE OR STATE A

SEC.

- 59-67-100. Seating space; aisle; seats; ..
- 59-67-105. Maximum ride time; routin
- 59-67-108. Training and certification of
- 59-67-160. Physical examination of scho
- 59-67-270. Inspection of buses.
- 59-67-300. Overnight parking.

§ 59-67-100. Seating space; a

Sufficient seating space must be provided inside each school bus, and twelve inches in width and all seats must be within the vehicle. All students must be within the vehicle when it is in motion. Students are not permitted to sit on the floor of a school bus. A student assigned to a school bus must not be greater than the seating capacity, and all passengers transported on a school bus must be seated with the occupant protection performance standards. Provided, that passengers on regular routes may be permitted to stand on regular routes to accommodate the overload but not to exceed the seating capacity.

HISTORY: 1962 Code § 21-799; 1952 Code § 21-799; 1956 (49) 1668; 1974 (58) 2841; 2007 Act

Effect of Amendment

The 2007 amendment, in the second sentence of the first sentence to eliminate the reference to "seating capacity" in the first sentence relating to seating capacity, in the first sentence relating to "standees", and made nonsubstantive.

§ 59-67-105. Maximum ride ti

(A) A student may not ride continuously for more than ninety minutes. With the approval of the school district, a student may be transported for a longer than average highway travel b

EXHIBIT B

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County)
School District,)

C.A. No. 2010-CP-40-4017

Plaintiff,)

AMENDED CONSENT ORDER

vs.)

State of South Carolina, Chester County)
School District, Fairfield County)
Treasurer, and State Department of)
Education,)

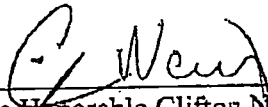
Defendant.)

The Court currently has under advisement various dispositive motions filed by the State of South Carolina, Chester County School District, and Fairfield County School District. The Court heard arguments on these motions on February 7, 2011, and thereafter took the motions under advisement. On July 25, 2011, the South Carolina Supreme Court entered its decision in *Charleston County School District v. Harrell*, 713 S.E. 2d 604 (2011), which clarified the legal standard concerning the constitutionality of local legislation under the South Carolina Constitution, Art. III, § 34. As a result the parties concur that an opportunity for additional discovery and briefing is desirable with respect to their various dispositive motions.

Accordingly, the Court hereby denies, without prejudice to re-file, all pending dispositive motions, and: (1) grants the State of South Carolina 30 days, from the date this order is filed, in which to file its answer or other responsive pleading to the complaint; (2) directs that all formal discovery shall be completed by February 3, 2012, unless otherwise agreed to by the parties; and (3) directs that dispositive motions be filed with the Court by March 2, 2012. All other interim orders of the Court shall remain in effect.

CW
#172

IT IS SO ORDERED.


The Honorable Clifton Newman
Circuit Court Judge Presiding

December 16, 2011

Colony 2, South Carolina

EXHIBIT C

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,

C.A. No. 2010-CP-40-4017

Plaintiff,

AFFIDAVIT OF
DR. LAURENS W. FORT, JR.

vs.

State of South Carolina, Chester County
School District, Fairfield County Treasurer,
and State Department of Education,

Defendant.

PERSONALLY APPEARED BEFORE ME Laurens W. Fort, Jr., who being first
duly sworn, deposes and says as follows:

1. I am 70 years of age and am a lifelong resident of the Great Falls
community. I currently am an elected member of the Chester County School District Board of
Trustees.

2. I attended Great Falls schools my entire school career and graduated from
Great Falls High School. In March 1947, I was in the second grade at Great Falls Elementary
School. That school year students from the Mitford community began attending Great Falls
schools. Mitford area students have attended Great Falls schools continuously since 1947.

AFFIANT FURTHER SAYETH NAUGHT.

SWORN TO BEFORE ME THIS 3
DAY OF January, 2011

Deborah Lee
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 4-19-2011

Laurens W. Fort, Jr.

EXHIBIT D

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,

C.A. No. 2010-CP-40-4017

Plaintiff,

AFFIDAVIT OF ANNA STROUD

vs.

State of South Carolina, Chester County
School District, Fairfield County Treasurer,
and State Department of Education,

Defendant.

PERSONALLY APPEARED BEFORE ME Anna Stroud, who being first duly
sworn, deposes and says as follows:

1. I am over eighteen years of age, and I have personal knowledge of the facts
and circumstances set forth in this Affidavit.
2. I am currently employed as Director of Finance with the Chester County
School District and have served in this capacity for 7 years.
3. In my position, I have reviewed financial records related to the attendance of
Mitford area students in the Great Falls schools. In 1974, the Fairfield County School District
began making an annual payment to the Chester County School District for the Mitford area
students. This payment, the amount of which varied over the years, was made annually through
the 2008 fiscal year. Fairfield County School District did not make a payment in fiscal year
2009, which corresponds to the 2009-10 school year.

AFFIANT FURTHER SAYETH NAUGHT

Anna E. Stroud

SWORN TO BEFORE ME THIS 3rd
DAY OF January, 2011

Thomas W. Jackson
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 1/13/2017

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,

C.A. No. 2010-CP-40-4017

Plaintiff,

**AFFIDAVIT OF
DR. LAURENS W. FORT, JR.**

vs.

State of South Carolina, Chester County
School District, Fairfield County Treasurer,
and State Department of Education,

Defendant.

PERSONALLY APPEARED BEFORE ME Laurens W. Fort, Jr., who being first
duly sworn, deposes and says as follows:

1. I am 70 years of age and am a lifelong resident of the Great Falls
community. I currently am an elected member of the Chester County School District Board of
Trustees.

2. I attended Great Falls schools my entire school career and graduated from
Great Falls High School. In March 1947, I was in the second grade at Great Falls Elementary
School. That school year students from the Mitford community began attending Great Falls
schools. Mitford area students have attended Great Falls schools continuously since 1947.

AFFIANT FURTHER SAYETH NAUGHT.

SWORN TO BEFORE ME THIS 3
DAY OF January, 2011

Deborah K. Kibbe
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 4-19-2011

Laurens W. Fort, Jr.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,

C.A. No. 2010-CP-40-4017

Plaintiff,

**SUPPLEMENTAL AFFIDAVIT OF
ANNA STROUD**

vs.

State of South Carolina, Chester County
School District, Fairfield County
Treasurer, and State Department of
Education,

Defendants.

PERSONALLY APPEARED BEFORE ME Anna Stroud, who being first duly sworn,
deposes and says as follows:

1. I am over eighteen years of age, and I have personal knowledge of the facts and
circumstances set forth in this Affidavit.

2. I am currently employed as the Director of Finance with the Chester County
School District and have served in this capacity for eight years.

3. Attached hereto as Exhibit A are true and correct copies of the invoices prepared
on behalf of the Chester County School to the Treasurer of Fairfield County for school years
2009-10, 2010-11, and 2011-12, pursuant to S.C. Code § 59-63-485.

4. Based on the School District of Fairfield County's Financial Statement for the
year ended June 30, 2011, applying the formula set forth in § 59-63-485, Fairfield County School
District's per pupil local revenue was \$8,875, which amount is more than two times that of
Chester County School District's, \$3,452 per pupil local revenue amount for the same year. The
School District of Fairfield County receives as local revenue approximately \$9,000 for the same

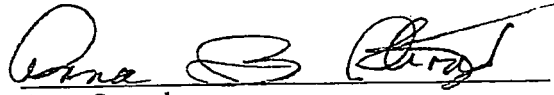
pupil that Chester County School District educates for approximately \$3,500, under § 59-63-485. Attached as Exhibit B is a worksheet I prepared reflecting this calculation.

5. Attached as Exhibit C is a worksheet I prepared reflecting the Chester County School District's local cost per student at the District's schools serving the students from the Mitford area of Fairfield County for fiscal year 2011, i.e., 2010-11 school year. The District's local funds expended on the Mitford students were:

- Great Falls Elementary: \$5,580 per student
- Great Falls Middle School: \$6,178 per student
- Great Falls High School: \$7,368 per student.

The average per pupil expenditures from local funds for the Mitford students was \$6,375 for fiscal year 2011. This amount is higher than the reimbursement rate established under § 59-63-485.

AFFIANT FURTHER SAYETH NAUGHT.


Anna Stroud

SWORN TO BEFORE ME THIS 15th
DAY OF June, 2012


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 1/13/2019



Invoice Number
2010R291

Invoice Date
6/18/2010

Invoice Amount
\$692,549

CHESTER COUNTY SCHOOL DISTRICT
109 HINTON STREET
CHESTER, SC 29706

BILL TO:

Fairfield County Treasurer
Post Office Box 7
Winnsboro, SC 29180

REMIT TO:

Chester County School District
109 Hinton Street
Chester, SC 29706

For questions regarding this invoice contact Anna Stroud 803-581-9524

School Year: 2009-2010

Fiscal Year 2009 Local Revenue	\$13,615,402
Fiscal Year 2009 State Property Tax Reimbursements	<u>\$6,166,665</u>
Fiscal Year 2009 Total Local Revenue Pursuant to Act	\$19,782,067
Fiscal Year 2009 Student Enrollment	5,590
Fiscal Year 2009 Local Revenue Per Pupil	\$3,539
Fiscal Year 2010 Inflation Factor	103%
Fiscal Year 2010 Local Revenue Per Pupil	\$3,645
Fiscal Year 2010 Students Enrolled from Fairfield	190
Fiscal Year 2010 Payment Amount	\$692,549

Payment Due Date
June 30, 2010



Invoice Number
2011R291

Invoice Date
1/3/2011

Invoice Amount
\$554,706

CHESTER COUNTY SCHOOL DISTRICT
109 HINTON STREET
CHESTER, SC 29706

BILL TO:

Fairfield County Treasurer
Post Office Box 7
Winnsboro, SC 29180

REMIT TO:

Chester County School District
109 Hinton Street
Chester, SC 29706

For questions regarding this invoice contact Anna Stroud 803-581-9524

School Year: 2010-2011

Fiscal Year 2010 Local Revenue	\$12,354,097	
Fiscal Year 2010 State Property Tax Reimbursements	\$6,024,306	
Fiscal Year 2010 Total Local Revenue Pursuant to Act	\$18,378,403	
Fiscal Year 2010 Student Enrollment	5,324	
Fiscal Year 2010 Local Revenue Per Pupil	\$3,452	
Fiscal Year 2011 Inflation Factor	103%	
Fiscal Year 2011 Local Revenue Per Pupil	\$3,556	
Fiscal Year 2011 Students Enrolled from Fairfield	156	
Fiscal Year 2011 Payment Amount		\$554,706

Payment Due Date
February 15, 2011



Invoice Number
2012R291

Invoice Date
2/22/2012

Invoice Amount
\$591,448

CHESTER COUNTY SCHOOL DISTRICT
109 HINTON STREET
CHESTER, SC 29706

BILL TO:

Fairfield County Treasurer
Post Office Box 7
Winnsboro, SC 29180

REMIT TO:

Chester County School District
109 Hinton Street
Chester, SC 29706

For questions regarding this invoice contact Anna Stroud 803-581-9524

School Year: 2011-2012

Fiscal Year 2011 Local Revenue	\$12,341,775	
Fiscal Year 2011 State Property Tax Reimbursements	\$6,029,847	
Fiscal Year 2011 Total Local Revenue Pursuant to Act	\$18,371,622	
Fiscal Year 2011 Student Enrollment	5,311	
Fiscal Year 2011 Local Revenue Per Pupil	\$3,459	
Fiscal Year 2012 Inflation Factor	103%	
Fiscal Year 2012 Local Revenue Per Pupil	\$3,563	
Fiscal Year 2012 Students Enrolled from Fairfield	166	
Fiscal Year 2012 Payment Amount		\$591,448

Payment Due:
Upon Receipt

FAIRFIELD COST PER STUDENT BASED ON LOCAL LEGISLATION

Fiscal Year 2011 Local Revenue	\$20,793,618
Fiscal Year 2011 State Property Tax Reimbursements	\$4,705,446
Fiscal Year 2011 Total Local Revenue Pursuant to Act	\$25,499,064
Fiscal Year 2011 Student Enrollment	2,873
Fiscal Year 2011 Local Revenue Per Pupil	\$8,875
Fiscal Year 2012 Inflation Factor	103%
Fiscal Year 2012 Local Revenue Per Pupil	\$9,141
Fiscal Year 2012 Students Enrolled from Fairfield	166
Fairfield's cost for Mitford Students	\$1,517,423

SCHOOL DISTRICT OF FAIRFIELD COUNTY
WINNSBORO, SOUTH CAROLINA

Schedule A-2

GENERAL FUND

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE -
REVISED BUDGET AND ACTUAL

YEAR ENDED JUNE 30, 2011

	REVISED BUDGET	ACTUAL	VARIANCE
REVENUES			
1000 Revenues from Local Sources:			
1200 Revenue from Local Governmental Units Other than LEAs:			
1210 Ad Valorem Taxes-Including Delinquent (Dependent)	\$ 19,350,000	20,448,056	\$ 1,098,056
1240 Penalties & Interest on Taxes (Dependent)	100,000	164,742	64,742
1280 Revenue in Lieu of Taxes (Independent and Dependent)	80,000	78,728	(1,272)
1500 Earnings on Investments:			
1510 Interest on Investments	45,000	49,633	4,633
1900 Other Revenue from Local Sources:			
1910 Rentals	(61)	1,097	1,158
1950 Refund of Prior Year's Expenditures	-	7,183	7,183
1990 Miscellaneous Local Revenue:			
1999 Revenue from Other Local Sources	10,000	44,179	34,179
Total Revenue from Local Sources	<u>19,584,939</u>	<u>20,793,618</u>	<u>1,208,679</u>
2000 Intergovernmental Revenue:			
2100 Payments from Other Governmental Units	28,000	34,671	6,671
Total Intergovernmental Revenue	<u>28,000</u>	<u>34,671</u>	<u>6,671</u>
3000 Revenue from State Sources:			
3100 Restricted State Funding:			
3129 Consolidated Funding	95,185	95,185	-
3130 Special Programs:			
3131-Handicapped Transportation	-	1,320	1,320
3160 School Bus Driver's Salary (Includes Hazardous Condition Transportation)	251,042	350,234	99,192
3161 Transportation Workers' Compensation	-	2,524	2,524
3162 Transportation Workers' Compensation	26,194	26,194	-
3180 Fringe Benefits Employer Contributions (No Carryover Provision)	1,839,850	1,839,850	-
3181 Retiree Insurance (No Carryover Provision)	618,817	618,817	-
3197 Textbook Cost Savings	-	58,147	58,147
3199 Other Restricted State Grants	-	8,592	8,592
3300 Education Finance Act:			
3310 Full-Time Programs:			
3311 Kindergarten	244,199	292,131	47,932
3312 Primary	699,598	660,646	(38,952)
3313 Elementary	976,599	904,707	(71,892)
3314 High School	229,697	267,732	38,035
3315 Trainable Mentally Handicapped	28,148	32,155	4,007
3316 Speech Handicapped (Part-Time Program)	381,819	329,451	(52,368)
3317 Homebound	\$ 10,624	18,715	\$ 8,091

(Continued)

SCHOOL DISTRICT OF FAIRFIELD COUNTY
WINNSBORO, SOUTH CAROLINA

Schedule A-2

GENERAL FUND

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE -
REVISED BUDGET AND ACTUAL

YEAR ENDED JUNE 30, 2011

	REVISED BUDGET	ACTUAL	VARIANCE
3320 Part-Time Programs:			
3321 Emotionally Handicapped	\$ 70,176	54,259	\$ (15,917)
3322 Educable Mentally Handicapped	19,397	15,950	(3,447)
3323 Learning Disabilities	372,524	347,630	(24,894)
3324 Hearing Handicapped	16,640	32,791	16,151
3325 Visually Handicapped	23,412	25,325	1,913
3326 Orthopedically Handicapped	9,575	3,308	(6,267)
3327 Vocational	764,248	617,561	(146,687)
3330 Other EFA Programs:			
3331 Autism	19,464	17,657	(1,807)
3800 State Revenue in Lieu of Taxes:			
3810 Reimbursement for Local Residential Property Tax Relief (Tier 1)	1,400,000	1,395,634	(4,366)
3820 Homestead Exemption (Tier 2)	639,000	631,665	(7,335)
3825 Reimbursement for Property Tax Relief (Tier 3)	2,500,000	2,500,000	-
3830 Merchant's Inventory Tax	30,000	34,568	4,568
3840 Manufacturers Depreciation Reimbursement	-	15,263	15,263
3890 Other State Property Tax Revenues (Includes Motor Carrier Vehicle Tax)	120,000	128,316	8,316
Total Revenue from State Sources	11,386,208	11,326,327	(59,881)
4000 Revenue from Federal Sources:			
4900 Other Federal Sources:			
4992 U.S. Forest Commission Revenues	-	55,715	55,715
4999 Revenue from Other Federal Sources	-	55	55
Total Revenue from Federal Sources	-	55,770	55,770
TOTAL REVENUE ALL SOURCES	30,999,147	32,210,386	1,211,239

EXPENDITURES

100 Instruction:			
110 General Instruction:			
111 Kindergarten Programs:			
100 Salaries	768,819	705,804	63,015
200 Employee Benefits	246,251	216,577	29,674
400 Supplies and Materials	6,203	5,696	507
112 Primary Programs:			
100 Salaries	1,441,587	1,470,423	(28,836)
200 Employee Benefits	436,593	458,602	(22,009)
300 Purchased Services	31,706	14,841	16,865
400 Supplies and Materials	33,192	31,012	2,180
500 Capital Outlay	\$ 2,031	1,676	\$ 355

(Continued)

FISCAL YEAR 2010-11
 DISTRICT #:20-01
 DISTRICT SUMMARY FOR FAIRFIELD 01

135-DAY PUPIL ACCOUNTING REPORT
 F174B121

CURRENT DATE: 05/12/11

EFA CATEGORY	PK	K	1	2	3	4	5		
KINDERGARTEN	0	30,909	0	0	0	0	0		
PRIMARY	0	0	24,405	22,009	26,868	0	0		
ELEMENTARY	0	0	0	0	0	24,115	25,942		
HIGH SCHOOL	0	0	0	0	0	0	0		
EDUCABLE MENTALLY	0	0	0	0	0	0	134		
LEARNING DISABILITIES	0	0	49	645	1,310	1,575	2,329		
TRAINABLE MENTALLY	0	0	405	0	0	0	405		
EMOTIONALLY HD	0	0	82	0	429	110	786		
ORTHOPEDICALLY HD	0	0	0	0	0	135	0		
VISUALLY HANDICAPPED	405	135	135	0	135	135	135		
AUTISM	0	0	0	135	0	135	135		
HEARING-HANDICAPPED	0	135	270	0	0	135	405		
SPEECH HANDICAPPED	0	4,813	3,584	2,701	2,712	3,438	2,968		
HOMEBOUND	0	0	31	0	0	0	4		
VOCATIONAL 1	0	0	0	0	0	0	0		
VOCATIONAL 2	0	0	0	0	0	0	0		
VOCATIONAL 3	0	0	0	0	0	0	0		

TOTAL	405	35,992	28,962	25,491	31,454	29,778	34,243		
ADM	3.00	266.61	214.53	188.82	232.99	220.53	253.65		

DAYS ABSENT	32	1,117	895	675	1,052	894	584		
DAYS PRESENT	373	34,875	28,067	24,816	30,402	28,884	33,659		
ADA	2.76	258.33	207.90	183.82	225.20	213.96	249.33		

EFA CATEGORY	6	7	8	9	10	11	12	TOTAL	ADM
KINDERGARTEN	0	0	0	0	0	0	0	30,909	228.96
PRIMARY	0	0	0	0	0	0	0	73,283	542.84
ELEMENTARY	25,051	26,034	22,325	0	0	0	0	124,467	921.98
HIGH SCHOOL	0	0	0	13,315	6,226	3,019	6,901	29,461	218.23
EDUCABLE MENTALLY	0	111	135	135	0	343	403	1,261	9.34
LEARNING DISABILITIES	1,884	1,819	3,229	3,763	4,083	4,298	2,496	27,481	203.56
TRAINABLE MENTALLY	404	135	270	270	135	9	135	2,168	16.06
EMOTIONALLY HD	135	0	187	830	463	550	86	3,658	27.10
ORTHOPEDICALLY HD	0	0	0	0	0	0	76	211	1.56
VISUALLY HANDICAPPED	270	5	0	0	0	0	0	1,355	10.04
AUTISM	0	0	0	0	0	270	270	945	7.00
HEARING HANDICAPPED	270	0	0	135	0	270	135	1,755	13.00
SPEECH HANDICAPPED	2,019	810	401	270	135	0	0	23,851	176.67
HOMEBOUND	240	99	77	270	218	132	155	1,226	9.08
VOCATIONAL 1	0	0	0	9,127	15,234	9,858	9,809	44,068	325.43
VOCATIONAL 2	0	0	0	1,270	3,269	8,873	4,637	18,049	133.70
VOCATIONAL 3	0	0	0	270	270	2,004	1,187	3,731	27.64

TOTAL	30,273	29,013	26,624	29,655	30,033	29,666	26,290	387,879	2,873.18
ADM	224.24	214.91	197.21	219.67	222.47	219.75	194.74	2,873.18	

DAYS ABSENT	1,018	14	81	241	108	169	300	7,162	
DAYS PRESENT	29,255	28,999	26,543	29,414	29,925	29,497	25,990	380,717	
ADA	215.70	214.81	196.61	217.88	221.67	218.50	192.52	2,820.13	

**GREAT FALLS AREA SCHOOLS
2011 FY LOCAL EDUCATIONAL COSTS**

	Great Falls Elementary	Great Falls Middle	Great Falls High
Enrollment - Based on 135th Day			
Average Daily Membership (ADM)	330	212	289
Expenditures			
General Fund (Local) Expenditures	1,841,239	1,309,769	2,129,239
Cost per Student			
Local Funds	5,580	6,178	7,368

EXHIBIT E

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County)
School District,)

C.A. No. 2010-CP-40-4017

Plaintiff,)

**AFFIDAVIT OF
TRESSA HARRINGTON**

vs.)

State of South Carolina, Chester County)
School District, Fairfield County)
Treasurer, and State Department of)
Education,)

Defendants.

PERSONALLY APPEARED BEFORE ME Tressa Harrington, who being first duly sworn, deposes and says as follows:

1. I am over eighteen years of age, and I have personal knowledge of the facts and circumstances set forth in this Affidavit.

2. I am currently employed as the Attendance Supervisor with the Chester County School District and have served in this capacity since August of 2007.

3. I lived in the Great Falls community for over thirty years, attended Great Falls elementary, middle and high schools with Mitford area students, and I attend church in Mitford.

4. In my position with the Chester County School District, I have reviewed and am knowledgeable of the attendance zones for Great Falls elementary, middle, and high schools, which include the Mitford area, and I have been involved in discussions relating to the Mitford area students attendance at the Great Falls schools over the past five years.

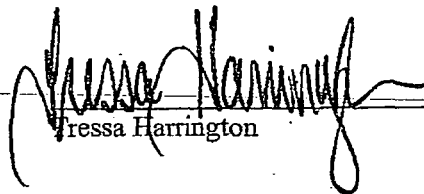
5. Attached hereto as Exhibit A is a true and correct copy of the map on file with the Fairfield County Clerk of Court, reflecting the area of Fairfield County zoned for student attendance at the Great Falls schools of the Chester County School District. This map

establishing the Mitford area attendance zone for the Great Falls schools was filed with the Fairfield County Clerk of Court in 1972.

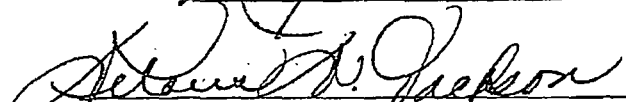
6. Attached hereto as Exhibit B is a true and correct copy of the Chester County School District's attendance zones, reflecting the inclusion of the Mitford area in the attendance zone for the Great Falls schools.

7. Approximately 100-200 students from the Mitford area have been attending the Great Falls schools at no cost to the students or their families, including free bus transportation, for more than four decades. The Mitford area is closely identified with the Town of Great Falls and the Great Falls and Mitford communities are economically and socially intertwined. The residents of the Mitford area have for generations attended the Great Falls schools. Further, I have personally determined that the students in the Mitford area attendance zone reside closer to the Great Falls schools than to any of the Fairfield County School District's schools. It would be disruptive to the Mitford area students and their families, as well as to the Mitford and Great Falls communities, for the students to be required to attend the Fairfield County School District's schools.

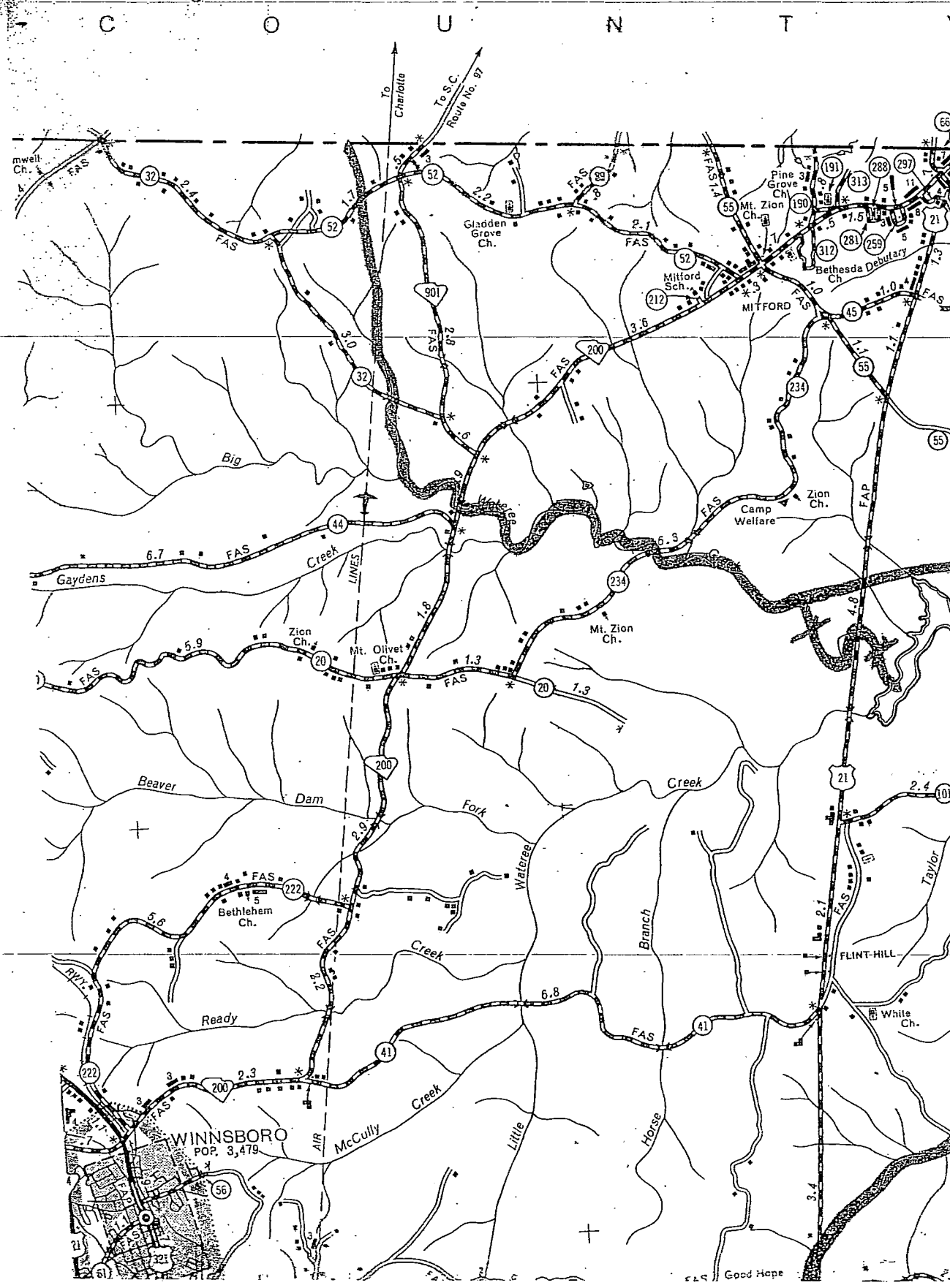
AFFIANT FURTHER SAYETH NAUGHT.


Tressa Harrington

SWORN TO BEFORE ME THIS 29th
DAY OF May, 2012


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 1/19/2019

RECORDED: May 9, 1972 at #0000000000
FILED
MAY 9 4 04 PM '72
CLERK OF COURT
E. CONNOR
FAIRFIELD COUNTY, S. C.

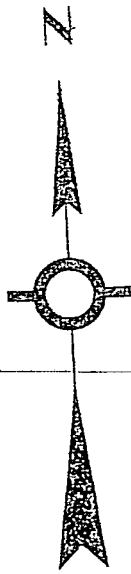


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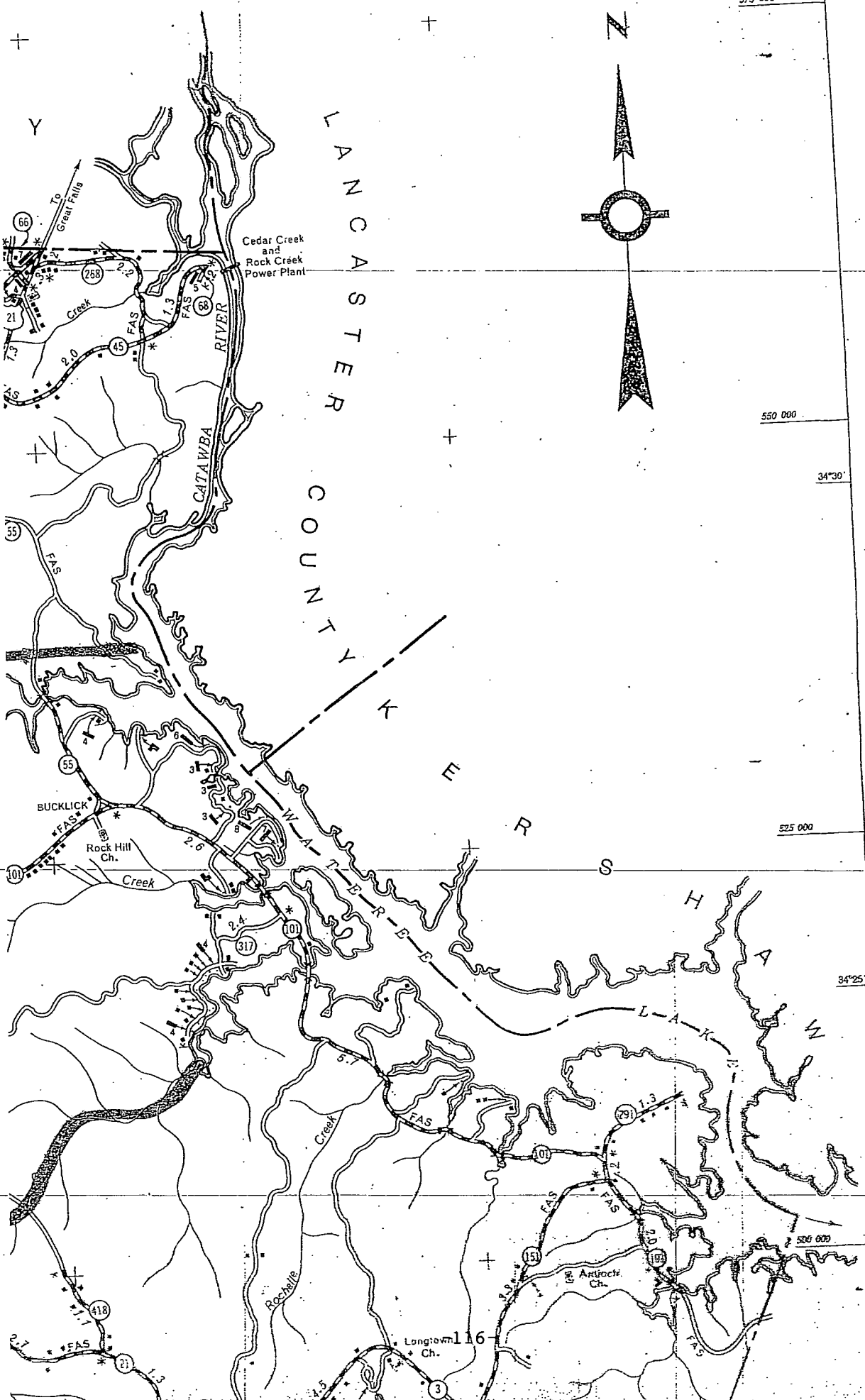
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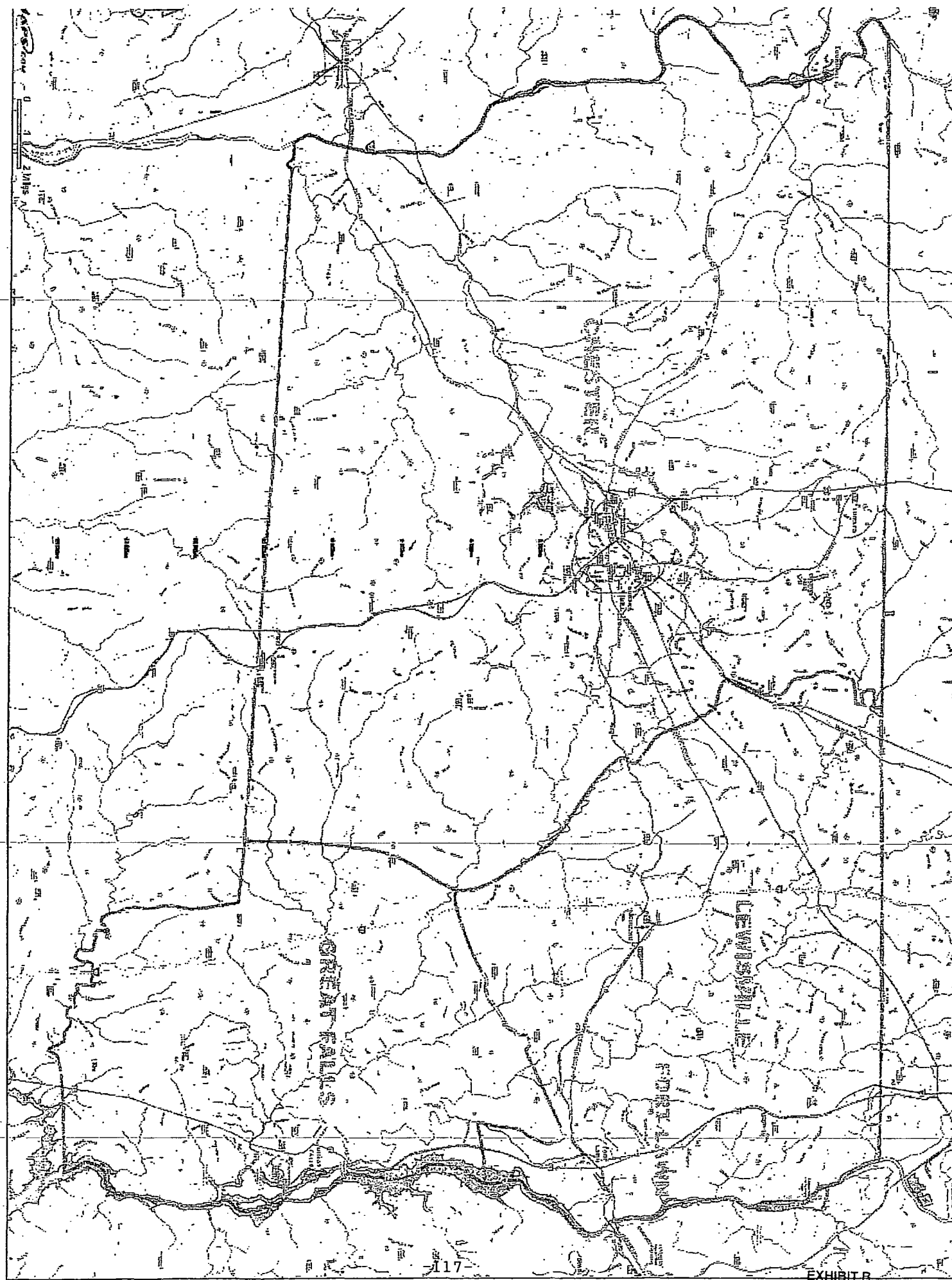


EXHIBIT F

The NEWS & REPORTER

CONSOLIDATION Mitford students in the mix of discussion

By Nancy Parsons

Tuesday, February 10, 2009 at 12:00 am

The Chester County School District lost \$25,000 when the Fairfield County School District ceased honoring a long-standing agreement between the districts.

Fairfield County has for decades paid a fee to Chester County to take students from the Mitford area at Great Falls schools.

The Chester County district has been trying to grapple with state budget cuts, and the lost money from Fairfield County adds to the budget problem here.

Jill Cincotta, chief information officer with the Fairfield County School District, said Fairfield County School Superintendent Dr. Samantha Ingram stopped payment of the fee at the beginning of the 2007-8 school year when she came on board with the district.

The district had no record of the number of students or the agreement with Chester County, prompting Ingram's decision, Cincotta said.

Chester County District Finance Director Anna Stroud said she has not seen a written agreement between the school districts but said a verbal agreement has been in place for many years.

Neither school district could say when the agreement first began.

"We came up with blanks," Cincotta said.

The school district is funded \$1,800 from the state, per child, for Mitford area students, Stroud added.

Cincotta said the Fairfield County School District had an enrollment of 3,375 students in kindergarten through the 12th grade at the beginning of the 2008 school year. The district has one middle school that houses about 489 students and Fairfield Central, a consolidated high school that serves around 1,043 students. Both schools are in Winnsboro.

Great Falls Mayor H.C. "Speedy" Starnes Jr., a former educator and administrator in the Great Falls schools, said he thought Chester County served the Mitford students in Fairfield County for a long time without an agreement. He said he had no idea when the agreement was first established.

The agreement, according to Stroud, was for Fairfield County to pay the Chester County School District \$25,000 annually to offset state funding for students in the Mitford Community

of Fairfield County who attend the Chester County School District.

Figures released from the Chester School District show there are 165 students in the Mitford area who attend school in Great Falls.

There are 48 students from the Mitford Community who attend Great Falls Elementary, 48 who attend Great Falls Middle and 69 who are students at Great Falls High.

The numbers reflect grade point placement in 2008-9. The total for the 2007-8 school year is 170 students. Five of those students are seniors.

In its efforts to balance the budget, the Chester County School board is also discussing the possibility of consolidating Great Falls Middle and High School with Lewisville Middle and High School. As part of budget considerations, the potential savings to the district is \$4,650,760 if the district consolidates and no longer serves the Mitford students. If the district consolidates and continues to serve Mitford students, the potential savings are \$4,534,260.

"At this point, we're still serving students from the Mitford area," Stroud said. During a budget discussion on Tuesday night with the high school principals and staff, the Mitford students came up. The discussion moved to possibly having them start going to school in Fairfield County and whether that would produce savings. Murphy cut off that discussion by saying "the Mitford kids are here to stay."

Chester County School Superintendent Dr. Larry Heath, Associate Superintendent Blair Turner and Ingram were available for comment.

Sports Editor Travis Jenkins contributed to this report.

The NEWS & REPORTER

Fairfield files lawsuit for Mitford student money

By The Staff

Wednesday, July 21, 2010 at 11:00 pm

The Fairfield County School Board has filed a lawsuit against the Chester County School District, the State of South Carolina, the State Department of Education and its own county's treasurer in an attempt to thwart a recently passed state law that will require the Fairfield district to pay the Chester district approximately \$600,000 a year for the education of Mitford students.

"We had been educating Mitford area students since 1947 and at that time, the law indicated Fairfield County would compensate Chester County for students coming to Great Falls Schools," said Chester County School District Superintendent Dr. Thomas Graves.

"It's a plus for us but a negative for them," Graves said. "But it's not about the money. It's about doing what is best for the kids."

Graves said compensation from Fairfield County "has been inconsistent at best."

Fairfield paid Chester \$25,000 a year up until 2007 when the payments abruptly ended. The Chester board sought an increased payment but none was forthcoming.

Chester County School Board Chairman Dr. Richard Hughes said the Chester District was paid \$50,000 last year for school years 2007 and 2008. He said nothing has been paid this year for the 2009 school year.

"They were getting a heck of a deal with us educating those kids," Hughes said.

State Sen. Creighton Coleman, who represents both Chester and Fairfield Counties, eventually drafted local legislation to force payments from Fairfield to Chester. That bill appeared to be on the way to passage in the South Carolina General Assembly last year but was recalled. Coleman said he actually thought it might not be necessary to refile the bill since board members from the two districts met and apparently had a financial agreement worked out.

An election brought new faces to the Fairfield board and the agreement was reneged on by Fairfield. That led Coleman to refile the bill.

The bill says, in part, "numerous public school students reside in Fairfield County School District but are entitled to attend the schools of Chester County School District pursuant to (state law). The General Assembly finds it necessary to provide by law for uniform arrangements between Fairfield County School District and Chester County School District pertaining to these students. Students would have to be deemed eligible for admission by the

Chester County School District. A roster of these students must be kept up to date by Chester County Schools and sent to Fairfield County School District when updated."

The bill says the Fairfield County treasurer has to withhold from Fairfield County School taxes an amount equal to 103 percent of the Chester District's prior year local revenue per pupil for school operating purposes as reported in the Chester District's annual audit. Chester would submit an invoice and the Fairfield County treasurer would have to pay the money to Chester by Feb. 15 each fiscal year. The State Department of Education would withhold that amount from Fairfield County if the county failed to pay the due amount. The state school superintendent would settle all disputes between Chester and Fairfield arising from implementation of the law. Chester would also be able to send an invoice for the 2009-10 school year retroactively.

The bill was passed a few weeks ago and signed into law by Governor Mark Sanford.

That's what brought about the lawsuit. According to the suit, the legislation related to the Mitford students "is challenged on the ground that it violates the South Carolina Constitution in several respects...because it directly conflicts with and undermines South Carolina's general law governing residence requirements for school attendance and general law governing the financing of schools, because it allows the Chester County School District to levy a tax on the citizens of Fairfield County without their consent, because it conflicts with the General Assembly's 'system' of public schools, because it is an ex post facto law requiring payment from Fairfield County for a school year that was completed before the enactment of the law and because it is a local law imposing duties on the treasurer of only one county, Fairfield County."

Fairfield is seeking a declaratory judgment that the bill is unconstitutional and an injunction against its enforcement.

In announcing the lawsuit at a press conference last week, Fairfield County School Board Chairwoman Dr. Annie McDaniel said Coleman and Rep. Boyd Brown were making her district "bear the cost of educating select students who choose to attend school out of the county." She called the law, which Coleman and Brown both supported as being "unprecedented" and said it hurt Fairfield to have to cough up money to Chester when state budget cuts have whittled away more than \$3 million in recent years.

Coleman said the law is in no way unprecedented since similar laws have been crafted for Georgetown and Williamsburg schools, both of which have students that attend school in another county.

"The courts ruled that they can do it, that the money follows them," Coleman said.

Brown said the law is a win-win for both counties. His district includes Fairfield County and part of Chester County including Great Falls.

"It cuts back on overcrowding in Fairfield, it helps keep the Great Falls schools open and provides a community school for the Mitford students. It's a wonderful piece of legislation," Brown said.

Brown noted that the arrangement actually saves Fairfield money, since the per pupil

allotment in Fairfield is about \$3,000 higher than Chester's. Coleman estimated there were about 120 Mitford students attending Great Falls. He said that means, roughly, that Fairfield actually saves about \$360,000 a year or more by paying to send the students to Chester. McDaniel claimed that to be false and said even if it were true, Fairfield's schools have "much more to offer than Chester."

Hughes said the press conference and lawsuit did not seem to be taking the children into account, which was what was important.

"The law says those students can be educated in Chester," Hughes said. "All we're asking is for the money collected per child to follow them to Chester."

Hughes said the new law is really only intended to clean up vagueness in the old law, which said Fairfield's reimbursement to Chester would be "a payment of appropriate charges as herein authorized."

The suit was filed with the Court of Common Pleas of the Fifth Judicial Circuit in Richland County last week.

"We'll have to see what happens," Hughes said. "It will be a long drawn out process."

Hughes said the Chester School board has not held a formal meeting to discuss the lawsuit.

"It will be a cascade of court stuff," Hughes said. "And the sad thing about this is that it will cost both districts legal fees."

[print](#)

Setting The Record Straight on The Mitford Issue

by Sen. Creighton Coleman

06.22.10 - 12:02 am

It is an absolute pleasure representing Senate District 17, and I want to thank you for your continued support. The elected officials throughout our state, and specifically in Senate District 17, all work together in an effort to create an environment which will make our state, county, city and school district better. Each of us strives to leave our state in a healthier condition than when we were elected.

I am writing this article to try to fully explain the circumstances surrounding an issue with the Great Falls schools and to set the record straight and dispel the rumors and undercurrent of propaganda that has been planted in our community.

In the fall of 2009, the Chester County School Board seriously considered closing the Great Falls schools because of financial problems. It would have been devastating to the Town of Great Falls and surrounding communities if these schools had been closed. After holding numerous public forums and being allowed to move monies around in the school budget pursuant to a 2009 school flexibility bill which just passed the General Assembly, Chester County decided not to close the Great Falls schools at this time, but the issue may be revisited at a later time.

In my eight years in the House of Representatives, I received more communication on this one issue than all other issues combined. Closing the Great Falls schools could cripple the Town of Great Falls and the surrounding communities, but the local citizens came to the rescue, and the Chester School Board listened.

Subsequent to the Chester County School Board making the decision not to close the Great Falls schools, Dr. Richard Hughes, the Chester County School Board Chairman, contacted me to discuss the financial plight of the Great Falls schools. In our discussion, Dr. Hughes informed me that 130 Fairfield County students attend the Chester County schools in Great Falls. Dr. Hughes further informed me that Fairfield County was to send to Chester County \$25,000 each school year to supplement the cost of the Fairfield County students attending Chester County schools. For the past two school years, 2007-2008 and 2008-2009, Fairfield County neglected to send the agreed upon monies. To put these \$25,000 in perspective, for the upcoming 2009-2010 school year, the state's budget projected Fairfield County will spend \$8,343 per student in local monies, while Chester County will spend \$5,050 per student. Based on these figures and the \$25,000 per year paid to Chester County, Fairfield County currently only pays Chester County for 2.99 students. One hundred thirty students attend the Chester schools. This is an enormous savings for Fairfield County. This calculation does not even include what it would cost for Fairfield to transport the Mitford students to the Fairfield schools.

As a result of my conversations with Dr. Hughes, I looked into this matter and discovered that in 1972 Senator John A. Martin introduced local legislation

involved. We have heard absolutely nothing from the Fairfield County School Board. The Chester School Board called to say there was no resolution.

As a result of the above, I wrote Ms. McDaniel and current Superindependent Dr. Patrice Robinson on April 9, 2010, requesting the school district resolve this issue with Chester and, if not, legislation would be introduced to rectify the problem. Again, we received no communication whatsoever from the Fairfield County School District; therefore, legislation was introduced again.

It is amazing how the school district carried on its business in regard to this issue, agreed to something and then backed out. They did not respond to repeated communications. Then they sent out a letter signed by Dr. Robinson on May 10, 2010, to all parents stating:

"May 10, 2010

Dear Parents,

I would like to make you aware of new proposed legislation introduced by Senator Creighton Coleman and how it could affect our schools and school district budget. The new proposed legislation calls for Fairfield County Treasurer to send funds normally collected for the School District of Fairfield County to Chester County for students who voluntarily attend school in Chester County, but reside in Fairfield County.

We will continue to keep you informed of any developments that impact your children and our school district.

Thank you,

Patrice Robinson, Ph.D.

Superintendent"

Either Dr. Robinson does not know the full story or elects to ignore the full story.

In closing, the current controversy with the Fairfield County School Board is something in which neither Rep. Brown nor I wanted to get involved. The state of education affects every aspect of our lives in Fairfield County. A few of the results which our school system is creating are as follows: lack of industry and jobs coming to Fairfield County; our children not getting the education they need to succeed in today's global world; taxes out of control because no industry is coming to Fairfield County to help pay taxes; and people leaving the county. Our educational system is the economic engine which drives every county and state. The sooner we rebuild our educational engine, the sooner Fairfield County can succeed.

School Trustees Await Bond Sale Minus Funds

Chester County School Trustees find themselves without funds for use on construction of the new Chester Senior High School while they await final legislative action to clear a county bond sale that would allow for about a quarter-million dollars for use on the project.

Superintendent of Education E.W. Nunnery, Jr. informed Trustees at their Monday night meeting that the district had no funds available to use for further construction of the new facility along the 72 By-Pass. Board Chairman Fred A. Triplett added, "We've made a lot of progress on construction, but we have no money to finish the job."

What Trustees have been working to avoid for over a year now has come to pass, and that is funds not available on time to complete the job. The culprit is slow legislative action to amend the Milford Attendance Area law that allowed taxes to be levied in Fairfield County so that students in the Milford area could attend Great Falls schools. This particular act, it is reported, has thrown a monkey wrench in working out legal matters with bonding

cleared the House of Representatives. However, School Board Attorney John Reid Justice informed trustees that Rep. John Porter Gaston, Jr. had informed him Friday that he was scheduled to meet yesterday with bonding attorneys on Tuesday of this week to work out legal

technicalities needed to allow the bonds to be issued.

The move toward getting additional funds started early in 1972 when the School Board, realizing its current ceiling of bonded indebtedness had been reached and additional funds would be needed to complete construction on the new school,

requested the county delegation to pass legislation that would raise the debt ceiling. However, no action was taken on the request. The School District finally abandoned its request and then worked with the County Board of Directors to allow the School District to loan money from the

county's sale of bonds to finish construction of the new building. However, the bond sale is being held up until technicalities are cleared to the satisfaction of the bonding company.

The major delay in the bond issuance has been an agreement reached between the Fairfield County and Chester County School Boards last year that provides for the creation of an attendance area for the Great Falls schools that dips into the Milford section of Fairfield County and allows residents of that area to be taxed to allow their children to attend schools at Great Falls.

However, a new agreement is now being worked whereby the act would be amended and, instead, Fairfield County would pay Chester County School District the sum of \$25,000 annually for three years, provided the district attendance bill is repealed.

Triplett and Nunnery have worked toward reaching an agreement with the Fairfield Board, and noted Monday evening that Fairfield trustees had been asked by Sen. John Martin to pay the \$25,000 annual tuition covering some 340 Fairfield County students now

FOUR SECTIONS - 46 PAGES

News and Reporter

1973 *

WEDNESDAY, APRIL 4, 1973

CHESTER, SOUTH CAROLINA

There show
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City Hears Resident's

Reporter

WEDNESDAY, APRIL 4, 1973

CHESTER, SOUTH CAROLINA

City Hears Resident's Complaint On Crosswalk

What Trustees have been working to avoid for over a year now has come to pass, and it is funds not available on the way to complete the job. The spirit is slow legislative action to amend the Milford Attendance Area law that owed taxes to be levied in Fairfield County so that students in the Milford area could attend Great Falls schools. This particular act, it reported, has thrown a monkey wrench in working out legal matters with bonding authorities employed by the County of Chester to sell some \$10,000 in general obligation bonds to be loaned to the County School District.

The bill to amend this act is said to be held pending in the State Senate after having

Chester City Council's Monday night was devoted to regular monthly session primarily to concentrate on a

request issued by Larry Estes of 184 Columbia Street who was present for the meeting.

Estes complained to Councilmen about the school crosswalk located directly in front of his home on Columbia Street. Children using the crosswalk were continually walking across his lawn and destroying his shrubbery. Estes said, and he requested that the crosswalk be moved further down the street, to the Hinton street intersection or further up the street, thus removing it from the front of his yard.

Estes remarked further that he had contacted the city police, and school board on the subject and that he felt he was being given "the run around" on the matter because neither

whereby the act would be amended and, instead, Fairfield County would pay Chester County School District the sum of \$25,000 annually for three years provided the district attendance bill is repealed.

Triplett and Nurnery have worked toward reaching an agreement with the Fairfield Board and noted Monday evening that Fairfield trustees had been asked by Sen. John Martin to pay the \$25,000 annual tuition covering some 340 Fairfield County students now attending Great Falls schools. Mr. Triplett, reading a letter written to the Fairfield Trustees, said to avoid any possible misunderstanding, the first payment expected by Chester County would be payable December of this year to cover the 1972-73 school year, and calls on Fairfield Trustees to authorize that county's treasurer to make funds available to Chester County on an annual basis. He said further that this action is being taken to help speed up the activity so as to allow the School Board to do all that it can to prevent further delays in the anticipated bond sale, hoping that this agreement will help clear the situation.

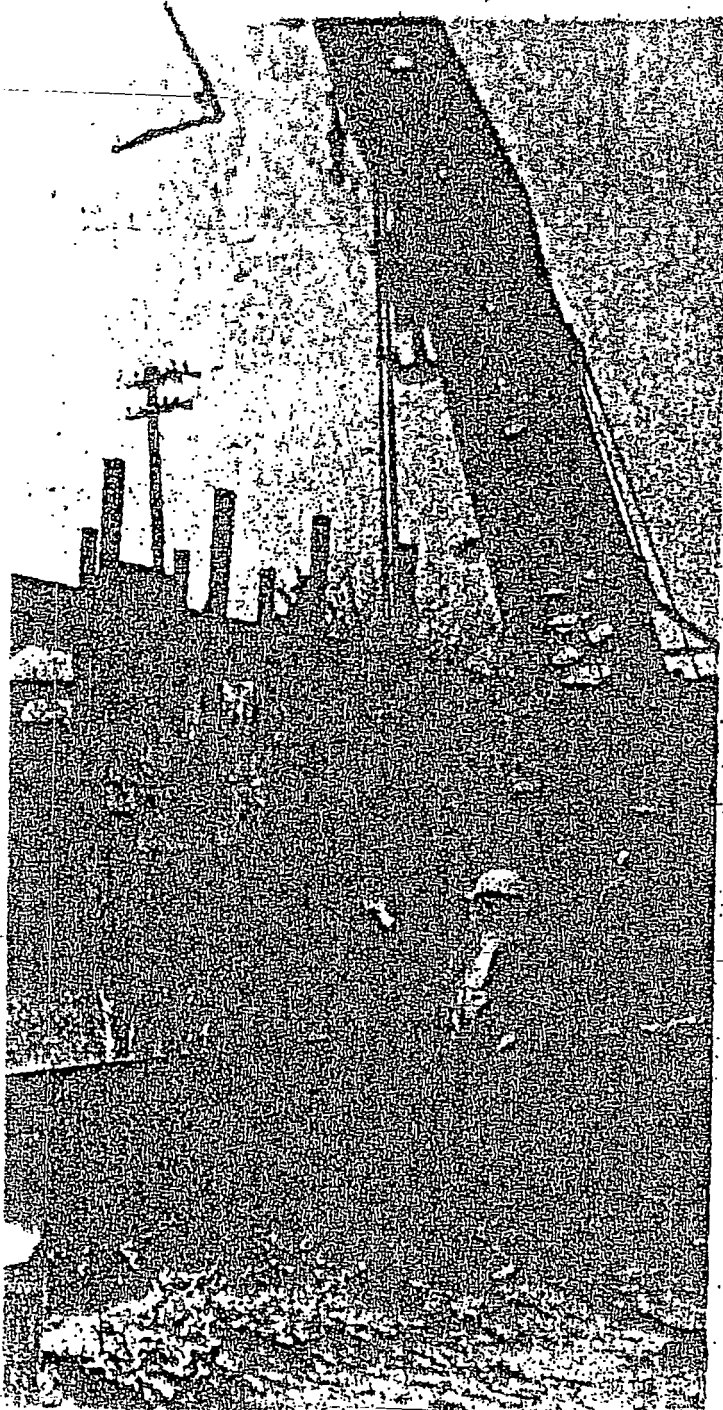
Rossville Township Trustee Ephraim Jackson informed newer trustees that Milford area students have been attending the Great Falls schools for a number of years, but that Fairfield County has paid only

(Continued on Page 18-A)

(Continued on Page 18-A)

Opposition Forms





up Operation

lift boxcars onto tracks where possible.
 128-

Trustees-

(Continued from Page 1-A)
 \$5,000 each year in past years. He estimated that this amount was paid for some 10 years. Although it was out of line with the per-pupil expenditure paid by Chester County for its students. Jackson did note, however, that Fairfield County did raise its payment to \$15,000 last year.

District Four Trustee John Brantley asked if the new payment of \$25,000 would be in line with Chester County's current per-pupil expenditure, and was told by Mr. Triplett that it would not be. "Really, this is very low, and it's not something we can take pride in on a per-pupil basis," he said. "But, it is in line with what they (Fairfield County) pays per pupil in their schools and we do get some state subsidies by having the students in our county schools. Another point to be taken is that if we didn't have these students at Great Falls, we would most likely have to close one of our schools there because the attendance would not justify keeping it open otherwise," he concluded.

Reid-

(Continued from Page 1-A)

EXHIBIT G

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

ORIGINAL FILED

AUG 18 1970

ROCK HILL DIVISION

MILLER G. FOWLER, JR., CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

Civil Action No. 70-608

FAIRFIELD COUNTY SCHOOL DISTRICT,)
and A. L. GOFF, Superintendent of)
Schools, Fairfield County School)
District, South Carolina,)

O R D E R

Defendants.)

This is an action brought by the Attorney General of the United States pursuant to Section 407 of the Civil Rights Act of 1964 to require the desegregation of the public schools of the Fairfield County School District. Jurisdiction is vested in this Court under the provisions of 28 U.S.C. §1345 and 42 U.S.C. §2000c-6.

Fairfield County School District operates a county wide system of public schools, enrolled in which are approximately 5,462 students, of whom about 3,905, or 71.5%, are black. The district operates presently under a freedom of choice desegregation plan which, while producing some degree of desegregation in the formerly all white schools, has produced no desegregation in the formerly all black schools. The schools presently

operated, their grade levels, and the enrollment statistics are as follows:

<u>School</u>	<u>Grades</u>	<u>Enrollment</u>		
		W	N	T
Winnboro High	8-12	634	91	725
Fairfield High	8-12	0	761	761
McCrorey-Liston High	K-12	0	934	934
Gordon Elementary	1-7	0	971	971
Mt. Zion Elementary	1-7	349	80	429
Geiger Elementary	1-7	0	423	423
Everette Elementary	1-7	363	8	371
Kelley Miller	1-7	0	250	250
White Hall Elementary	1-7	0	216	216
Ridgeway Elementary	1-7	135	13	148
Mitford Elementary	1-7	0	127	127
Greenbriar Elementary	1-7	76	31	107
Fairfield Vocational	11-12	98	122	220

J. R. M. Jr.
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EXHIBIT G

Just prior to the institution of this suit, a proposed desegregation plan was suggested for Fairfield County by the Division of Equal Educational Opportunities, U. S. Office of Education, Department of Health, Education and Welfare. After the institution of this suit, pursuant to an Order of this Court, a substantially similar desegregation plan was proposed by other personnel of the same agency. Since there is no substantial difference between the two plans, they will be referred to collectively as the HEW Plan in this Order.

Under the authority of Green v. New Kent County, 391 U. S. 430 (1969), and Alexander v. Holmes County, 396 U.S. 19 (1969), I find that the freedom of choice desegregation plan presently used by the defendant to be inadequate to meet its requirements under the law and the Constitution. Accordingly, it is the duty of this Court to order the implementation of a desegregation plan which will meet those requirements.

After hearing arguments of counsel representing the Plaintiff and the Defendant School District, it is ORDERED, ADJUDGED and DECREED that the HEW Desegregation Plan, as modified herein, be ordered implemented at the beginning of the 1970-71 school year. Such plan, as modified, is as follows:

PUPIL DESEGREGATION

1. The County will be zoned and the schools will be paired so that the following schools and grade levels will be operated by the District:

Winnsboro High School	Grades 8-12
McCrory-Liston School	Grades K-12
Gordon Elementary	Grades K-3
Everette Elementary	Grades K, 4-5
Mt. Zion Elementary	Grades K, 6-7
White Hall Elementary	Grades 1-7
Kelley-Miller	Grades 1-5
Greenbriar Elementary	Grades 6-7
Geiger Elementary	Grades 1-5
Ridgeway Elementary	Grades 6-7
Fairfield Vocational	Grades 11-12

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2. The zone line proposed by the HEW Plan will separate the McCrorey-Liston and White Hall Schools from the rest of the County. This zone line appears on the map attached to the HEW Plan filed with the Court. In addition, as proposed by the HEW Plan, the Defendant will draw a zone line between McCrorey-Liston and White Hall separating the students in grades 1 through 7 between these two schools according to capacity; another zone line will be established between Kelley Miller and Greenbriar, and Ridgeway and Geiger on the one hand and Gordon, Everette and Mt. Zion on the other hand; and a third zone line will be established between Kelley Miller and Greenbriar on the one hand and Ridgeway and Geiger on the other hand.

3. The zone lines separating McCrorey-Liston and White Hall, and the zone lines separating Mt. Zion, Gordon and Everette on the one hand from Kelley Miller and Greenbriar and from Ridgeway and Geiger, and the zone line separating Kelley Miller and Greenbriar from Ridgeway and Geiger will be drawn according to the capacities of the schools involved.

4. Mitford Elementary School will be closed and the students presently attending such school will be given the choice, ~~with transportation to be furnished, either to attend a school~~ in Fairfield County or to attend school at Great Falls in Chester County; provided, however, (a) that a notice will be sent to the parents of each child enrolled in the Mitford School area that they have such a choice and that transportation will be furnished in either case; (b) that the school to which such child may be sent in the Great Falls area must be ^adesegregated school; (c) that a copy of the notice given to the parents of each child in Mitford School be furnished to the Department of Justice; (d) that satisfactory arrangements be concluded between Fairfield County

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and Chester County School District on the tuition involved and the desegregated education of each child involved; and (e) if these conditions are not met, the children in this area will be zoned into Winnsboro High School, Gordon, Everette or Mt. Zion Elementary Schools, as may be appropriate to their grade level, in accordance with the provisions of the HEW Plan.

5. In lieu of operating the Fairfield School for grades 8 and 9 and Winnsboro High School for grades 10 through 12 for their respective attendance zones, as proposed by the HEW Plan, Winnsboro High School will be operated for grades 8 through 12 for the combined Winnsboro-Fairfield attendance zone on the following basis:

- (a) Winnsboro High School will operate on an extended session with ten (10) class periods per day, each student in grades ten, eleven and twelve attending five consecutive periods or more, depending on the schedule selected.
- (b) Fairfield School will be utilized (approximately 13 teaching stations) for teaching English and mathematics to eighth and ninth grade students, each such student spending approximately one-half day at Fairfield for these subjects.
- (c) Eleventh and twelfth grade students electing to take vocational subjects will attend the Vocational School, spending such time there as is necessary for such subjects.
- (d) The extended session at Winnsboro High School and the sending of all eighth and ninth grade students to Fairfield for one half day and the vocational students

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to the Vocational School will permit the capacity of
Winnsboro High School to accommodate all of the students.

(e) Fairfield School would also be utilized, to the extent
of about five teaching stations, for special education
classes.

(f) This arrangement would last only until the new Fairfield
Junior High School which is presently under construction,
is completed, or not longer than the 1971-72 school year.

(g) This arrangement, already recommended by the State
Department of Education, is subject to such standards
as may be required by and final approval of said De-
partment.

6. Students who will be senior high school students for
the 1970-71 school year will be given a choice as to which high
school they wish to attend.

7. If the School District grants transfers to students
living in the district for their attendance at public schools
outside the district, or if it permits transfers into the
district of students who live outside the district, it shall do
so on a nondiscriminatory basis, except that it shall not
consent to transfers where the cumulative effect will reduce
desegregation in either district or reenforce the dual school
system.

8. The school district shall be prohibited from maintain-
ing any classroom, non-classroom, or extracurricular activity
on a segregated basis, so that no student is effectively ex-
cluded from attending any class or participating in any non-
classroom or extracurricular activity on the basis of race,
color or national origin.

J. R. M. Jr.
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FACULTY DESEGREGATION

The school board shall announce and implement the following policies:

1. The principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. The district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same ratio as to the teachers and other staff, respectively in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

2. Staff members who work directly with children and professional staff who work on the administration level will be hired, assigned, promoted, paid, demoted, dismissed and otherwise treated without regard to race, color or national origin, except to the extent necessary to correct discrimination.

3. If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable nondiscriminatory standards from among all the staff of the school district. In addition, if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color or national origin different from that of the individual dismissed

J. R. M. Jr.
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or demoted until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of nonracial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee.

"Demotion" as used above includes any reassignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonable current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

MISCELLANEOUS

1. The transportation system shall be completely re-examined regularly by the superintendent, his staff, and the school board. Bus routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a nonsegregated and otherwise nondiscriminatory basis.

2. The size and location of new school buildings and additions to existing buildings can significantly affect de-

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segregation now and in the future.

All school construction, school consolidation, and site selection (including the location of any temporary classrooms) in this system shall be done in a manner which will prevent the recurrence of the dual school structure once this desegregation is implemented.

REPORTS TO THE COURT

The Defendant school district shall file a report with the Court on October 15, 1970, and March 15, 1971, and each year thereafter until the Court otherwise orders, with copies served on the United States, including the following:

1. The school district shall state the racial composition of each school in the system, including the number of students and teachers by race, grade, and classroom assigned to each school in the system.

2. The Defendant school district shall state the number of requests and the results which have accrued, by race, under the majority to minority transfer provision.

3. The school district shall state the number of inter-district transfers granted, the race of the students who were granted such transfers, and the school district to which the transfers were allowed.

4. The school district shall state whether the school board has sold or abandoned any school facility, equipment or supplies having a total value of more than \$500.00 since this Court's Order and identify the same.

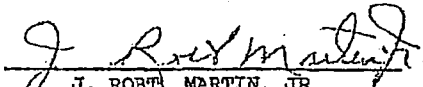
The Court reserves determination of student transfer policy from a minority to a minority school until after consideration of a supplemental memorandum of legal authorities

J. R. m. Jr.
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to be filed forthwith by the United States of America. After consideration of the memorandum the Court will file its supplemental order dealing with the issue of student transfers.

AND IT IS SO ORDERED.

#9.


J. ROBT. MARTIN, JR.
United States District Judge

Greenville, South Carolina

August 17, 1970

18-12 COPY
FILED
JUL 22 1970
U.S. DISTRICT COURT
SOUTH CAROLINA
JUL 22 1970
JUL 22 1970

EXHIBIT H

2416

STATUTES AT LARGE
GENERAL AND PERMANENT LAWS—1972

[No. 1233]

SECTION 20. Removal of judge.—The compensation of the judge of the court shall not be reduced during the term of office.

The judge of the circuit court shall have power, after hearing, to remove the judge from office upon a finding of misconduct in office or persistent failure to perform the duties of his office, or to retire such judge upon a finding of disability seriously interfering with the performance of his duties which is, or is likely to become, of a permanent character.

SECTION 21. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of May, 1972.

(R1389, H2950)

No. 1238

An Act To Repeal Section 40-15, Code Of Laws Of South Carolina, 1962, Relating To The Exemption Of Timber, Lumber And Turpentine Industries And Farming From Certain Statutes And Regulations Of The Department Of Labor.

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

SECTION 1. Repeal.—Section 40-15 of the 1962 Code is hereby repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of May, 1972.

(R1390, H2954)

No. 1234

An Act To Repeal Section 40-81, Code Of Laws Of South Carolina, 1962, Relating To The Number Of Hours That Women May Be Allowed To Work In Mercantile Establishments.

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

SECTION 1. Repeal.—Section 40-81 of the 1962 Code is repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of May, 1972.

No. 1235]

OF SOUTH CAROLINA
GENERAL AND PERMANENT LAWS—1972

2417

(R1393, S950)

No. 1235

An Act To Amend Item (4) Of Section 65-259, Code Of Laws Of South Carolina, 1962, As Amended, Relating To An Income Tax Deduction, So As To Provide That Certain Taxes With Respect To Income Or Measured By Income Shall Not Be Allowed As A Deduction.

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

SECTION 1. Certain taxes not deductible.—Item (4) of Section 65-259 of the 1962 Code, as last amended by Sub-Section 3 of item (D) of Section 2 of Part III of Act 1263 of 1968, is further amended by adding on line one between the word "income" and the parenthesis ", taxes with respect to income or taxes measured by income". The item when amended shall read:

"(4) Taxes for the income year, except taxes on income, taxes with respect to income or taxes measured by income (other than taxes imposed by the United States on income of individuals to an amount not exceeding five hundred dollars), inheritance and gift taxes and taxes assessed for a local benefit of a kind tending to increase the value of the property assessed."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 20th day of May, 1972.

(R1394, S2-39)

No. 1236

An Act To Provide For The Consolidation Of An Area Of Fairfield County With The Chester County School District.

Whereas, the Chester County Board of Education and the Fairfield County Board of Education, at separate meetings, agreed upon the consolidation of an area of Fairfield County with the Chester County School District for school purposes. Now, therefore,

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

SECTION 1. School area consolidated.—That area of Fairfield County which lies in the northeast corner of the county, the exact line of which is shown on a plat of Fairfield County recorded in

the office of the Clerk of Court for Fairfield County in Plat Book eight at Page ninety-five and is the attendance line which was previously drawn by the Office of Health, Education and Welfare of the United States Government is hereby consolidated with the Chester County School District.

SECTION 2. Consolidated area — assessments.—The Chester County School District shall not assess any of its outstanding bonded indebtedness against the area of Fairfield so consolidated. The area shall, however, assume a levy identical with that of any school indebtedness that shall hereafter be incurred by the consolidated school district of Chester County; *provided*, that the area consolidated shall not be assessed or called upon to pay any indebtedness, by reason of refinancing or otherwise, existing or subsisting at the time of consolidation.

SECTION 3. Not liable for Fairfield County assessments.—There is no school building now in use in the area consolidated and the area shall not bear any portion of the levy necessary for the retirement of the notes outstanding in Fairfield County other than those which it has already paid, and the area consolidated with the Chester County School District shall be debt free.

SECTION 4. Further.—The area consolidated with the Chester County School District shall be exempt from the annual Fairfield County special operating school levy as of January 1, 1973.

SECTION 5. Assumption of tax levy.—The area consolidated shall assume the same annual special operating school levy of the Chester County School District as of January 1, 1973 and the area shall comply with Chester County laws for the purpose of setting up school levies, but the assessment of the property in the area shall continue to be made in Fairfield County with the assessment to be the same as it may be for other county purposes. In order to provide therefor, the Chester County Board of Trustees shall notify the Auditor of Fairfield County on or before June thirtieth of each year, in writing, the millage required for the succeeding school year. The levy shall be identical with the Chester County levy for operation of the schools and the Auditor of Fairfield County shall levy this tax against all of the real and personal property in the area consolidated with the Chester County School District. The Treasurer

of Fairfield County shall collect this tax and remit, monthly, the amount collected to the Treasurer of Chester County. Upon receipt of the tax the Treasurer of Chester County shall deposit the proceeds to the credit of the Chester County School District in the same manner as the tax levy is collected in Chester County for school purposes.

SECTION 6. Board of trustees.—The residents of the area consolidated shall be eligible as members of the Board of Trustees for the Chester County School District, and the qualified voters in the area shall be eligible to vote for school trustees for the Chester County School District and any other matters which shall concern the school district which shall be submitted to the people for a vote. The area to be consolidated shall become a part of the Rossville Township for school board election purposes.

SECTION 7. Not to share in certain taxes.—The area consolidated with the Chester County School District shall not share in any Fairfield County beer and wine tax funds that might be earmarked by Fairfield County for school purposes.

SECTION 8. Time effective.—This act shall take effect January 1, 1973.

Approved the 20th day of May, 1972.

(H1395, 5356)

No. 1237

An Act To Regulate Business Practices Between Motor Vehicle Manufacturers, Distributors And Dealers And To Provide For Actions For Violations And Limitations Upon Such Actions.

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

SECTION 1. Findings.—The General Assembly finds that the distribution of motor vehicles in the State of South Carolina vitally affects the general economy of the State and the public interest and public welfare, and in the exercise of its police power, it is necessary to regulate motor vehicle manufacturers, distributors, dealers and their representatives doing business in South Carolina in order to prevent frauds, impositions and other abuses upon its citizens.

EXHIBIT I

SECTION 1. Building permits required.—Section 1 of Act No. 171 of 1963, as last amended by Act No. 914 of 1970, is further amended by striking "fifty cents" on line seven and inserting in lieu thereof "one dollar". The section when amended shall read as follows:

"Section 1. Before any person places a house trailer or mobile home on a lot or constructs any new building or any addition to an existing building in Dorchester County, which construction shall cost five hundred dollars or more, he shall obtain from the Auditor of Dorchester County, or any magistrate designated by the auditor, a building permit which shall be executed before any construction shall be commenced. A charge of one dollar shall be made for such building permits; *provided*, that no permit shall be required for such construction upon real estate situate within any incorporated municipality which requires a permit for the erection or construction of such improvements; *provided*, further, every municipality in the county, requiring permits for the erection or construction of any improvements upon real estate situate within the municipality, shall furnish to the auditor and tax assessor copies of all permits issued by the municipality."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of April, 1973.

(R269, H1509)

No. 161

An Act To Repeal Act 1236 Of 1972, Relating To The Consolidation Of An Area Of Fairfield County With The Chester County School District.

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

SECTION 1. Repeal.—Act 1236 of 1972 is repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of April, 1973.

SECTION 1 - H63 - EDUCATION, DEPARTMENT OF

(Act # 357)

Carolina but not in an academic or geographic critical need area are to be charged an interest rate below that charged to loan recipients who do not teach in South Carolina. Additional loans to assist with college and living expenses shall be made available for talented and qualified state students attending public or private colleges and universities in this State for the sole purpose and intent of changing careers in order to become certified teachers employed in the State in areas of critical need. These loan funds also may be used for the cost of participation in the critical needs certification program pursuant to Section 26-30(A)(8). Such loans must be cancelled under the same conditions and at the same rates as other critical need loans. All loan cancellation and repayment provisions of the Teacher Loan Program shall apply to the loans provided under the former Governor's Teaching Scholarship Loan Program.

181. (SDE: Excellence in Middle School Initiative) Funds appropriated for the Excellence in Middle Schools Initiative shall be to increase the number of guidance counselors, school safety officers and/or school nurses in middle/junior high schools. The funding allocation shall be based proportionately on the number of middle/junior high schools in each district.

182. (SDE: Part-time Benefits) DELETED

183. (SDE: Mitford Transportation Costs) Transportation costs for transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

SECTION 1A - H63 - EDUCATION-EIA, DEPARTMENT OF

1A.1. (SDE-EIA: X-Local Financial Support) There shall be no required local match for Education Improvement Act funds appropriated in Part 1A, Section 1 X. This shall not impact or alter the requirements of Section 59-21-1030, level of financial effort per pupil required of each school district; application for waiver. The statutory increase required for local financial effort as defined in Section 59-21-1030 for the current fiscal year is 3.9%.

1A.2. (SDE-EIA: X-Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation.

EXHIBIT J

MINUTES FAIRFIELD COUNTY BOARD OF SCHOOL TRUSTEES

March 20, 1973

The Board of Trustees met at Fairfield Junior High School. Mr. Henry Sims, Principal, gave the Board of Trustees a tour of the building. Mr. Sims provided a full course meal for the Board which was enjoyed by all.

I. Meeting called to order by Chairman.

Members present: Ragsdale, Small, Leviner, Seibles, Mills, Magill, Yarborough

Reception of Guest:

Mrs. Frances Barnett, Director of Child Care Center, made a presentation on the Child Care Center located in the old Fairfield High School.

II. Approval of Minutes.

III. Approval of Claims.

IV. Superintendent's Reports:

- (1) Title I for 1973 - The Board approved the following schools to be Title I schools:

Elementary -- Winnsboro Area (Gordon, Mt. Zion, and Everett)
Ridgeway Area (Ridgeway and Gaiger)

Middle School -- Fairfield Junior High

High School -- McCrorey-Liston

- ✓ (2) Mitford Area discussed and the following motion was made and unanimously approved.

✓ In reference to Mitford Area: Fairfield County agree to pay Chester County \$25,000 per year for three years beginning with first payment to be paid on or before December 31, 1973; provided the bill setting up the Mitford district is repealed prior to this date with option to renew for three years at the same price.

- (3) In reference to the Lever child attending a special education class in Richland School District #1 the Board voted to pay \$200.00 tuition to School District #1 for 1972-1973 school term.

- (4) Staff recommendations approved (see attached).

- (5) All request for use of facilities approved.

The Board gave permission to St. John A.M.E. Church to tear down frame building adjoining church that apparently belongs to the school district.

V. Meeting adjourned.

Respectfully submitted:

Claude H. Ragsdale, Jr.

Claude H. Ragsdale, Jr., Chairman

Arthur L. Coff

Arthur L. Coff, Executive Secretary

MINUTES FAIRFIELD COUNTY BOARD OF SCHOOL TRUSTEES

April 17, 1973

The Board of Trustees met at Gordon Elementary School. Mr. Evans, Principal, gave the Board a brief tour of the building prior to the meeting.

I. Meeting called to order by Chairman.

Members present: Ragsdale, Leviner, Seibles, McGriff, Magill, Yarborough, Mills

II. Reception of Guest:

Mr. Jim Bull, Director of Fairfield County Recreation Commission, was present and made several requests and they were approved as follows:

- (1) Use Everett Cafeteria on April 28, 1973.
- (2) Use the athletic fields at Greenbrier and McCrorey Liston for 1973 summer program.
- (3) Develop baseball field at Geiger.
- (4) Use old Fairfield Gym; provided details of agreement are worked out.

III. Approval of Minutes.

IV. Approval of Claims.

V. Superintendent's Reports:

- ✓ (1) Correspondence with Chester County read and they have accepted our offer to pay Chester County \$25,000 for three years with option to renew for three years.
- (2) Board approved resolution of commendation for Winnsboro High School basketball team.
- (3) Fairfield County Council approved \$6,000 for Child Care Center.
- (4) Hardware at Junior High School. Board approved Palmetto Hardware's proposal to correct the problem.
- (5) Staff recommendations approved. (See attached)
- (6) Budget for 1973-1974 presented and explained. Motion by Mills, seconded by Seibles, to present the budget as presented to Board of Trustees to County Council and request 20 mill increase for 1973-74. Voting "YES" - Mills, Magill, McGriff, Seibles; "NO" - Leviner.
- (7) Use of facilities approved except Reverend Lassiter from Virginia requesting to use Everett Auditorium.

VI. Meeting adjourned.

Respectfully submitted:

Claude H. Ragsdale, Jr.

Claude H. Ragsdale, Jr., Chairman

Arthur L. Coff

Arthur L. Coff, Executive Secretary

Descriptor Term: ADMISSION OF MITFORD AREA STUDENTS	Descriptor Code: JBCAB	Issued Date: 5/87
	Rescinds:	Issued:

Those students living in the former Mitford district of Fairfield County shall be considered resident students of the Chester County School District.

Under a renewable three-year agreement with Fairfield County, Fairfield County shall pay to the Chester County School District of lump sum of \$25,000 annually for providing public education to students in the Mitford area.

The Mitford area shall be part of the Great Falls attendance area for purposes of school assignment.

Adopted prior to 1974; Revised 3/7/87

School District of Chester County, Chester, S.C.

EXHIBIT K

SECTION 1 - H63 - EDUCATION, DEPARTMENT OF

(Act # 387)

South Carolina but not in an academic or geographic critical need area are to be charged an interest rate below that charged to loan recipients who do not teach in South Carolina. Additional loans to assist with college and living expenses shall be made available for talented and qualified state students attending public or private colleges and universities in this State for the sole purpose and intent of changing careers in order to become certified teachers employed in the State in areas of critical need. These loan funds also may be used for the cost of participation in the critical needs certification program pursuant to Section 26-30(A)(8). Such loans must be cancelled under the same conditions and at the same rates as other critical need loans. All loan cancellation and repayment provisions of the Teacher Loan Program shall apply to the loans provided under the former Governor's Teaching Scholarship Loan Program.

181. (SDE: Excellence in Middle School Initiative) Funds appropriated for the Excellence in Middle Schools Initiative shall be to increase the number of guidance counselors, school safety officers and/or school nurses in middle/junior high schools. The funding allocation shall be based proportionately on the number of middle/junior high schools in each district.

182. (SDE: Part-time Benefits) DELETED

183. (SDE: Mitford Transportation Costs) Transportation costs for transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

SECTION 1A - H63 - EDUCATION-EIA, DEPARTMENT OF

1A.1. (SDE-EIA: X-Local Financial Support) There shall be no required local match for Education Improvement Act funds appropriated in Part 1A, Section 1 X. This shall not impact or alter the requirements of Section 59-21-1030, level of financial effort per pupil required of each school district; application for waiver. The stationary increase required for local financial effort as defined in Section 59-21-1030 for the current fiscal year is 3.9%.

1A.2. (SDE-EIA: X-Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation.

South Carolina General Assembly
118th Session, 2009-2010

H. 4657
General Appropriations Bill for fiscal year 2010-2011
As Ratified by the General Assembly

PLEASE NOTE

Provisions not vetoed by the Governor took effect June 9, 2010, and generally apply for the fiscal year beginning July 1, 2010. To see those items vetoed by the Governor, see the Governor's veto message which follows. To determine which vetoes were sustained and which vetoes were overridden, refer to the Journal of the House of Representatives for June 16, 2010, and the Senate Journals for June 17 and 29, 2010.

PART IB

OPERATION OF STATE GOVERNMENT

SECTION 1 - H63-DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department's school bus transportation operating account.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services.

Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$1,630. In Fiscal Year 2010-11, the total pupil count is projected to be 694,303. The average per pupil funding is projected to be \$4,485 state, \$1,633 federal, and \$5,254 local. This is an average total funding level of \$11,372 excluding revenues of local bond issues. For Fiscal Year 2010-11 the South Carolina Public Charter School District shall receive and distribute state funds to the charter school as determined by the current year's base student cost, as funded by the General Assembly, plus an additional \$700, multiplied by the weighted students enrolled in the charter school, which must be subject to adjustment for student attendance and must not be reduced for state budget allocations.

In Fiscal Year 2010-11, the Abbeville School District total pupil count is projected to be 2,963. The per pupil funding is projected to be \$5,892 state, \$1,878 federal, and \$3,286 local. This is a total projected funding level of \$11,057 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Aiken School District total pupil count is projected to be 23,756. The per pupil funding is projected to be \$4,237 state, \$1,578 federal, and \$3,177 local. This is a total projected funding level of \$8,992 excluding revenues of local bond issues.

1.26. (SDE: School Building Aid) Of the funds appropriated in Part 1A for School Building Aid, \$500,000 shall be allocated on a K-12 per pupil basis to Multi-District Area Vocational Schools.

1.27. (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

1.28. (SDE: Basic Skill Exam) Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the teacher candidate basic skill examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the teacher candidate basic skill examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

1.29. (SDE: School Bus Driver CDL) From funds provided in Part 1A, Section 1, IX.B., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

1.30. (SDE: SAT Preparation) From the funds appropriated for SAT Preparation, the State Department of Education shall institute a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and providing assistance. To accomplish this, the Department shall use reports that analyze student weaknesses and provide guidance to local schools on the effective use of the reports.

1.31. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses.

1.32. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops and funds appropriated in IX.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in FY 2010-11 to support bus transportation services.

1.33. (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

1.34. (SDE: Refurbishing Science Kits) Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory, purchasing new kits from the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs.

1.35. (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.

1.36. DELETED

1.37. (SDE: Governor's School Leave Policy) The S.C. Governor's School for the Arts and Humanities and the S.C. Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors.

EXHIBIT L



The School District of Fairfield County

P.O. DRAWER 622
1226 U. S. HIGHWAY 321 BY-PASS SOUTH
Winnsboro, South Carolina 29180

PHONE: (803) 635-4607
Fax (803) 635-4173

RECEIVED
SUPERINTENDENT'S
OFFICE

November 8, 2007

NOV 15 2007

Dr. Larry Heath, Superintendent
Chester County School District
109 Hinton Street
Chester, S.C. 29806

Dear Dr. Heath:

We are in receipt of an invoice in the amount of \$25,000 due to Chester County School District. This invoice is for students from Fairfield's Mitford area to attend Chester County Schools.

Please be advised that Fairfield School District does not see the need to pay this invoice. It is our belief that all students legally residing in the boundaries of Fairfield County attend Fairfield Schools. If you can provide any additional information I need to review concerning this issue, please forward to my attention.

We do not wish to disrupt the educational process of those students this year. However, we do expect those students residing in the Mitford area of Fairfield County to attend Fairfield Schools beginning with the 2008-2009 school year.
If you have any questions, please contact me at 635-4607 ext. 305.

Sincerely,

Samantha Ingram, Ph.D.
Superintendent

Pf/sde

cc: Dr. Phil Flynn, Deputy Superintendent for Academics
Ms. Jannette Henry-Davenport, Deputy Superintendent for Human Resource Services
Ms. Annie Crandle, Assistant Superintendent for School Improvement



THE SCHOOL DISTRICT OF CHESTER COUNTY

109 HINTON STREET
CHESTER, SOUTH CAROLINA 29706

LARRY B. HEATH
SUPERINTENDENT

April 22, 2009

Ms. Catherine Kennedy, Chair
Fairfield County School District Board of Trustees
Post Office Drawer 622
Winnsboro, South Carolina 29180

Dear Ms. Kennedy:

Pursuant to my meeting with you and Ms. McDaniel on March 31st, you agreed that the Fairfield County School District would pay the Chester County School District \$50,000 for the Mitford area students; the \$50,000 represents payments (\$25,000 each) that were not made for the 2007-2008 and the 2008-2009 school years. You further agreed that you would talk with your Board of Trustees about subsequent payments for the Mitford area students that would be commensurate with the tuition we charge out of county students, which is \$2,300 per student. We agreed that it would be reasonable to expect a payment of \$100,000 for the 2009-2010 school year; \$200,000 for the 2010-2011 school year, and \$2,300 for each student from Fairfield County that attends Chester County Schools for the 2011-2012 school year.

We further discussed that the Chester County School District would reevaluate costs at the end of three years to determine future tuition costs per student. It was further agreed that it would probably be reasonable to reassess these costs every three years thereafter to ensure that the Chester County School District is being adequately compensated for the educational costs for the Mitford area students.

Please let me know your school board's decision on our discussion of the Mitford area students. I would greatly appreciate an answer no later than Wednesday, April 29, 2009, so that our district administration can move forward with budget planning for the 2009-2010 school year. Thank you for your attention to this matter.

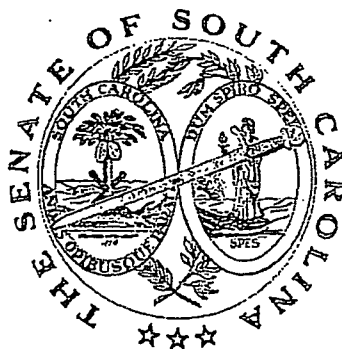
Yours truly,

Richard P. Hughes, M.D.
Chair, Chester County Board of School Trustees

c: Ms. Annie McDaniel, Fairfield County School District Board of Trustees
Dr. Samantha Ingram, Superintendent, Fairfield County School District
Mr. Larry Heath, Superintendent, Chester County School District

CREIGHTON B. COLEMAN
SENATOR, CHESTER, FAIRFIELD,
UNION, AND YORK COUNTIES
SENATORIAL DISTRICT 17

COMMITTEES:
CORRECTIONS AND PENOLOGY
FISH, GAME, AND FORESTRY
GENERAL
JUDICIARY



SENATE ADDRESS:
513 GRESSETTE BUILDING
POST OFFICE BOX 142
COLUMBIA, SC 29202
TEL: (803) 212-6180
FAX: (803) 212-6299
E-MAIL: CREIGHTONCOLEMAN
@SCSENATE.GOV

HOME OFFICE ADDRESS:
PO Box 1006
WINNSBORO, SC 29180

April 7, 2010

VIA HAND DELIVERY

Annie McDaniel, Chairwoman
Fairfield County School District
1226 US Hwy 321 By-Pass South
PO Drawer 622
Winnsboro, SC 29180

RECEIVED
SUPERINTENDENT'S
OFFICE

APR 13 2010

Dear Ms. McDaniel:

I am in receipt of your March 17, 2010, letter with regard to my request to meet with the school board.

My intent to meet with the school board is not to discuss the current legislation that is currently being analyzed by the U.S. Justice Department or to discuss the SACS issue. These issues are in the proper authorities hands and the chips will fall where they may. It was my intention to look forward in a positive light for the betterment of the children of the Fairfield County School District.

One issue that must be resolved in the near future is the career center and the fact the walls are separating from the building which creates a health hazard. This has been the case for years and must be addressed before someone is injured or killed. From my understanding the portables behind the Middle School are in terrible shape and are dangerous. This must be addressed.

Secondly, the matter with regard to the Mitford students attending the Great Falls Schools and the compensation thereof needs to be resolved within the next several weeks. In case you do not remember, attached is the letter from Dr. Hughes, Chairman of Chester County School Board, documenting your agreement with the Chester County School Board. When Fairfield County School Board did not act upon this agreement, the Fairfield County Legislative Delegation introduced local legislation to fairly compensate Chester County School Board for educating Fairfield County children. Because of subsequent meetings between the Fairfield County Delegation and the Fairfield County School Board, the delegation agreed to pull the local legislation so that the two (2) school boards could meet and resolve the matter. As stated many times, the delegation has never wanted to be involved in this matter, or any other school matter, but when compelled the delegation will act in a manner that is best for the students of Fairfield County. To this date, there has been no resolution and Fairfield County School Board has not contacted the delegation as to any efforts to resolve this important issue. Consequently, if this matter is not resolved in the next two (2) weeks the delegation will move forward with legislation to reasonably compensate Chester County School District pursuant to local legislation and your agreement.

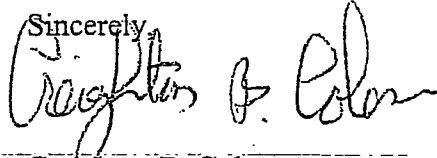
Annie McDaniel, Chairwoman

April 7, 2010

Page 2

We appreciate your immediate attention and cooperation in this matter.

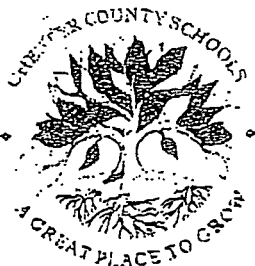
Sincerely,

A handwritten signature in cursive script, appearing to read "Creighton B. Coleman".

Creighton B. Coleman

CBC/kbc

cc: Representative Boyd Brown
Dr. Patrice Robinson, Superintendent
Dr. Rick Hughes, Chairman Chester School District



THE SCHOOL DISTRICT OF CHESTER COUNTY

109 HINTON STREET
CHESTER, SOUTH CAROLINA 29706

LARRY B. HEATH
SUPERINTENDENT

April 22, 2009

Ms. Catherine Kennedy, Chair
Fairfield County School District Board of Trustees
Post Office Drawer 622
Winnsboro, South Carolina 29180

Dear Ms. Kennedy:

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We further discussed that the Chester County School District would reevaluate costs at the end of three years to determine future tuition costs per student. It was further agreed that it would probably be reasonable to reassess these costs every three years thereafter to ensure that the Chester County School District is being adequately compensated for the educational costs for the Mitford area students.

Please let me know your school board's decision on our discussion of the Mitford area students. I would greatly appreciate an answer no later than Wednesday, April 29, 2009, so that our district administration can move forward with budget planning for the 2009-2010 school year. Thank you for your attention to this matter.

Yours truly,

Richard P. Hughes, M.D.
Chair, Chester County Board of School Trustees

c: Ms. Annie McDaniel, Fairfield County School District Board of Trustees
Dr. Samantha Ingram, Superintendent, Fairfield County School District
Mr. Larry Heath, Superintendent, Chester County School District



House of Representatives

State of South Carolina

H. Boyd Brown
District No. 41 - Fairfield-Chester Counties
P. O. Box 26
Winnsboro, SC 29180

532-A Blatt Building
Columbia, SC 29211

Tel. (803) 212-6789
BoydBrown@schouse.org

Committee:
Agriculture, Natural Resources
and Environmental Affairs

May 13, 2009

Ms. Jill Cincotta
School District of Fairfield County
Post Office Drawer 622
Winnsboro, South Carolina 29180

Ms. Cincotta:

Please find attached the letter expressing the agreement reached between Fairfield County and Chester County School Districts. While this is not a binding agreement, the hard numbers are the proof in the pudding that our school board's leadership wanted to move forward with extending our agreement with the School District of Chester County.

While this may be an unpopular move in the eyes of administrators and board members, those in disagreement with this arrangement should understand that their education and future does not hang in the balance. The lives of children, and a decades long agreement are affected by this expressed agreement, and while those children may attend school in Chester County, they are still the children of Fairfield County and our future relies on giving these students the best we can offer. In this case, allowing 130 students, to attend schools in their own community, though not in our county, is more important than many of the costs our school board expends in the district.

Furthermore, this legislation does not call for the near \$13,000 we spend per pupil in Fairfield County, it only calls for a maximum of \$2300 to be expended per pupil over the next three years, and those dollars are not county funds, but are the state and federal dollars that are expended to the children. Therefore, if the concern of the School District is money, and not the children, the School Board does not only need to reevaluate their priorities, but do the math as well. In case they don't want to trouble themselves with that, keeping the children in district would cost \$1,690,000 per year as opposed to the \$100,000 this year, \$200,000 next year and \$299,000 every year after that, as that is how much \$2300 per student would cost each year.

Finally, I apologize for not being in touch with you today, I will call you as soon as we get a break in session. Mr. Scott Price with the South Carolina School Boards Association has approached me about this today, and I told him I would look into delaying this legislation until next week, so we can have a meeting about this. However, when this meeting does happen, I will expect a plan derived by the school board that sounds better than the plan we have now, as the future of 130 students hinges on this measure.

I look forward to discussing this with you in the very near future.

Best regards,



Boyd Brown

Scott Price will be
in contact to setup a
meeting. Should have called
you already.



BOARD OF T RUSTEES
The School District of Fairfield County
1226 US Highway 321 By-Pass South
Post Office Drawer 622
Winnsboro, South Carolina 29180

May 21, 2010

Board Members

Ms. Annie E. McDaniel
Chairperson
District 4

Mr. Rickey Johnson
Vice-Chairperson
District 5

Ms. Marchella Pauling
Secretary
District 6

Ms. Catherine F. Kennedy
District 1

Mr. Henry Miller
District 3

Ms. Danielle Miller
District 2

Ms. Polly Parker
District 7

Superintendent

Patrice Robinson, Ph. D.
Superintendent

The Honorable Creighton B. Coleman
Senator, Fairfield County Legislative Delegation
P.O. Box 1006
Winnsboro, South Carolina 29180

Re: Response to your letter dated April 7, 2010

Dear Senator Coleman:

This letter is to acknowledge receipt of your correspondence dated April 7, 2010 regarding your concerns about the career center, Fairfield Middle School and the students in the Mitford area that attend Chester County schools.

With respect to your concerns about the walls at the Career Center and the portables behind the Middle School, I presented your letter to the board at our April 13, 2010 board meeting and at our May 18, 2010 board meeting we agreed that we will be happy to meet with you regarding these concerns. Please note that these are not executive session items. Our next scheduled board meeting is June 1, 2010. We can meet with you at that time or if you will present two alternate dates, we will try to accommodate one of the dates so that we can address these concerns expeditiously.

With respect to the students in the Mitford area of Fairfield County who attend the Great Falls schools in Chester County School District, The School District of Fairfield County Board of Trustees never reached an agreement with Dr. Hughes regarding this issue. Dr. Hughes' April 22, 2009 correspondence cannot be considered documentation of an agreement, as it references a meeting with only two (2) members of our seven (7) member Board of Trustees, and acknowledges that a final and official action had not been taken by the Board of Trustees.

Furthermore, Ms. Catherine Kennedy, former Chair of the Board of Trustees subsequently sent a letter to Dr. Hughes on June 4, 2009, reminding him that no agreement, formal or informal, was reached at the referenced meeting and the Board of Trustees determined that all transfers should be processed in accordance with South Carolina law governing students transferring to another district. (Please see attached letter) As you may recall, you were carbon-copied on the June 4, 2009 correspondence to Dr. Hughes. Thus, in accordance with South Carolina law, students that wished to attend Great Falls schools for the 2009-2010 school year, petitioned the Board and were subsequently released by the Board. The Petition for release and the notification sent to student's parents regarding the Board's decision put all parties on notice that the District does not pay tuition for students desiring to attend schools out of the District. Therefore, as far as the Board was concerned, this matter was resolved in accordance with the law.



The Honorable Creighton B. Coleman

May 21, 2010

Page Two

I regret to hear that you feel the need to move forward with unprecedented legislation requiring our District to pay another school district tuition for students who voluntarily and independently chose to attend schools in another district. However, should you have additional questions, please feel free to contact me.

Sincerely,

Annie E. McDaniel,
Board Chair

cc: The Honorable Boyd Brown
Dr. Patrice Robinson, Superintendent
Dr. Rick Hughes, Chairman, Chester County School District Board of Trustees
Fairfield County School District Board of Trustees

Excellence Created by Example

EXHIBIT M

(B) A charter school employing an individual on leave from a local school district shall participate in the South Carolina Retirement Systems as a covered employer with respect to the employee on leave it hires. The employee on leave from a local school district employed by a charter school shall accrue benefits and credits in the South Carolina Retirement Systems. The charter school shall remit to the Retirement Systems the employer contributions required by law for participating employers. The employee shall make the employee contributions to the Retirement Systems required by law and the contributions must be picked up in accordance with Section 9-1-1020. The South Carolina Retirement Systems may impose reasonable requirements to administer this section.

(C) The provisions of this section do not apply to teachers and other employees of a converted school whose employment relation is governed by Section 59-40-100.

SECTION 59-40-140. Distribution of resources; periodic reports; technical assistance from sponsor; property rights; tax exemption.

(A) A local school board of trustees sponsor shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues, divided by the previous year's weighted students, then increased by the Education Finance Act Inflation factor, pursuant to Section 59-20-40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district. These amounts must be verified by the State Department of Education before the first disbursement of funds. All state and local funding must be distributed by the local school district to the charter school monthly beginning July first following approval of the charter school application and must continue to be disbursed to the charter school for the duration of its charter and for the duration of any subsequent renewals.

(B) The South Carolina Public Charter School District shall receive and distribute state funds to the charter school as determined by the following formula: the current year's base student cost, as funded by the General Assembly, multiplied by the weighted students enrolled in the charter school, which must be subject to adjustment for student attendance and state budget allocations. These state funds are in addition to other funds to be received and distributed by the South Carolina Public Charter School District pursuant to subsections (C) and (D) of this section and Section 59-40-220(A). However, the South Carolina Public Charter School District may not retain more than two percent of its gross revenue for its internal administrative and operating expenses.

(C) During the year of the charter school's operation, as received, and to the extent allowed by federal law, a sponsor shall distribute to the charter school federal funds which are allocated to the school district on the basis of the number of special characteristics of the students attending the charter school. These amounts must be verified by the State Department of Education before the first disbursement of funds.

(D) Notwithstanding subsection (C), the proportionate share of state and federal resources generated by students with disabilities or staff serving them must be directed to the school district board of trustees. The proportionate share of funds generated under other federal or state categorical aid programs must be directed to the school district board of trustees serving students eligible for the aid pursuant to state and federal law.

(E) All services centrally or otherwise provided by the sponsor or local school district, if any, including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries, and warehousing are subject to negotiation between a charter school and the sponsor or local school district.

(F) All awards, grants, or gifts collected by a charter school must be retained by the charter school.

(G) The governing body of a charter school is authorized to accept gifts, donations, or grants of any kind made to the charter school and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. A gift or donation must not be required for admission. However, a gift, donation, or grant must not be accepted by the governing board if subject to a condition contrary to law or contrary to the terms of the contract between the charter school and the governing body. All gifts,

donations, or grants must be reported to the sponsor in their annual audit report as required in Section 59-40-50(B)(3).

(H) A charter school shall report to its sponsor and the Department of Education any change to information provided under its application. In addition, a charter school shall report at least annually to its sponsor and the department all information required by the sponsor or the department and including, at a minimum, the number of students enrolled in the charter school, the success of students in achieving the specific educational goals for which the charter school was established, and the identity and certification status of the teaching staff.

(I) The sponsor shall provide technical assistance to persons and groups preparing or revising charter applications at no expense.

(J) Charter schools may acquire by gift, devise, purchase, lease, sublease, installment purchase agreement, land contract, option, or by any other means, and hold and own in its own name buildings or other property for school purposes and interests in it which are necessary or convenient to fulfill its purposes.

(K) Charter schools are exempt from all state and local taxation, except the sales tax, on their earnings and property. Instruments of conveyance to or from a charter school are exempt from all types of taxation of local or state taxes and transfer fees.

SECTION 59-40-145. Students attending charter schools outside district of residence.

A child who resides in a school district other than the one where a charter school is located may attend a charter school outside his district of residence; however, the receiving charter school shall have authority to grant or deny permission for the student to attend pursuant to Sections 59-40-40(2)(b) and 59-40-50(B)(7) and (8) according to the terms of the charter after in-district children have been given priority in enrollment. However, the out-of-district enrollment shall not exceed twenty percent of the total enrollment of the charter school without the approval of the sponsoring district board of trustees. The district sending children to the charter school under the terms of this section must be notified immediately of the transferring students. Out-of-district students must be considered based on the order in which their applications are received. If the twenty percent out-of-district enrollment is from one school district, then the sending district must concur with any additional students transferring from that district to attend the charter school. The charter school to which the child is transferring shall be eligible for state and federal funding according to the formula defined in Section 59-40-140(A), (B), and (C), as applicable. However, this section does not apply to a charter school sponsored by the South Carolina Public Charter School District Board of Trustees.

SECTION 59-40-150. Duties of Department of Education.

(A) The Department of Education shall disseminate information to the public, directly and through sponsors, on how to form and operate a charter school and how to utilize the offerings of a charter school.

(B) At least annually, the department shall provide upon request a directory of all charter schools authorized under this chapter with information concerning the educational goals of each charter school, the success of each charter school in meeting its educational goals, and procedures to apply for admission to each charter school.

(C) The department shall bear the cost of complying with this section.

SECTION 59-40-155. Orientation programs for board members and administrators.

(A) Within one year of taking office, all persons elected or appointed as members of a charter school board of trustees after July 1, 2006, shall complete successfully an orientation program in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, instructional programs, school finance, school law, ethics, and community relations. The

1.8. (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for mentally retarded persons or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe school shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within 45 calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs; and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school

setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with any other school district having schools located within a 45 mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within 60 days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within 60 days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available

at the school district office) and any other records necessary for the appropriate placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received on a child.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	OF THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2010-CP-40-4017
The Board of Trustees for [on behalf of] The School District of Fairfield County,	)	
Plaintiff,	)	AFFIDAVIT OF BELVA BUSH
v.	)	
The State of South Carolina, the South Carolina General Assembly, Chester County School District, Fairfield County Treasurer and the State of Department of Education,	)	
Defendants.	)	

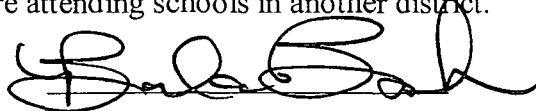
I, Belva Bush, being duly sworn, do depose and say as follows:

1. I am the Attendance specialist for the Fairfield County School District.
2. I have been provided with a list prepared by Chester County School District entitled "2011-12 Fairfield Student Listing," which I understand to be Chester County School District's list of students who reside in Fairfield County but attend school in Chester County.

3. The list has 166 names, broken down by grade as follows:

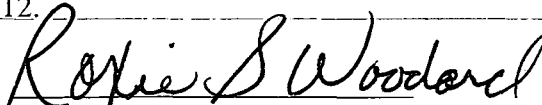
Pre-K	6	6	5
K	14	7	10
1	12	8	11
2	9	9	25
3	9	10	18
4	13	11	14
5	11	12	9

4. I have reviewed the list, and based on my familiarity with the area and my review of tax and other records of the two counties, I believe six of the students actually live in Chester County. I cannot verify this for certain because under the local law these students were not required to obtain releases from this school district before attending schools in another district.



Sworn to and subscribed before me this 4 day of June 2012.

My commission expires June 16, 2012


Notary Public for South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,

C.A. No. 2010-CP-40-4017

Plaintiff,

AFFIDAVIT OF
DR. LAURENS W. FORT, JR.

vs.

State of South Carolina, Chester County
School District, Fairfield County Treasurer,
and State Department of Education,

Defendant.

PERSONALLY APPEARED BEFORE ME Laurens W. Fort, Jr., who being first
duly sworn, deposes and says as follows:

1. I am 70 years of age and am a lifelong resident of the Great Falls
community. I currently am an elected member of the Chester County School District Board of
Trustees.

2. I attended Great Falls schools my entire school career and graduated from
Great Falls High School. In March 1947, I was in the second grade at Great Falls Elementary
School. That school year students from the Mitford community began attending Great Falls
schools. Mitford area students have attended Great Falls schools continuously since 1947.

AFFIANT FURTHER SAYETH NAUGHT.

SWORN TO BEFORE ME THIS 3
DAY OF January, 2011

Deborah K. Little
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 4-19-2011

Laurens W. Fort, Jr.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,)

C.A. No. 2010-CP-40-4017

Plaintiff,)

AFFIDAVIT OF ANNA STROUD

vs.)

State of South Carolina, Chester County
School District, Fairfield County Treasurer,
and State Department of Education,)

Defendant.

PERSONALLY APPEARED BEFORE ME Anna Stroud, who being first duly
sworn, deposes and says as follows:

1. I am over eighteen years of age, and I have personal knowledge of the facts
and circumstances set forth in this Affidavit.

2. I am currently employed as Director of Finance with the Chester County
School District and have served in this capacity for 7 years.

3. In my position, I have reviewed financial records related to the attendance of
Mitford area students in the Great Falls schools. In 1974, the Fairfield County School District
began making an annual payment to the Chester County School District for the Mitford area
students. This payment, the amount of which varied over the years, was made annually through
the 2008 fiscal year. Fairfield County School District did not make a payment in fiscal year
2009, which corresponds to the 2009-10 school year.

AFFIANT FURTHER SAYETH NAUGHT

Anna B. Stroud

SWORN TO BEFORE ME THIS 3rd
DAY OF January, 2011

Thomas W. Jackson
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 1/13/2017

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County)
School District,)

Plaintiff,)

vs.)

State of South Carolina, Chester County)
School District, Fairfield County)
Treasurer, and State Department of)
Education,)

Defendants.

C.A. No. 2010-CP-40-4017

**SUPPLEMENTAL AFFIDAVIT OF
ANNA STROUD**

PERSONALLY APPEARED BEFORE ME Anna Stroud, who being first duly sworn,
deposes and says as follows:

1. I am over eighteen years of age, and I have personal knowledge of the facts and
circumstances set forth in this Affidavit.

2. I am currently employed as the Director of Finance with the Chester County
School District and have served in this capacity for eight years.

3. Attached hereto as Exhibit A are true and correct copies of the invoices prepared
on behalf of the Chester County School to the Treasurer of Fairfield County for school years
2009-10, 2010-11, and 2011-12, pursuant to S.C. Code § 59-63-485.

4. Based on the School District of Fairfield County's Financial Statement for the
year ended June 30, 2011, applying the formula set forth in § 59-63-485, Fairfield County School
District's per pupil local revenue was \$8,875, which amount is more than two times that of
Chester County School District's, \$3,452 per pupil local revenue amount for the same year. The
School District of Fairfield County receives as local revenue approximately \$9,000 for the same

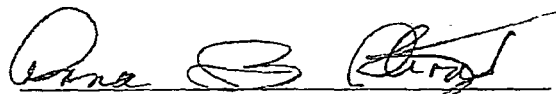
pupil that Chester County School District educates for approximately \$3,500, under § 59-63-485. Attached as Exhibit B is a worksheet I prepared reflecting this calculation.

5. Attached as Exhibit C is a worksheet I prepared reflecting the Chester County School District's local cost per student at the District's schools serving the students from the Mitford area of Fairfield County for fiscal year 2011, i.e., 2010-11 school year. The District's local funds expended on the Mitford students were:

- Great Falls Elementary: \$5,580 per student
- Great Falls Middle School: \$6,178 per student
- Great Falls High School: \$7,368 per student.

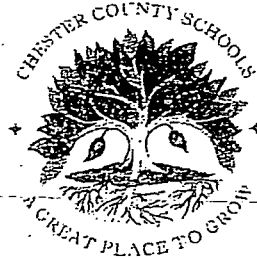
The average per pupil expenditures from local funds for the Mitford students was \$6,375 for fiscal year 2011. This amount is higher than the reimbursement rate established under § 59-63-485.

AFFIANT FURTHER SAYETH NAUGHT.


Anna Stroud

SWORN TO BEFORE ME THIS 15th
DAY OF June, 2012


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 1/13/2019



Invoice Number
2010R291

Invoice Date
6/18/2010

Invoice Amount
\$692,549

CHESTER COUNTY SCHOOL DISTRICT
109 HINTON STREET
CHESTER, SC 29706

BILL TO:

Fairfield County Treasurer
Post Office Box 7
Winnsboro, SC 29180

REMIT TO:

Chester County School District
109 Hinton Street
Chester, SC 29706

For questions regarding this invoice contact Anna Stroud 803-581-9524

School Year: 2009-2010

Fiscal Year 2009 Local Revenue	\$13,615,402
Fiscal Year 2009 State Property Tax Reimbursements	<u>\$6,166,665</u>
Fiscal Year 2009 Total Local Revenue Pursuant to Act	\$19,782,067
Fiscal Year 2009 Student Enrollment	5,590
Fiscal Year 2009 Local Revenue Per Pupil	\$3,539
Fiscal Year 2010 Inflation Factor	103%
Fiscal Year 2010 Local Revenue Per Pupil	\$3,645
Fiscal Year 2010 Students Enrolled from Fairfield	190
Fiscal Year 2010 Payment Amount	\$692,549

Payment Due Date
June 30, 2010



Invoice Number
2011R291

Invoice Date
1/3/2011

Invoice Amount
\$554,706

CHESTER COUNTY SCHOOL DISTRICT
109 HINTON STREET
CHESTER, SC 29706

BILL TO:

Fairfield County Treasurer
Post Office Box 7
Winnsboro, SC 29180

REMIT TO:

Chester County School District
109 Hinton Street
Chester, SC 29706

For questions regarding this invoice contact Anna Stroud 803-581-9524

School Year: 2010-2011

Fiscal Year 2010 Local Revenue	\$12,354,097
Fiscal Year 2010 State Property Tax Reimbursements	<u>\$6,024,306</u>
Fiscal Year 2010 Total Local Revenue Pursuant to Act	\$18,378,403
Fiscal Year 2010 Student Enrollment	5,324
Fiscal Year 2010 Local Revenue Per Pupil	\$3,452
Fiscal Year 2011 Inflation Factor	103%
Fiscal Year 2011 Local Revenue Per Pupil	\$3,556
Fiscal Year 2011 Students Enrolled from Fairfield	156
Fiscal Year 2011 Payment Amount	\$554,706

Payment Due Date
February 15, 2011



Invoice Number
2012R291

Invoice Date
2/22/2012

Invoice Amount
\$591,448

CHESTER COUNTY SCHOOL DISTRICT
109 HINTON STREET
CHESTER, SC 29706

BILL TO:

Fairfield County Treasurer
Post Office Box 7
Winnsboro, SC 29180

REMIT TO:

Chester County School District
109 Hinton Street
Chester, SC 29706

For questions regarding this invoice contact Anna Stroud 803-581-9524

School Year: 2011-2012

Fiscal Year 2011 Local Revenue	\$12,341,775	
Fiscal Year 2011 State Property Tax Reimbursements	\$6,029,847	
Fiscal Year 2011 Total Local Revenue Pursuant to Act	\$18,371,622	
Fiscal Year 2011 Student Enrollment	5,311	
Fiscal Year 2011 Local Revenue Per Pupil	\$3,459	
Fiscal Year 2012 Inflation Factor	103%	
Fiscal Year 2012 Local Revenue Per Pupil	\$3,563	
Fiscal Year 2012 Students Enrolled from Fairfield	166	
Fiscal Year 2012 Payment Amount		\$591,448

**Payment Due:
Upon Receipt**

FAIRFIELD COST PER STUDENT BASED ON LOCAL LEGISLATION

Fiscal Year 2011 Local Revenue	\$20,793,618
Fiscal Year 2011 State Property Tax Reimbursements	\$4,705,446
Fiscal Year 2011 Total Local Revenue Pursuant to Act	\$25,499,064
Fiscal Year 2011 Student Enrollment	2,873
Fiscal Year 2011 Local Revenue Per Pupil	\$8,875
Fiscal Year 2012 Inflation Factor	103%
Fiscal Year 2012 Local Revenue Per Pupil	\$9,141
Fiscal Year 2012 Students Enrolled from Fairfield	166
Fairfield's cost for Mitford Students	\$1,517,423

SCHOOL DISTRICT OF FAIRFIELD COUNTY
WINNSBORO, SOUTH CAROLINA

Schedule A-2

GENERAL FUND

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE -
REVISED BUDGET AND ACTUAL

YEAR ENDED JUNE 30, 2011

	REVISED BUDGET	ACTUAL	VARIANCE
REVENUES			
1000 Revenues from Local Sources:			
1200 Revenue from Local Governmental Units Other than LEAs:			
1210 Ad Valorem Taxes-Including Delinquent (Dependent)	\$ 19,350,000	20,448,056	\$ 1,098,056
1240 Penalties & Interest on Taxes (Dependent)	100,000	164,742	64,742
1280 Revenue in Lieu of Taxes (Independent and Dependent)	80,000	78,728	(1,272)
1500 Earnings on Investments:			
1510 Interest on Investments	45,000	49,633	4,633
1900 Other Revenue from Local Sources:			
1910 Rentals	(61)	1,097	1,158
1950 Refund of Prior Year's Expenditures	-	7,183	7,183
1990 Miscellaneous Local Revenue:			
1999 Revenue from Other Local Sources	10,000	44,179	34,179
Total Revenue from Local Sources	19,584,939	20,793,618	1,208,679
2000 Intergovernmental Revenue:			
2100 Payments from Other Governmental Units	28,000	34,671	6,671
Total Intergovernmental Revenue	28,000	34,671	6,671
3000 Revenue from State Sources:			
3100 Restricted State Funding:			
3129 Consolidated Funding	95,185	95,185	-
3130 Special Programs:			
3131 Handicapped Transportation	-	1,320	1,320
3160 School Bus Driver's Salary (Includes Hazardous Condition Transportation)	251,042	350,234	99,192
3161 Transportation Workers' Compensation	-	2,524	2,524
3162 Transportation Workers' Compensation	26,194	26,194	-
3180 Fringe Benefits Employer Contributions (No Carryover Provision)	1,839,850	1,839,850	-
3181 Retiree Insurance (No Carryover Provision)	618,817	618,817	-
3197 Textbook Cost Savings	-	58,147	58,147
3199 Other Restricted State Grants	-	8,592	8,592
3300 Education Finance Act:			
3310 Full-Time Programs:			
3311 Kindergarten	244,199	292,131	47,932
3312 Primary	699,598	660,646	(38,952)
3313 Elementary	976,599	904,707	(71,892)
3314 High School	229,697	267,732	38,035
3315 Trainable Mentally Handicapped	28,148	32,155	4,007
3316 Speech Handicapped (Part-Time Program)	381,819	329,451	(52,368)
3317 Homebound	\$ 10,624	18,715	\$ 8,091

SCHOOL DISTRICT OF FAIRFIELD COUNTY
WINNSBORO, SOUTH CAROLINA

Schedule A-2

GENERAL FUND

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE -
REVISED BUDGET AND ACTUAL

YEAR ENDED JUNE 30, 2011

	REVISED BUDGET	ACTUAL	VARIANCE
3320 Part-Time Programs:			
3321 Emotionally Handicapped	\$ 70,176	54,259	\$ (15,917)
3322 Educable Mentally Handicapped	19,397	15,950	(3,447)
3323 Learning Disabilities	372,524	347,630	(24,894)
3324 Hearing Handicapped	16,640	32,791	16,151
3325 Visually Handicapped	23,412	25,325	1,913
3326 Orthopedically Handicapped	9,575	3,308	(6,267)
3327 Vocational	764,248	617,561	(146,687)
3330 Other EFA Programs:			
3331 Autism	19,464	17,657	(1,807)
3800 State Revenue in Lieu of Taxes:			
3810 Reimbursement for Local Residential Property Tax Relief (Tier 1)	1,400,000	1,395,634	(4,366)
3820 Homestead Exemption (Tier 2)	639,000	631,665	(7,335)
3825 Reimbursement for Property Tax Relief (Tier 3)	2,500,000	2,500,000	-
3830 Merchant's Inventory Tax	30,000	34,568	4,568
3840 Manufacturers Depreciation Reimbursement	-	15,263	15,263
3890 Other State Property Tax Revenues (Includes Motor Carrier Vehicle Tax)	120,000	128,316	8,316
Total Revenue from State Sources	11,386,208	11,326,327	(59,881)
4000 Revenue from Federal Sources:			
4900 Other Federal Sources:			
4992 U.S. Forest Commission Revenues	-	55,715	55,715
4999 Revenue from Other Federal Sources	-	55	55
Total Revenue from Federal Sources	-	55,770	55,770
TOTAL REVENUE ALL SOURCES	30,999,147	32,210,386	1,211,239

EXPENDITURES

100 Instruction:

110 General Instruction:

111 Kindergarten Programs:

100 Salaries

768,819

705,804

63,015

200 Employee Benefits

246,251

216,577

29,674

400 Supplies and Materials

6,203

5,696

507

112 Primary Programs:

100 Salaries

1,441,587

1,470,423

(28,836)

200 Employee Benefits

436,593

458,602

(22,009)

300 Purchased Services

31,706

14,841

16,865

400 Supplies and Materials

33,192

31,012

2,180

500 Capital Outlay

\$ 2,031

1,676

\$ 355

(Continued)

FISCAL YEAR 2010-11
 DISTRICT #: 20-01
 DISTRICT SUMMARY FOR FAIRFIELD 01

135-DAY PUPIL ACCOUNTING REPORT

F174B121

CURRENT DATE: 05/12/11

SFA CATEGORY	PK	K	1	2	3	4	5		
KINDERGARTEN	0	30,909	0	0	0	0	0		
PRIMARY	0	0	24,405	22,009	26,868	0	0		
ELEMENTARY	0	0	0	0	0	24,115	26,942		
HIGH SCHOOL	0	0	0	0	0	0	0		
EDUCABLE MENTALLY	0	0	0	0	0	0	134		
LEARNING DISABILITIES	0	0	49	645	1,310	1,575	2,329		
TRAINABLE MENTALLY	0	0	405	0	0	0	405		
EMOTIONALLY HD	0	0	82	0	429	110	786		
ORTHOPEDICALLY HD	0	0	0	0	0	135	0		
VISUALLY HANDICAPPED	405	135	135	0	135	135	135		
AUTISM	0	0	0	135	0	135	135		
HEARING HANDICAPPED	0	135	270	0	0	135	405		
SPEECH HANDICAPPED	0	4,813	3,534	2,701	2,712	3,438	2,968		
HOMESOUND	0	0	31	0	0	0	4		
VOCATIONAL 1	0	0	0	0	0	0	0		
VOCATIONAL 2	0	0	0	0	0	0	0		
VOCATIONAL 3	0	0	0	0	0	0	0		
TOTAL	405	35,992	28,962	25,491	31,454	29,773	34,243		
ADM	3.00	266.61	214.53	198.82	232.99	220.53	253.65		

DAYS ABSENT	32	1,117	895	675	1,052	894	584		
DAYS PRESENT	373	34,875	28,067	24,816	30,402	28,884	33,659		
ADA	2.76	258.33	207.90	183.82	225.20	213.96	249.33		

SFA CATEGORY	6	7	8	9	10	11	12	TOTAL	ADM
KINDERGARTEN	0	0	0	0	0	0	0	30,909	228.96
PRIMARY	0	0	0	0	0	0	0	73,283	542.84
ELEMENTARY	25,051	26,034	22,325	0	0	0	0	124,457	921.98
HIGH SCHOOL	0	0	0	13,315	6,226	3,019	6,901	29,461	218.23
EDUCABLE MENTALLY	0	111	135	135	0	343	403	1,251	9.34
LEARNING DISABILITIES	1,884	1,819	3,229	3,763	4,093	4,298	2,436	27,481	203.56
TRAINABLE MENTALLY	404	135	270	270	135	9	135	2,168	16.06
EMOTIONALLY HD	135	0	187	830	453	550	86	3,658	27.10
ORTHOPEDICALLY HD	0	0	0	0	0	0	76	211	1.56
VISUALLY HANDICAPPED	270	5	0	0	0	0	0	1,355	10.04
AUTISM	0	0	0	0	0	270	270	945	7.00
HEARING HANDICAPPED	270	0	0	135	0	270	135	1,755	13.00
SPEECH HANDICAPPED	2,019	810	401	270	135	0	0	23,851	176.67
HOMESOUND	240	99	77	270	218	132	155	1,226	9.08
VOCATIONAL 1	0	0	0	9,127	15,234	9,858	9,809	44,063	326.43
VOCATIONAL 2	0	0	0	1,270	3,269	8,873	4,637	13,049	133.70
VOCATIONAL 3	0	0	0	270	270	2,004	1,137	3,731	27.64
TOTAL	30,273	29,013	25,624	29,655	30,033	29,666	26,290	387,879	2,873.13
ADM	224.24	216.91	197.21	219.67	222.47	219.75	194.74	2,873.13	

DAYS ABSENT	1,018	14	81	241	108	169	300	7,162	
DAYS PRESENT	29,255	28,999	25,543	29,414	29,925	29,497	25,990	380,717	
ADA	216.70	214.81	196.61	217.88	221.67	218.50	192.52	2,820.13	

**GREAT FALLS AREA SCHOOLS
2011 FY LOCAL EDUCATIONAL COSTS**

	Great Falls Elementary	Great Falls Middle	Great Falls High
Enrollment - Based on 135th Day			
Average Daily Membership (ADM)	330	212	289
Expenditures			
General Fund (Local) Expenditures	1,841,239	1,309,769	2,129,239
Cost per Student			
Local Funds	5,580	6,178	7,368

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Board of Trustees for the Fairfield County
School District,

Plaintiff,

vs.

State of South Carolina, Chester County
School District, Fairfield County
Treasurer, and State Department of
Education,

Defendants.

C.A. No. 2010-CP-40-4017

**AFFIDAVIT OF
TRESSA HARRINGTON**

PERSONALLY APPEARED BEFORE ME Tressa Harrington, who being first duly sworn, deposes and says as follows:

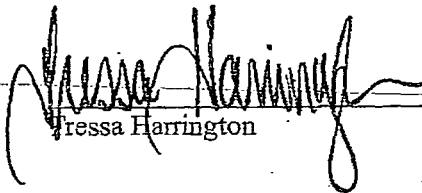
1. I am over eighteen years of age, and I have personal knowledge of the facts and circumstances set forth in this Affidavit.
2. I am currently employed as the Attendance Supervisor with the Chester County School District and have served in this capacity since August of 2007.
3. I lived in the Great Falls community for over thirty years, attended Great Falls elementary, middle and high schools with Mitford area students, and I attend church in Mitford.
4. In my position with the Chester County School District, I have reviewed and am knowledgeable of the attendance zones for Great Falls elementary, middle, and high schools, which include the Mitford area, and I have been involved in discussions relating to the Mitford area students attendance at the Great Falls schools over the past five years.
5. Attached hereto as Exhibit A is a true and correct copy of the map on file with the Fairfield County Clerk of Court, reflecting the area of Fairfield County zoned for student attendance at the Great Falls schools of the Chester County School District. This map

establishing the Mitford area attendance zone for the Great Falls schools was filed with the Fairfield County Clerk of Court in 1972.

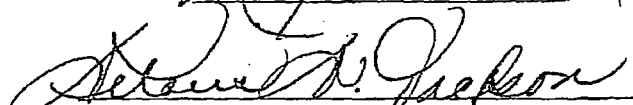
6. Attached hereto as Exhibit B is a true and correct copy of the Chester County School District's attendance zones, reflecting the inclusion of the Mitford area in the attendance zone for the Great Falls schools.

7. Approximately 100-200 students from the Mitford area have been attending the Great Falls schools at no cost to the students or their families, including free bus transportation, for more than four decades. The Mitford area is closely identified with the Town of Great Falls and the Great Falls and Mitford communities are economically and socially intertwined. The residents of the Mitford area have for generations attended the Great Falls schools. Further, I have personally determined that the students in the Mitford area attendance zone reside closer to the Great Falls schools than to any of the Fairfield County School District's schools. It would be disruptive to the Mitford area students and their families, as well as to the Mitford and Great Falls communities, for the students to be required to attend the Fairfield County School District's schools.

AFFIANT FURTHER SAYETH NAUGHT.


Tressa Harrington

SWORN TO BEFORE ME THIS 29th
DAY OF May, 2012


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 1/13/2019

Mar 20 1978

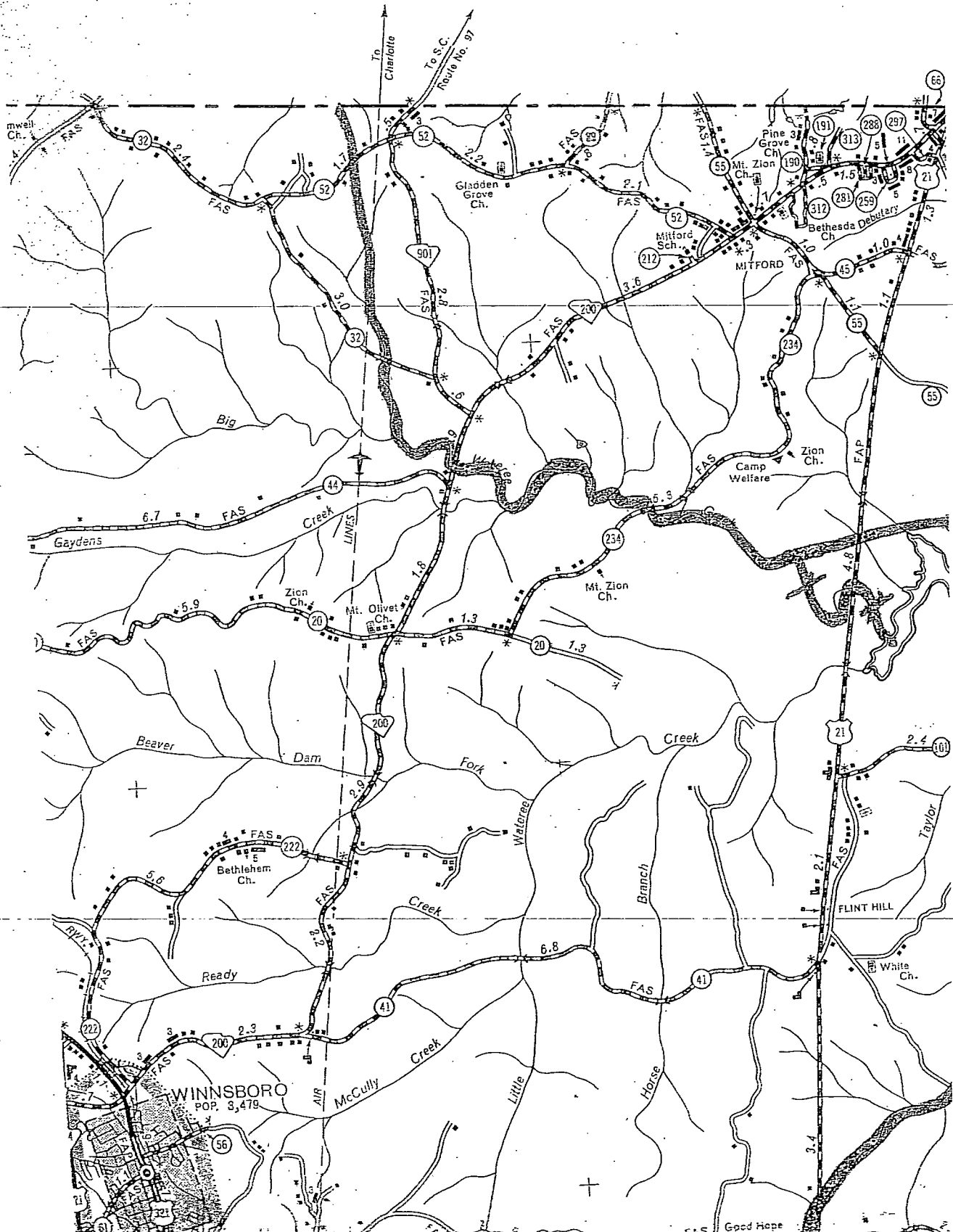
CLERK OF COURT
E. F. CONNOR
FAIRFIELD COUNTY, S. D.

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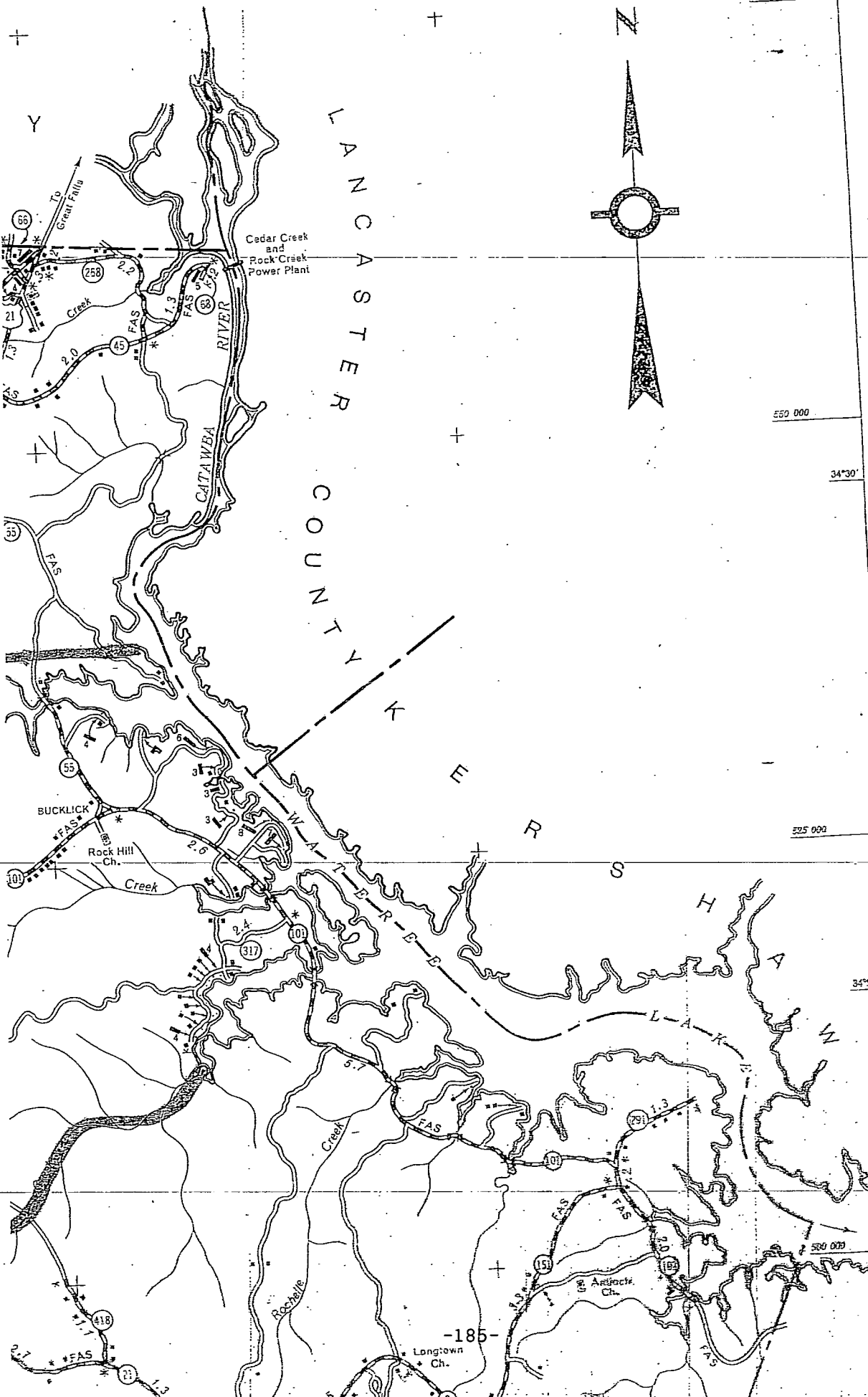
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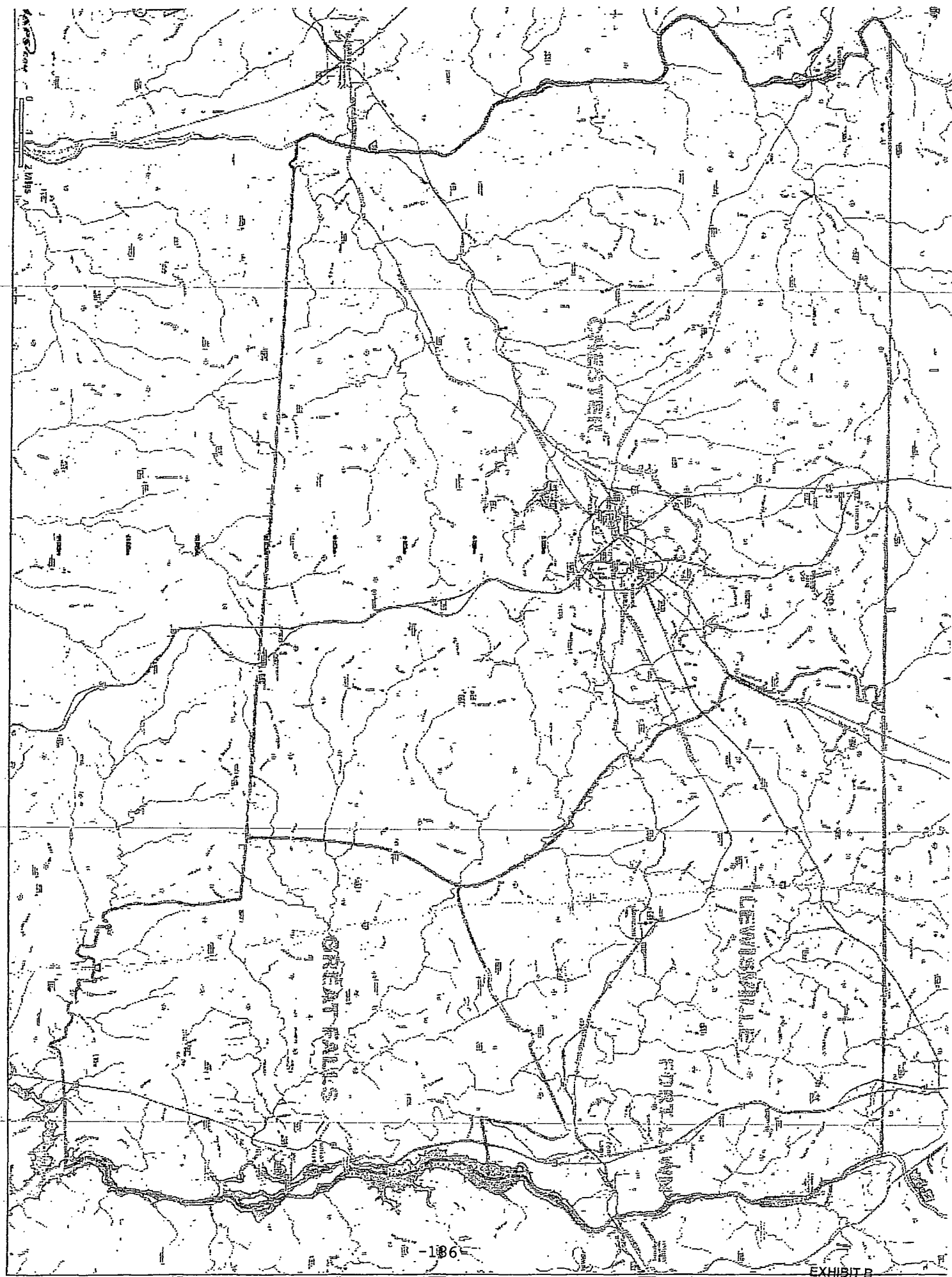
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

ORIGINAL FILED

AUG 18 1970

ROCK HILL DIVISION

MILLER C. FOSTER, JR., CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

Civil Action No. 70-608

FAIRFIELD COUNTY SCHOOL DISTRICT,)
and A. L. GOFF, Superintendent of)
Schools, Fairfield County School)
District, South Carolina,)

O R D E R

Defendants.)

This is an action brought by the Attorney General of the United States pursuant to Section 407 of the Civil Rights Act of 1964 to require the desegregation of the public schools of the Fairfield County School District. Jurisdiction is vested in this Court under the provisions of 28 U.S.C. §1345 and 42 U.S.C. §2000c-6.

Fairfield County School District operates a county wide system of public schools, enrolled in which are approximately 5,462 students, of whom about 3,905, or 71.5%, are black. The district operates presently under a freedom of choice desegregation plan which, while producing some degree of desegregation in the formerly all white schools, has produced no desegregation in the formerly all black schools. The schools presently operated, their grade levels, and the enrollment statistics are as follows:

<u>School</u>	<u>Grades</u>	<u>Enrollment</u>		
		W	N	T
Winnsboro High	8-12	634	91	725
Fairfield High	8-12	0	761	761
McCrorey-Liston High	K-12	0	934	934
Gordon Elementary	1-7	0	971	971
Mt. Zion Elementary	1-7	349	80	429
Geiger Elementary	1-7	0	423	423
Everette Elementary	1-7	363	8	371
Kelley Miller	1-7	0	250	250
White Hall Elementary	1-7	0	216	216
Ridgeway Elementary	1-7	135	13	148
Mitford Elementary	1-7	0	127	127
Greenbriar Elementary	1-7	76	31	107
Fairfield Vocational	11-12	98	122	220

J. R. M. Jr.
#1.

Just prior to the institution of this suit, a proposed desegregation plan was suggested for Fairfield County by the Division of Equal Educational Opportunities, U. S. Office of Education, Department of Health, Education and Welfare. After the institution of this suit, pursuant to an Order of this Court, a substantially similar desegregation plan was proposed by other personnel of the same agency. Since there is no substantial difference between the two plans, they will be referred to collectively as the HEW Plan in this Order.

Under the authority of Green v. New Kent County, 391 U. S. 430 (1969), and Alexander v. Holmes County, 396 U.S. 19 (1969), I find that the freedom of choice desegregation plan presently used by the defendant to be inadequate to meet its requirements under the law and the Constitution. Accordingly, it is the duty of this Court to order the implementation of a desegregation plan which will meet those requirements.

After hearing arguments of counsel representing the Plaintiff and the Defendant School District, it is ORDERED, ADJUDGED and DECREED that the HEW Desegregation Plan, as modified herein, be ordered implemented at the beginning of the 1970-71 school year. Such plan, as modified, is as follows:

PUPIL DESEGREGATION

1. The County will be zoned and the schools will be paired so that the following schools and grade levels will be operated by the District:

Winnsboro High School	Grades 8-12
McCrorey-Liston School	Grades K-12
Gordon Elementary	Grades K-3
Everette Elementary	Grades K, 4-5
Mt. Zion Elementary	Grades K, 6-7
White Hall Elementary	Grades 1-7
Kelley-Miller	Grades 1-5
Greenbriar Elementary	Grades 6-7
Geiger Elementary	Grades 1-5
Ridgeway Elementary	Grades 6-7
Fairfield Vocational	Grades 11-12

G. R. mjr.
#2.

2. The zone line proposed by the HEW Plan will separate the McCrorey-Liston and White Hall Schools from the rest of the County. This zone line appears on the map attached to the HEW Plan filed with the Court. In addition, as proposed by the HEW Plan, the Defendant will draw a zone line between McCrorey-Liston and White Hall separating the students in grades 1 through 7 between these two schools according to capacity; another zone line will be established between Kelley Miller and Greenbriar, and Ridgeway and Geiger on the one hand and Gordon, Everette and Mt. Zion on the other hand; and a third zone line will be established between Kelley Miller and Greenbriar on the one hand and Ridgeway and Geiger on the other hand.

3. The zone lines separating McCrorey-Liston and White Hall, and the zone lines separating Mt. Zion, Gordon and Everette on the one hand from Kelley Miller and Greenbriar and from Ridgeway and Geiger, and the zone line separating Kelley Miller and Greenbriar from Ridgeway and Geiger will be drawn according to the capacities of the schools involved.

4. Mitford Elementary School will be closed and the students presently attending such school will be given the choice, with transportation to be furnished, either to attend a school in Fairfield County or to attend school at Great Falls in Chester County; provided, however, (a) that a notice will be sent to the parents of each child enrolled in the Mitford School area that they have such a choice and that transportation will be furnished in either case; (b) that the school to which such child may be sent in the Great Falls area must be ^adesegregated school; (c) that a copy of the notice given to the parents of each child in Mitford School be furnished to the Department of Justice; (d) that satisfactory arrangements be concluded between Fairfield County

J. R. m. g.
#3.

and Chester County School District on the tuition involved and the desegregated education of each child involved; and (e) if ~~these conditions are not met, the children in this area will be~~ zoned into Winnsboro High School, Gordon, Everette or Mt. Zion Elementary Schools, as may be appropriate to their grade level, in accordance with the provisions of the HEW Plan.

5. In lieu of operating the Fairfield School for grades 8 and 9 and Winnsboro High School for grades 10 through 12 for their respective attendance zones, as proposed by the HEW Plan, Winnsboro High School will be operated for grades 8 through 12 for the combined Winnsboro-Fairfield attendance zone on the following basis:

- (a) Winnsboro High School will operate on an extended session with ten (10) class periods per day, each student in grades ten, eleven and twelve attending five consecutive periods or more, depending on the schedule selected.
- (b) Fairfield School will be utilized (approximately 13 teaching stations) for teaching English and mathematics to eighth and ninth grade students, each such student spending approximately one half day at Fairfield for these subjects.
- (c) Eleventh and twelfth grade students electing to take vocational subjects will attend the Vocational School, spending such time there as is necessary for such subjects.
- (d) The extended session at Winnsboro High School and the sending of all eighth and ninth grade students to Fairfield for one half day and the vocational students

J. A. mg.
#4.

to the Vocational School will permit the capacity of
Winnsboro High School to accommodate all of the students.

(e) ~~Fairfield School would also be utilized, to the extent~~
of about five teaching stations, for special education
classes.

(f) This arrangement would last only until the new Fairfield
Junior High School which is presently under construction,
is completed, or not longer than the 1971-72 school year.

(g) This arrangement, already recommended by the State
Department of Education, is subject to such standards
as may be required by and final approval of said De-
partment.

6. Students who will be senior high school students for
the 1970-71 school year will be given a choice as to which high
school they wish to attend.

7. If the School District grants transfers to students
living in the district for their attendance at public schools
outside the district, or if it permits transfers into the
district of students who live outside the district, it shall do
so on a nondiscriminatory basis, except that it shall not
consent to transfers where the cumulative effect will reduce
desegregation in either district or reenforce the dual school
system.

8. The school district shall be prohibited from maintain-
ing any classroom, non-classroom, or extracurricular activity
on a segregated basis, so that no student is effectively ex-
cluded from attending any class or participating in any non-
classroom or extracurricular activity on the basis of race,
color or national origin.

J. R. M. Jr.
#5.

FACULTY DESEGREGATION

The school board shall announce and implement the following policies:

1. The principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. The district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same ratio as to the teachers and other staff, respectively in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

2. Staff members who work directly with children and professional staff who work on the administration level will be hired, assigned, promoted, paid, demoted, dismissed and otherwise treated without regard to race, color or national origin, except to the extent necessary to correct discrimination.

3. If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable nondiscriminatory standards from among all the staff of the school district. In addition, if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color or national origin different from that of the individual dismissed

J. R. M. Jr.
#2.

or demoted until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of nonracial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee.

"Demotion" as used above includes any reassignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonable current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

MISCELLANEOUS

1. The transportation system shall be completely re-examined regularly by the superintendent, his staff, and the school board. Bus routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a nonsegregated and otherwise nondiscriminatory basis.

2. The size and location of new school buildings and additions to existing buildings can significantly affect de-

J. R. m. Jr.
#2

segregation now and in the future.

All school construction, school consolidation, and site selection (including the location of any temporary classrooms) in this system shall be done in a manner which will prevent the recurrence of the dual school structure once this desegregation is implemented.

REPORTS TO THE COURT

The Defendant school district shall file a report with the Court on October 15, 1970, and March 15, 1971, and each year thereafter until the Court otherwise orders, with copies served on the United States, including the following:

1. The school district shall state the racial composition of each school in the system, including the number of students and teachers by race, grade, and classroom assigned to each school in the system.

2. The Defendant school district shall state the number of requests and the results which have accrued, by race, under the majority to minority transfer provision.

3. The school district shall state the number of inter-district transfers granted, the race of the students who were granted such transfers, and the school district to which the transfers were allowed.

4. The school district shall state whether the school board has sold or abandoned any school facility, equipment or supplies having a total value of more than \$500.00 since this Court's Order and identify the same.

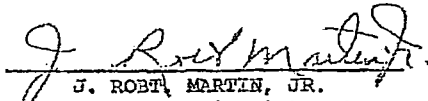
The Court reserves determination of student transfer policy from a minority to a minority school until after consideration of a supplemental memorandum of legal authorities

J. R. M. Jr.
#8

to be filed forthwith by the United States of America. After consideration of the memorandum the Court will file its supplemental order dealing with the issue of student transfers.

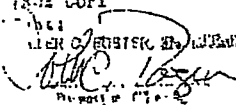
AND IT IS SO ORDERED.

#9.


J. ROBT. MARTIN, JR.
United States District Judge

Greenville, South Carolina

August 17, 1970

12-12 COPY
1971
CLERK OF DISTRICT COURT

RECEIVED

MINUTES FAIRFIELD COUNTY BOARD OF SCHOOL TRUSTEES

March 20, 1973

The Board of Trustees met at Fairfield Junior High School. Mr. Henry Sims, Principal, gave the Board of Trustees a tour of the building. Mr. Sims provided a full course meal for the Board which was enjoyed by all.

I. Meeting called to order by Chairman.

Members present: Ragsdale, Small, Leviner, Seibles, Mills, Magill, Yarborough

Reception of Guest:

Mrs. Frances Barnett, Director of Child Care Center, made a presentation on the Child Care Center located in the old Fairfield High School.

II. Approval of Minutes.

III. Approval of Claims.

IV. Superintendent's Reports:

- (1) Title I for 1973 - The Board approved the following schools to be Title I schools:

Elementary -- Winnsboro Area (Gordon, Mt. Zion, and Everett)
Ridgeway Area (Ridgeway and Geiger)

Middle School -- Fairfield Junior High

High School -- McCrorey-Liston

- ✓ (2) Mitford Area discussed and the following motion was made and unanimously approved.

✓ In reference to Mitford Area: Fairfield County agree to pay Chester County \$25,000 per year for three years beginning with first payment to be paid on or before December 31, 1973; provided the bill setting up the Mitford district is repealed prior to this date with option to renew for three years at the same price.

- (3) In reference to the Lever child attending a special education class in Richland School District #1 the Board voted to pay \$200.00 tuition to School District #1 for 1972-1973 school term.

- (4) Staff recommendations approved (see attached).

- (5) All request for use of facilities approved.

The Board gave permission to St. John A.M.E. Church to tear down frame building adjoining church that apparently belongs to the school district.

V. Meeting adjourned.

Respectfully submitted:

Claude H. Ragsdale, Jr.

Claude H. Ragsdale, Jr., Chairman

Arthur L. Goff

Arthur L. Goff, Executive Secretary

MINUTES FAIRFIELD COUNTY BOARD OF SCHOOL TRUSTEES

April 17, 1973

The Board of Trustees met at Gordon Elementary School. Mr. Evans, Principal, gave the Board a brief tour of the building prior to the meeting.

I. Meeting called to order by Chairman.

Members present: Ragsdale, Leviner, Seibles, McGriff, Magill, Yarborough, Mills

II. Reception of Guest:

Mr. Jim Bull, Director of Fairfield County Recreation Commission, was present and made several requests and they were approved as follows:

- (1) Use Everett Cafeteria on April 28, 1973.
- (2) Use the athletic fields at Greenbrier and McCrory Liston for 1973 summer program.
- (3) Develop baseball field at Geiger.
- (4) Use old Fairfield Gym; provided details of agreement are worked out.

III. Approval of Minutes.

IV. Approval of Claims.

V. Superintendent's Reports:

- (1) Correspondence with Chester County read and they have accepted our offer to pay Chester County \$25,000 for three years with option to renew for three years.
- (2) Board approved resolution of commendation for Winnsboro High School basketball team.
- (3) Fairfield County Council approved \$6,000 for Child Care Center.
- (4) Hardware at Junior High School. Board approved Palmetto Hardware's proposal to correct the problem.
- (5) Staff recommendations approved. (See attached)
- (6) Budget for 1973-1974 presented and explained. Motion by Mills, seconded by Seibles, to present the budget as presented to Board of Trustees to County Council and request 20 mill increase for 1973-74. Voting "YES" - Mills, Magill, McGriff, Seibles; "NO" - Leviner.
- (7) Use of facilities approved except Reverend Lassiter from Virginia requesting to use Everett Auditorium.

VI. Meeting adjourned.

Respectfully submitted:

Claudette Ragsdale Jr.

Claude E. Ragsdale, Jr., Chairman

Arthur L. Goff

Arthur L. Goff, Executive Secretary

Descriptor Term: ADMISSION OF MITFORD AREA STUDENTS	Descriptor Code: JBCAB	Issued Date: 5/87
	Rescinds:	Issued:

Those students living in the former Mitford district of Fairfield County shall be considered resident students of the Chester County School District.

Under a renewable three-year agreement with Fairfield County, Fairfield County shall pay to the Chester County School District of lump sum of \$25,000 annually for providing public education to students in the Mitford area.

The Mitford area shall be part of the Great Falls attendance area for purposes of school assignment.

Adopted prior to 1974; Revised 3/7/87

School District of Chester County, Chester, S.C.



The School District of Fairfield County

P.O. DRAWER 622
1226 U. S. HIGHWAY 321 BY-PASS SOUTH
Winnsboro, South Carolina 29180

PHONE: (803) 635-4607
Fax (803) 635-4173

RECEIVED
SUPERINTENDENT'S
OFFICE

November 8, 2007

NOV 15 2007

Dr. Larry Heath, Superintendent
Chester County School District
109 Hinton Street
Chester, S.C. 29806

Dear Dr. Heath:

We are in receipt of an invoice in the amount of \$25,000 due to Chester County School District. This invoice is for students from Fairfield's Mitford area to attend Chester County Schools.

Please be advised that Fairfield School District does not see the need to pay this invoice. It is our belief that all students legally residing in the boundaries of Fairfield County attend Fairfield Schools. If you can provide any additional information I need to review concerning this issue, please forward to my attention.

We do not wish to disrupt the educational process of those students this year. However, we do expect those students residing in the Mitford area of Fairfield County to attend Fairfield Schools beginning with the 2008-2009 school year.
If you have any questions, please contact me at 635-4607 ext. 305.

Sincerely,

Samantha Ingram, Ph.D.
Superintendent

Pf/sde

cc: Dr. Phil Flynn, Deputy Superintendent for Academics
Ms. Jannette Henry-Davenport, Deputy Superintendent for Human Resource Services
Ms. Annie Crandle, Assistant Superintendent for School Improvement



THE SCHOOL DISTRICT OF CHESTER COUNTY

109 HINTON STREET
CHESTER, SOUTH CAROLINA 29706

LARRY B. HEATH
SUPERINTENDENT

April 22, 2009

Ms. Catherine Kennedy, Chair
Fairfield County School District Board of Trustees
Post Office Drawer 622
Winnsboro, South Carolina 29180

Dear Ms. Kennedy:

Pursuant to my meeting with you and Ms. McDaniel on March 31st, you agreed that the Fairfield County School District would pay the Chester County School District \$50,000 for the Mitford area students; the \$50,000 represents payments (\$25,000 each) that were not made for the 2007-2008 and the 2008-2009 school years. You further agreed that you would talk with your Board of Trustees about subsequent payments for the Mitford area students that would be commensurate with the tuition we charge out of county students, which is \$2,300 per student. We agreed that it would be reasonable to expect a payment of \$100,000 for the 2009-2010 school year; \$200,000 for the 2010-2011 school year, and \$2,300 for each student from Fairfield County that attends Chester County Schools for the 2011-2012 school year.

We further discussed that the Chester County School District would reevaluate costs at the end of three years to determine future tuition costs per student. It was further agreed that it would probably be reasonable to reassess these costs every three years thereafter to ensure that the Chester County School District is being adequately compensated for the educational costs for the Mitford area students.

Please let me know your school board's decision on our discussion of the Mitford area students. I would greatly appreciate an answer no later than Wednesday, April 29, 2009, so that our district administration can move forward with budget planning for the 2009-2010 school year. Thank you for your attention to this matter.

Yours truly,

Richard P. Hughes, M.D.
Chair, Chester County Board of School Trustees

c: Ms. Annie McDaniel, Fairfield County School District Board of Trustees
Dr. Samantha Ingram, Superintendent, Fairfield County School District
Mr. Larry Heath, Superintendent, Chester County School District



House of Representatives

State of South Carolina

H. Boyd Brown
District No. 41 - Fairfield-Chester Counties
P. O. Box 26
Winnsboro, SC 29180

532-A Blatt Building
Columbia, SC 29211

Tel. (803) 212-6789

BoydBrown@schouse.org

Committee:
Agriculture, Natural Resources
and Environmental Affairs

May 13, 2009

Ms. Jill Cincotta
School District of Fairfield County
Post Office Drawer 622
Winnsboro, South Carolina 29180

Ms. Cincotta:

Please find attached the letter expressing the agreement reached between Fairfield County and Chester County School Districts. While this is not a binding agreement, the hard numbers are the proof in the pudding that our school board's leadership wanted to move forward with extending our agreement with the School District of Chester County.

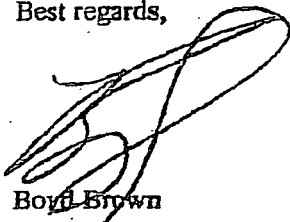
While this may be an unpopular move in the eyes of administrators and board members, those in disagreement with this arrangement should understand that their education and future does not hang in the balance. The lives of children, and a decades long agreement are affected by this expressed agreement, and while those children may attend school in Chester County, they are still the children of Fairfield County and our future relies on giving these students the best we can offer. In this case, allowing 130 students, to attend schools in their own community, though not in our county, is more important than many of the costs our school board expends in the district.

Furthermore, this legislation does not call for the near \$13,000 we spend per pupil in Fairfield County, it only calls for a maximum of \$2300 to be expended per pupil over the next three years, and those dollars are not county funds, but are the state and federal dollars that are expended to the children. Therefore, if the concern of the School District is money, and not the children, the School Board does not only need to reevaluate their priorities, but do the math as well. In case they don't want to trouble themselves with that, keeping the children in district would cost \$1,690,000 per year as opposed to the \$100,000 this year, \$200,000 next year and \$299,000 every year after that, as that is how much \$2300 per student would cost each year.

Finally, I apologize for not being in touch with you today, I will call you as soon as we get a break in session. Mr. Scott Price with the South Carolina School Boards Association has approached me about this today, and I told him I would look into delaying this legislation until next week, so we can have a meeting about this. However, when this meeting does happen, I will expect a plan derived by the school board that sounds better than the plan we have now, as the future of 130 students hinges on this measure.

I look forward to discussing this with you in the very near future.

Best regards,



Boyd Brown

*Scott Price will be
in contact to setup a
meeting. Should have called
you already.*

CREIGHTON B. COLEMAN
SENATOR, CHESTER, FAIRFIELD,
UNION, AND YORK COUNTIES
SENATORIAL DISTRICT 17

COMMITTEES:
CORRECTIONS AND PENOLOGY
FISH, GAME, AND FORESTRY
GENERAL
JUDICIARY



SENATE ADDRESS:
513 GRESSETTE BUILDING
POST OFFICE BOX 142
COLUMBIA, SC 29202
TEL: (803) 212-6180
FAX: (803) 212-6299
E-MAIL: CREIGHTONCOLEMAN
@SCSENATE.GOV

HOME OFFICE ADDRESS:
PO BOX 1006
WINNSBORO, SC 29180

April 7, 2010

VIA HAND DELIVERY

Annie McDaniel, Chairwoman
Fairfield County School District
1226 US Hwy 321 By-Pass South
PO Drawer 622
Winnsboro, SC 29180

RECEIVED
SUPERINTENDENT'S
OFFICE

APR 13 2010

Dear Ms. McDaniel:

I am in receipt of your March 17, 2010, letter with regard to my request to meet with the school board.

My intent to meet with the school board is not to discuss the current legislation that is currently being analyzed by the U.S. Justice Department or to discuss the SACS issue. These issues are in the proper authorities hands and the chips will fall where they may. It was my intention to look forward in a positive light for the betterment of the children of the Fairfield County School District.

One issue that must be resolved in the near future is the career center and the fact the walls are separating from the building which creates a health hazard. This has been the case for years and must be addressed before someone is injured or killed. From my understanding the portables behind the Middle School are in terrible shape and are dangerous. This must be addressed.

Secondly, the matter with regard to the Mitford students attending the Great Falls Schools and the compensation thereof needs to be resolved within the next several weeks. In case you do not remember, attached is the letter from Dr. Hughes, Chairman of Chester County School Board, documenting your agreement with the Chester County School Board. When Fairfield County School Board did not act upon this agreement, the Fairfield County Legislative Delegation introduced local legislation to fairly compensate Chester County School Board for educating Fairfield County children. Because of subsequent meetings between the Fairfield County Delegation and the Fairfield County School Board, the delegation agreed to pull the local legislation so that the two (2) school boards could meet and resolve the matter. As stated many times, the delegation has never wanted to be involved in this matter, or any other school matter, but when compelled the delegation will act in a manner that is best for the students of Fairfield County. To this date, there has been no resolution and Fairfield County School Board has not contacted the delegation as to any efforts to resolve this important issue. Consequently, if this matter is not resolved in the next two (2) weeks the delegation will move forward with legislation to reasonably compensate Chester County School District pursuant to local legislation and your agreement.

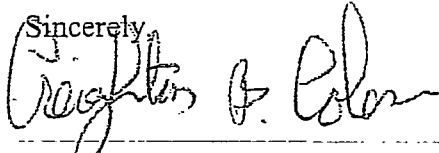
Annie McDaniel, Chairwoman

April 7, 2010

Page 2

We appreciate your immediate attention and cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Creighton B. Coleman".

Creighton B. Coleman

CBC/kbc

cc: Representative Boyd Brown
Dr. Patrice Robinson, Superintendent
Dr. Rick Hughes, Chairman Chester School District



BOARD OF TRUSTEES
The School District of Fairfield County
1226 US Highway 321 By-Pass South
Post Office Drawer 622
Winnsboro, South Carolina 29180

May 21, 2010

Board Members

Ms. Annie E. McDaniel
Chairperson
District 4

Mr. Rickey Johnson
Vice-Chairperson
District 5

Ms. Marchella Pauling
Secretary
District 6

Ms. Catherine F. Kennedy
District 1

Mr. Henry Miller
District 3

Ms. Danielle Miller
District 2

Ms. Polly Parker
District 7

Superintendent

Patrice Robinson, Ph. D.
Superintendent

The Honorable Creighton B. Coleman
Senator, Fairfield County Legislative Delegation
P.O. Box 1006
Winnsboro, South Carolina 29180

Re: Response to your letter dated April 7, 2010

Dear Senator Coleman:

This letter is to acknowledge receipt of your correspondence dated April 7, 2010 regarding your concerns about the career center, Fairfield Middle School and the students in the Mitford area that attend Chester County schools.

With respect to your concerns about the walls at the Career Center and the portables behind the Middle School, I presented your letter to the board at our April 13, 2010 board meeting and at our May 18, 2010 board meeting we agreed that we will be happy to meet with you regarding these concerns. Please note that these are not executive session items. Our next scheduled board meeting is June 1, 2010. We can meet with you at that time or if you will present two alternate dates, we will try to accommodate one of the dates so that we can address these concerns expeditiously.

With respect to the students in the Mitford area of Fairfield County who attend the Great Falls schools in Chester County School District, The School District of Fairfield County Board of Trustees never reached an agreement with Dr. Hughes regarding this issue. Dr. Hughes' April 22, 2009 correspondence cannot be considered documentation of an agreement, as it references a meeting with only two (2) members of our seven (7) member Board of Trustees, and acknowledges that a final and official action had not been taken by the Board of Trustees.

Furthermore, Ms. Catherine Kennedy, former Chair of the Board of Trustees subsequently sent a letter to Dr. Hughes on June 4, 2009, reminding him that no agreement, formal or informal, was reached at the referenced meeting and the Board of Trustees determined that all transfers should be processed in accordance with South Carolina law governing students transferring to another district. (Please see attached letter) As you may recall, you were carbon-copied on the June 4, 2009 correspondence to Dr. Hughes. Thus, in accordance with South Carolina law, students that wished to attend Great Falls schools for the 2009-2010 school year, petitioned the Board and were subsequently released by the Board. The Petition for release and the notification sent to student's parents regarding the Board's decision put all parties on notice that the District does not pay tuition for students desiring to attend schools out of the District. Therefore, as far as the Board was concerned, this matter was resolved in accordance with the law.



The Honorable Creighton B. Coleman
May 21, 2010
Page Two

I regret to hear that you feel the need to move forward with unprecedented legislation requiring our District to pay another school district tuition for students who voluntarily and independently chose to attend schools in another district. However, should you have additional questions, please feel free to contact me.

Sincerely,

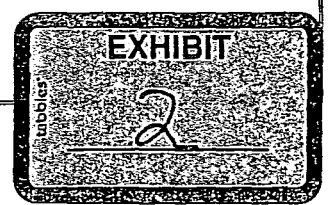
Annie E. McDaniel,
Board Chair

cc: The Honorable Boyd Brown
Dr. Patrice Robinson, Superintendent
Dr. Rick Hughes, Chairman, Chester County School District Board of Trustees
Fairfield County School District Board of Trustees

CHESTER COUNTY SCHOOL DISTRICT

GENERAL FUND BUDGET

FISCAL YEAR 2011-2012



**CHESTER COUNTY SCHOOL DISTRICT
PROPOSED GENERAL FUND BUDGET
FISCAL YEAR 2011 - 2012
FINAL**

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
REVENUES:				
1000 Revenue from Local Sources:				
Projected local revenue for FY 2012 is conservative based FY 2011 current year to date collections and balance of unpaid 2010 property tax. The projection is based on a 90% collection rate at 182.2 mills. Fee in Lieu revenue has been reduced due to the closing of local industries.				
1100 Taxes Levied/Assessed by the LEA:				
1110 Levies for Current Operations	10,540,206	10,270,914	10,052,861	(218,053)
1140 Delinquent Taxes	850,000	850,000	700,000	(150,000)
1200 Revenue From Local Governmental Units Other Than LEA's:				
1280 Revenue in Lieu of Taxes	2,123,433	1,667,011	1,348,022	(318,989)
1300 Tuition:				
1320 Regular Day School Other LEA's	0	600,000	500,000	(100,000)
1500 Earnings on Investments:				
1510 Interest on Investments	125,000	75,000	25,000	(50,000)
1900 Other Revenue from Local Sources:				
1910 Rentals	5,000	5,000	3,000	0
1950 Refund of Prior Year Expenditures	115,188	105,000	125,000	20,000
1999 Miscellaneous Revenue	0	0	54,000	54,000
Total Local Sources	13,758,827	13,572,925	12,807,883	(763,042)

2000 Intergovernmental Revenue

Projected Intergovernmental Revenue is calculated based on the contractual agreement signed during the 2011 Fiscal Year. This charter school allocation is calculated by a formula established by the South Carolina Department of Education.

2200 Payments from Charter Schools				
2215 Academy of Teaching and Learning	353,361	290,424	170,058	(120,366)
Total Intergovernmental Sources	353,361	290,424	170,058	(120,366)

3000 Revenue from State Sources:

Revenue from State Sources include General Appropriations from the State of South Carolina and State Revenue in Lieu of Taxes. The Revenue in Lieu of Taxes represent funds which are used to offset local tax dollars and are guaranteed through State Legislation with the exception of Manufacturers Depreciation Reimbursement and Other State Property Taxes. Manufacturers Depreciation Reimbursement and Other State Property Taxes are based upon actual assessed value during the year.

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Increase (Decrease)
3100 Education Improvement Act				
3160 School Bus Driver's Salary	331,338	331,338	276,968	(54,370)
3162 Bus Driver's Worker's Compensation	30,974	30,974	28,000	(2,974)
3180 Fringe Benefits Employer Cont.	4,419,132	4,130,497	4,331,424	200,927
3181 Retiree Insurance	705,659	642,556	781,965	139,409
3300 Education Finance Act	11,648,946	8,812,182	10,028,585	1,216,403
EFA reflects Base Student Cost as recommended by the South Carolina House of Representatives.				
3800 State Revenue in Lieu of Taxes:				
3810 Reimbursement for Local Property Tax Relief	2,027,221	2,027,221	2,027,221	0
3820 Homestead Exemption	930,853	930,853	930,853	0
3821 Homestead Exemption II	2,500,000	2,500,000	2,500,000	0
3830 Merchant's Inventory Tax	123,446	123,446	123,446	0
3840 Manufacturers Depreciation Reimbursement	453,185	435,000	348,121	(86,879)
3890 Other State Property Tax Revenues	132,000	132,000	110,000	(22,000)
Total State Sources	23,302,754	20,096,067	21,486,583	1,390,516

5000 Other Financing Sources:

Other Finance Sources are allowable transfers from Other Special Revenue Sources. The EIA transfers represent State funding to help offset the cost of teacher salaries and fringe benefits. The Indirect Cost transfers are allowable charges to offset the cost of services provided to Other Special Revenue Programs.

5230 Transfer from Special Revenue - EIA	787,860	700,000	786,277	86,277
5280 Transfer from Special Revenue - Indirect cost	200,000	175,000	160,000	(15,000)
Total Other Financing Sources	987,860	875,000	946,277	71,277
Total Revenue All Sources	38,402,802	34,834,416	35,410,801	578,385
Fund Balance Assigned to Balance Budget	0	500,000	1,052,519	552,519
Total Revenue and Fund Balance	38,402,802	35,334,416	36,463,320	1,130,904

EXPENDITURES:

Instructional line item expenditures are based on an average class size ratio of 23:1 for grades K - 3, and 25:1 in grades 4 - 12.

In general instructional line item expenditures have been reduced for FY 2012; however, a few line items increased based on adjusted State Maintenance of Effort Requirements and reduced Other Special Revenue Funding.

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
100 Instruction				
110 General Instruction				
111 Kindergarten Programs:				
100 Salaries	766,072	851,094	925,508	74,414
200 Employee benefits	240,887	266,159	329,680	63,521
	1,006,959	1,117,253	1,255,188	137,935
112 Primary Programs:				
100 Salaries	1,919,260	2,248,443	2,343,980	95,537
200 Employee benefits	596,157	705,097	787,449	82,352
400 Supplies and materials	136,822	89,006	78,780	(10,226)
	2,652,239	3,042,546	3,210,209	167,663
113 Elementary Programs:				
100 Salaries	4,745,235	4,844,789	4,330,705	(514,084)
200 Employee benefits	1,415,447	1,502,178	1,385,402	(116,776)
300 Purchased Services	285,000	285,000	285,000	0
400 Supplies and materials	83,390	54,460	47,544	(6,916)
	6,529,072	6,686,427	6,048,651	(637,776)
114 High School Programs:	Salaries were transferred to the new State Funding Source reducing this line item.			
100-Salaries	4,065,936	3,766,855	3,559,734	(207,121)
200 Employee benefits	1,351,252	1,213,486	1,268,399	54,913
400 Supplies and materials	274,800	173,956	144,164	(29,792)
500 Capital outlay	0	0	0	0
	5,691,988	5,154,297	4,972,297	(182,000)
115 Vocational Programs:				
100 Salaries	996,474	1,021,044	957,576	(63,468)
200 Employee benefits	282,069	288,518	305,882	17,364
300 Purchased services	0	0	0	0
400 Supplies and materials	77,483	50,364	46,490	(3,874)
500 Capital outlay	0	0	0	0
	1,356,026	1,359,926	1,309,948	(49,978)

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
120 Exceptional Programs:				
121 Educable Mentally Handicapped:				
100 Salaries	339,780	213,300	291,965	78,665
200 Employee benefits	113,661	74,572	88,438	13,866
	453,441	287,872	380,403	92,531
122 Trainable Mentally Handicapped:				
100 Salaries	115,291	109,037	107,373	(1,664)
200 Employee benefits	42,017	34,961	42,849	7,888
	157,308	143,998	150,222	6,224
123 Orthopedically Handicapped:				
100 Salaries	9,085	9,085	9,085	0
200 Employee benefits	1,866	1,866	1,967	101
300 Purchased services	0	0	0	0
	10,951	10,951	11,052	101
124 Visually Handicapped:				
300 Purchased services	28,000	0	0	0
	28,000	0	0	0
125 Hearing Handicapped:				
100 Salaries	13,796	14,089	17,503	3,419
200 Employee benefits	2,823	2,394	3,790	896
	16,619	16,983	21,293	4,315
126 Speech Handicapped:				
100 Salaries	306,062	305,954	288,334	(17,620)
200 Employee benefits	93,846	94,354	98,174	3,820
	399,908	400,308	386,508	(13,800)
127 Learning Disabilities:				
100 Salaries	860,084	481,267	557,315	76,048
200 Employee benefits	186,266	148,618	185,338	36,720
	1,046,350	629,885	742,653	112,768
128 Emotionally Handicapped:				
100 Salaries	127,988	146,029	139,461	(6,568)
200 Employee benefits	40,401	44,138	48,063	3,925
300 Purchased services	0	0	0	0
	168,389	190,167	187,524	(2,643)
137 Preschool Handicapped Self Contained:				
100 Salaries	104,742	70,015	65,959	(4,056)
200 Employee benefits	33,267	13,892	17,934	(958)
	138,009	83,907	83,893	(5,014)

2012 BUDGET
FINAL

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
139 Four Year Old Early Childhood:				
100 Salaries	16,741	0	0	0
200 Employee benefits	13,507	0	0	0
	30,248	0	0	0
140 Special Programs:				
141 Gifted and Talented:				
100 Salaries	0	0	0	0
200 Employee benefits	12,418	12,666	14,509	1,843
	12,418	12,666	14,509	1,843
145 Homebound:				
100 Salaries	60,000	60,000	60,000	0
200 Employee benefits	12,324	12,324	12,990	666
300 Purchased services	27,100	27,100	26,100	(1,000)
	99,424	99,424	99,090	(334)
161 Autism				
100 Salaries	47,030	48,104	39,900	(8,204)
200 Employee benefits	11,577	15,357	25,637	10,330
400 Supplies and materials	0	0	0	0
	58,607	63,461	65,537	2,126
180 Adult Education Programs				
181/182 Adult Education				
200 Employee benefits	0	0	0	0
400 Supplies and materials	5,000	3,250	3,000	(250)
	5,000	3,250	3,000	(250)
Total Instruction:				
Total Current Expenditures	19,860,956	19,308,321	18,942,032	(366,289)
Total Capital Outlay	0	0	0	0
Total Instruction	19,860,956	19,308,321	18,942,032	(366,289)

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
200 Supporting Services:				
210 Pupil Services:				
211 Attendance and Social Work:				
100 Salaries	64,634	69,795	66,795	(3,000)
200 Employee benefits	25,043	24,104	25,846	1,742
300 Purchased services	1,500	1,500	2,300	800
400 Supplies and materials	2,700	2,700	1,900	(800)
500 Capital outlay				0
	93,877	98,099	96,841	(1,258)
212 Guidance:				
100 Salaries	571,348	575,006	581,745	6,739
200 Employee benefits	182,984	180,499	190,441	9,942
	754,332	755,505	772,186	16,681
213 Health:				
100 Salaries	160,977	122,630	152,295	29,665
200 Employee benefits	53,828	51,730	49,611	(2,119)
	214,805	174,360	201,906	27,546
214 Psychologist:				
100 Salaries	95,496	88,760	102,023	13,263
200 Employee benefits	25,352	25,357	34,560	9,203
300 Purchased services	40,000	0	0	0
	160,848	114,117	136,583	22,466
220 Instructional Staff Services:				
221 Improvement of Instruction:				
100 Salaries	106,706	138,996	159,544	20,548
200 Employee benefits	35,661	46,762	53,752	6,990
300 Purchased services	108,000	102,000	99,000	(3,000)
400 Supplies and materials	25,700	23,700	23,700	0
500 Capital outlay	0	0	0	0
600 Other objects	9,400	8,400	8,400	0
	285,467	319,858	344,396	24,538
222 Educational Media:				
100 Salaries	558,328	530,562	501,604	(28,958)
200 Employee benefits	173,452	171,393	167,722	(3,671)
400 Supplies and materials	0	0	0	0
	731,780	701,955	669,326	(32,629)
223 Supervision of Special Programs:				
100 Salaries	115,038	110,243	115,374	5,131
200 Employee benefits	34,080	34,020	36,152	2,132
	149,118	144,263	151,526	7,263

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
230 General Administration Services:	Reporting of casualty insurance premiums increase function 600. Reduction shown in Maintenance.			
231 Board of Education:				
200 Employee benefits	458,683	0	459,747	459,747
300 Purchased services	163,772	140,773	178,572	37,799
400 Supplies and materials	2,000	2,000	2,000	0
500 Capital outlay	0	0	0	0
600 Other objects	198,956	42,000	256,941	214,941
	823,411	184,773	897,260	712,487
232 Office of Superintendent:				
100 Salaries	181,968	183,000	263,000	80,000
200 Employee benefits	46,806	54,228	84,496	30,268
300 Purchased services	8,000	3,000	4,000	(4,000)
400 Supplies and materials	4,500	9,500	9,500	0
500 Capital outlay	0	0	0	0
600 Other objects	7,000	7,000	8,000	1,000
	248,274	261,728	368,996	107,268
233 School Administration:				
100 Salaries	2,353,029	2,208,450	2,201,176	(7,274)
200 Employee benefits	732,785	673,626	716,475	42,849
	3,085,814	2,882,076	2,917,651	35,575
250 Finance and Operations Services:				
252 Fiscal Services:				
100 Salaries	285,522	285,522	285,522	0
200 Employee benefits	85,450	87,800	91,040	3,240
300 Purchased services	48,100	50,100	48,375	(1,725)
400 Supplies and materials	14,000	14,000	14,000	0
500 Capital outlay	0	0	0	0
600 Other objects	3,500	3,500	3,500	0
	436,572	440,922	442,437	1,515
253 Facilities				
325 Facilities Rental	0	0	54,000	54,000
	0	0	54,000	54,000

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
254 Operations and Maintenance of Plant:	Function reduced due to reporting of casualty insurance costs. \$40000 added for electric expenses.			
100 Maintenance Salaries	492,832	473,759	494,180	20,421
119 Custodial Salaries	371,910	275,520	132,029	(143,491)
200 Maintenance Employee benefits	159,190	156,876	171,363	14,487
219 Custodial benefits	154,499	109,307	62,497	(46,810)
300 Maintenance Purchased services	1,355,750	1,066,202	1,271,790	205,588
319 Custodial Contract	1,235,133	1,243,226	1,331,000	87,774
400 Maintenance supplies and materials	1,207,333	870,971	1,318,531	447,560
419 Custodial supplies and materials	0	0	0	0
500 Capital outlay	0	0	0	0
	<u>4,976,647</u>	<u>4,195,861</u>	<u>4,781,390</u>	<u>585,529</u>
255 Pupil Transportation:				
100 Salaries	908,726	873,726	872,813	(913)
200 Employee benefits	363,185	350,094	384,559	34,465
300 Purchased services	48,100	48,100	43,000	(5,100)
400 Supplies and materials	11,500	11,500	11,800	300
500 Capital outlay	0	0	0	0
	<u>1,331,511</u>	<u>1,283,420</u>	<u>1,312,172</u>	<u>28,752</u>
256 Food Service:				
200 Employee benefits	225,312	225,312	242,754	17,442
	<u>225,312</u>	<u>225,312</u>	<u>242,754</u>	<u>17,442</u>
257 Internal Services:				
100 Salaries	134,940	124,848	124,848	0
200 Employee benefits	40,645	33,562	32,906	(656)
300 Purchased services	226,107	187,000	140,500	(46,500)
400 Supplies and materials	9,000	10,000	15,000	5,000
500 Capital outlay	0	0	0	0
600 Other objects	1,000	1,000	1,000	0
	<u>411,692</u>	<u>356,410</u>	<u>314,254</u>	<u>(42,156)</u>
258 Security Purchased Services:				
300 Purchased services	187,100	167,500	153,300	(14,200)
400 Supplies and materials	30,000	10,000	25,000	15,000
	<u>217,100</u>	<u>177,500</u>	<u>178,300</u>	<u>800</u>
263 Information Services:				
100 Salaries	0	0	0	0
200 Employee benefits	0	0	0	0
300 Purchased services	4,000	29,000	29,000	0
400 Supplies and materials	4,000	4,000	4,000	0
600 Other objects	500	500	500	0
	<u>8,500</u>	<u>33,500</u>	<u>33,500</u>	<u>0</u>

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
264 Human Resources:				
100 Salaries	159,053	174,860	174,860	0
200 Employee benefits	52,306	61,753	64,937	3,184
300 Purchased services	14,000	16,000	14,200	(1,800)
400 Supplies and materials	5,200	5,200	4,200	(1,000)
500 Capital outlay	0	0	0	0
600 Other objects	0	0	800	800
	230,559	257,813	258,997	1,184
266 Data Processing Services:				
100 Salaries	289,787	271,651	271,651	0
200 Employee benefits	86,241	85,503	97,614	12,111
300 Purchased services	927,543	406,700	320,800	(85,900)
3ER Erate funded purchased services	148,000	148,000	148,000	0
400 Supplies and materials	73,500	73,500	73,500	0
500 Capital outlay	0	0	0	0
600 Other objects	500	500	250	(250)
	1,525,576	985,854	911,815	(74,039)
270 Supporting Services Pupil Activity:				
271 Pupil Services Activities:				
100 Salaries	293,549	291,494	294,570	3,076
200 Employee benefits	60,295	59,873	63,771	3,898
300 Purchased Services	75,000	0	68,000	68,000
	428,844	351,367	426,341	74,974
Total Support :				
Total Current Expenditures	16,340,039	13,944,693	15,512,631	1,567,938
Total Capital Outlay	0	0	0	0
Total Support	16,340,039	13,944,693	15,512,631	1,567,938

	2009-2010 Approved	2010-2011 Approved	2011-2012 Budget	Budget Increase (Decrease)
500 Debt Service				
610 Redemption of Principal	0	0	11,250	11,250
620 Interest	60,000	75,000	51,250	(23,750)
	60,000	75,000	62,500	(12,500)
Total Debt Service:				
Total current Expenditures	60,000	75,000	62,500	(12,500)
Total Debt Service	60,000	75,000	62,500	(12,500)
700 Transfers				
412 Transfer to Charter School	2,141,807	2,006,402	1,946,159	(60,243)
Total Transfers				
Total current Expenditures	2,141,807	2,006,402	1,946,159	(60,243)
Total Transfers	2,141,807	2,006,402	1,946,159	(60,243)
Total Expenditures:				
Current:				
General Instruction	19,860,956	19,308,321	18,942,032	(366,289)
Support Services	16,340,039	13,944,693	15,512,631	1,567,938
Community Services	0	0	0	0
Capital Outlay	0	0	0	0
Debt Service	60,000	75,000	62,500	(12,500)
Transfers	2,141,807	2,006,402	1,946,159	(60,243)
Total Expenditures	38,402,802	35,334,416	36,463,322	1,128,906

School Trustees Await Bond Sale Minus Funds

Chester County School Trustees find themselves without funds for use on construction of the new Chester Senior High School while they await final legislative action to clear a county bond sale that would allow for about a quarter-million dollars for use on the project.

Superintendent of Education E.W. Nunnery, Jr. informed Trustees at their Monday night meeting that the district had no funds available to use for further construction of the new facility along the 72 By-Pass. Board Chairman Fred A. Triplett added, "We've made a lot of progress on construction, but we have no money to finish the job."

What Trustees have been working to avoid for over a year now has come to pass, and that is funds not available on time to complete the job. The culprit is slow legislative action to amend the Milford Attendance Area law that allowed taxes to be levied in Fairfield County so that students in the Milford area could attend Great Falls schools. This particular act, it is reported, has thrown a monkey wrench in working out legal matters with bonding

cleared the House of Representatives. However, School Board Attorney John Reid Justice informed trustees that Rep. John Porter Gaston, Jr. had informed him Friday that he was scheduled to meet yesterday with bonding attorneys on Tuesday of this week to work out legal

technicalities needed to allow the bonds to be issued.

The move toward getting additional funds started early in 1972 when the School Board, realizing its current ceiling of bonded indebtedness had been reached and additional funds would be needed to complete construction on the new school,

requested the county delegation to pass legislation that would raise the debt ceiling. However, no action was taken on the request. The School District finally abandoned its request and then worked with the County Board of Directors to allow the School District to loan money from the

county's sale of bonds to finish construction of the new building. However, the bond sale is being held up until technicalities are cleared to the satisfaction of the bonding company.

The major delay in the bond issuance has been an agreement reached between the Fairfield County and Chester County School Boards last year that provides for the creation of an attendance area for the Great Falls schools that dips into the Milford section of Fairfield County and allows residents of that area to be taxed to allow their children to attend schools at Great Falls.

However, a new agreement is now being worked whereby the act would be amended and, instead, Fairfield County would pay Chester County School District the sum of \$25,000 annually for three years, provided the district attendance bill is repealed.

Triplett and Nunnery have worked toward reaching an agreement with the Fairfield Board, and noted Monday evening that Fairfield trustees had been asked by Sen. John Martin to pay the \$25,000 annual tuition covering some 340 Fairfield County students now

FOUR SECTIONS - 46 PAGES

News and Reporter

1973 *

WEDNESDAY, APRIL 4, 1973

CHESTER, SOUTH CAROLINA

There should be records in 1972 of the agreement

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City Hears Resident's

What Trustees have been working to avoid for over a year now has come to pass, and it is funds not available on hand to complete the job. The spirit is slow legislative action to amend the Milford Attendance Area law that owed taxes to be levied in Fairfield County so that students in the Milford area could attend Great Falls schools. This particular act, it reported, has thrown a monkey wrench in working out legal matters with bonding authorities employed by the county of Chester to sell some \$10,000 in general obligation bonds to be loaned to the county School District.

The bill to amend this act is said to be held pending in the State Senate after having

Reporter

WEDNESDAY, APRIL 4, 1973

CHESTER, SOUTH CAROLINA

City Hears Resident's Complaint On Crosswalk

Chester City Council's Monday night was devoted to regular monthly session primarily to concentrate on a

request issued by Larry Estes of 184 Columbia Street who was present for the meeting.

Estes complained to Councilmen about the school crosswalk located directly in front of his home on Columbia Street. Children using the crosswalk were continually walking across his lawn and destroying his shrubbery. Estes said, and he requested that the crosswalk be moved further down the street, to the Hinton street intersection or further up the street, thus removing it from the front of his yard.

Estes remarked further that he had contacted the city police, and school board on the subject and that he felt he was being given "the run around" on the matter because neither

(Continued on Page 18-A)

whereby the act would be amended and, instead, Fairfield County would pay Chester County School District the sum of \$25,000 annually for three years, provided the district attendance bill is repealed.

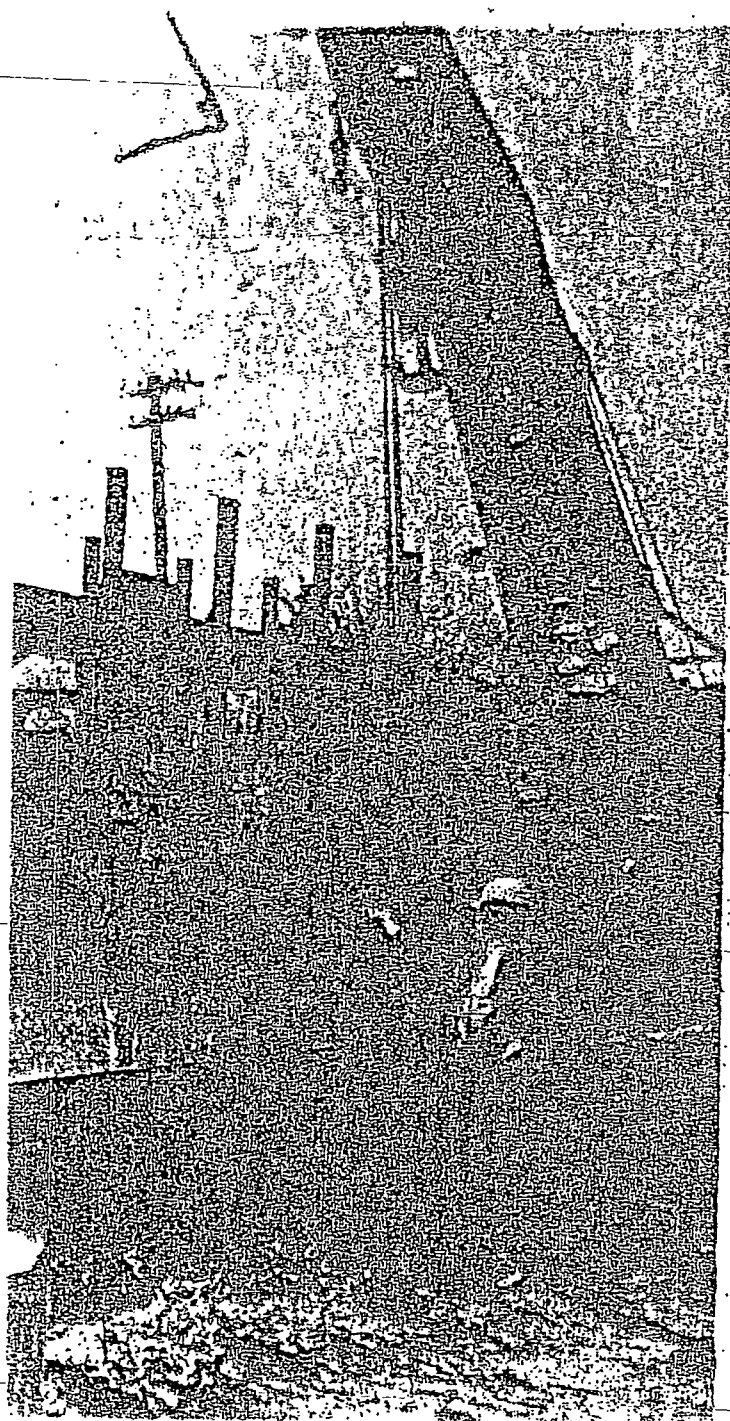
Triplett and Numery have worked toward reaching an agreement with the Fairfield Board, and noted Monday evening that Fairfield trustees had been asked by Sen. John Martin to pay the \$25,000 annual tuition covering some 340 Fairfield County students now attending Great Falls schools. Mr. Triplett, reading a letter written to the Fairfield Trustees, said to avoid any possible misunderstanding, the first payment expected by Chester County would be payable December of this year to cover the 1972-73 school year, and calls on Fairfield Trustees to authorize that county's treasurer to make funds available to Chester County on an annual basis. He said further that this action is being taken to help speed up the activity so as to allow the School Board to do all that it can to prevent further delays in the anticipated bond sale, hoping that this agreement will help clear the situation.

Roxville Township Trustee Ephraim Jackson informed newer trustees that Milford area students have been attending the Great Falls schools for a number of years, but that Fairfield County has paid only

(Continued on Page 18-A)



Opposition Forms



up Operation

lift boxcars onto tracks where possible. 20-
 (Some of the damaged trucks shown)

Trustees-

(Continued from Page 1-A)
 \$2,000 each year in past years. He estimated that this amount was paid for some 10 years, although it was out of line with the per-pupil expenditure paid by Chester County for its students. Jackson did note, however, that Fairfield County did raise its payment to \$15,000 last year.

District Four Trustee John Brantley asked if the new payment of \$25,000 would be in line with Chester County's current per-pupil expenditure, and was told by Mr. Triplett that it would not be. "Really, this is very low, and it's not something we can take pride in on a per-pupil basis," he said. "But, it is in line with what they (Fairfield County) pays per pupil in their schools and we do get some state subsidies by having the students in our county schools. Another point to be taken is that if we didn't have these students at Great Falls, we would most likely have to close one of our schools there because the attendance would not justify keeping it open otherwise," he concluded.

Reid-

(Continued from Page 1-A)

The NEWS & REPORTER

CONSOLIDATION Mitford students in the mix of discussion

By Nancy Parsons

Tuesday, February 10, 2009 at 12:00 am

The Chester County School District lost \$25,000 when the Fairfield County School District ceased honoring a long-standing agreement between the districts.

Fairfield County has for decades paid a fee to Chester County to take students from the Mitford area at Great Falls schools.

The Chester County district has been trying to grapple with state budget cuts, and the lost money from Fairfield County adds to the budget problem here.

Jill Cincotta, chief information officer with the Fairfield County School District, said Fairfield County School Superintendent Dr. Samantha Ingram stopped payment of the fee at the beginning of the 2007-8 school year when she came on board with the district.

The district had no record of the number of students or the agreement with Chester County, prompting Ingram's decision, Cincotta said.

Chester County District Finance Director Anna Stroud said she has not seen a written agreement between the school districts but said a verbal agreement has been in place for many years.

Neither school district could say when the agreement first began.

"We came up with blanks," Cincotta said.

The school district is funded \$1,800 from the state, per child, for Mitford area students, Stroud added.

Cincotta said the Fairfield County School District had an enrollment of 3,375 students in kindergarten through the 12th grade at the beginning of the 2008 school year. The district has one middle school that houses about 489 students and Fairfield Central, a consolidated high school that serves around 1,043 students. Both schools are in Winnsboro.

Great Falls Mayor H.C. "Speedy" Starnes Jr., a former educator and administrator in the Great Falls schools, said he thought Chester County served the Mitford students in Fairfield County for a long time without an agreement. He said he had no idea when the agreement was first established.

The agreement, according to Stroud, was for Fairfield County to pay the Chester County School District \$25,000 annually to offset state funding for students in the Mitford Community.

of Fairfield County who attend the Chester County School District.

Figures released from the Chester School District show there are 165 students in the Mitford area who attend school in Great Falls.

There are 48 students from the Mitford Community who attend Great Falls Elementary, 48 who attend Great Falls Middle and 69 who are students at Great Falls High.

The numbers reflect grade point placement in 2008-9. The total for the 2007-8 school year is 170 students. Five of those students are seniors.

In its efforts to balance the budget, the Chester County School board is also discussing the possibility of consolidating Great Falls Middle and High School with Lewisville Middle and High School. As part of budget considerations, the potential savings to the district is \$4,650,760 if the district consolidates and no longer serves the Mitford students. If the district consolidates and continues to serve Mitford students, the potential savings are \$4,534,260.

"At this point, we're still serving students from the Mitford area," Stroud said. During a budget discussion on Tuesday night with the high school principals and staff, the Mitford students came up. The discussion moved to possibly having them start going to school in Fairfield County and whether that would produce savings. Murphy cut off that discussion by saying "the Mitford kids are here to stay."

Chester County School Superintendent Dr. Larry Heath, Associate Superintendent Blair Turner and Ingram were available for comment.

Sports Editor Travis Jenkins contributed to this report.

[print](#)

Setting The Record Straight on The Mitford Issue

by Sen. Creighton Coleman

06.22.10 - 12:02 am

It is an absolute pleasure representing Senate District 17, and I want to thank you for your continued support. The elected officials throughout our state, and specifically in Senate District 17, all work together in an effort to create an environment which will make our state, county, city and school district better. Each of us strives to leave our state in a healthier condition than when we were elected.

I am writing this article to try to fully explain the circumstances surrounding an issue with the Great Falls schools and to set the record straight and dispel the rumors and undercurrent of propaganda that has been planted in our community.

In the fall of 2009, the Chester County School Board seriously considered closing the Great Falls schools because of financial problems. It would have been devastating to the Town of Great Falls and surrounding communities if these schools had been closed. After holding numerous public forums and being allowed to move monies around in the school budget pursuant to a 2009 school flexibility bill which just passed the General Assembly, Chester County decided not to close the Great Falls schools at this time, but the issue may be revisited at a later time.

In my eight years in the House of Representatives, I received more communication on this one issue than all other issues combined. Closing the Great Falls schools could cripple the Town of Great Falls and the surrounding communities, but the local citizens came to the rescue, and the Chester School Board listened.

Subsequent to the Chester County School Board making the decision not to close the Great Falls schools, Dr. Richard Hughes, the Chester County School Board Chairman, contacted me to discuss the financial plight of the Great Falls schools. In our discussion, Dr. Hughes informed me that 130 Fairfield County students attend the Chester County schools in Great Falls. Dr. Hughes further informed me that Fairfield County was to send to Chester County \$25,000 each school year to supplement the cost of the Fairfield County students attending Chester County schools. For the past two school years, 2007-2008 and 2008-2009, Fairfield County neglected to send the agreed upon monies. To put these \$25,000 in perspective, for the upcoming 2009-2010 school year, the state's budget projected Fairfield County will spend \$8,343 per student in local monies, while Chester County will spend \$5,050 per student. Based on these figures and the \$25,000 per year paid to Chester County, Fairfield County currently only pays Chester County for 2.99 students. One hundred thirty students attend the Chester schools. This is an enormous savings for Fairfield County. This calculation does not even include what it would cost for Fairfield to transport the Mitford students to the Fairfield schools.

As a result of my conversations with Dr. Hughes, I looked into this matter and discovered that in 1972 Senator John A. Martin introduced local legislation

years. You further agreed that you would talk with your Board of Trustees about subsequent payments for the Mitford area students that would be commensurate with the tuition we charge out of county students, which is \$2,300 per student. We agreed that it would be reasonable to expect a payment of \$100,000 for the 2009-2010 school year; \$200,000 for the 2010-2011 school year, and \$2,300 for each student from Fairfield County that attends Chester County Schools for the 2011-2012 school year.

~~We further discussed that the Chester County School District would reevaluate~~ costs at the end of three years to determine future tuition costs per student. It was further agreed that it would probably be reasonable to reassess these costs every three years thereafter to ensure that the Chester County School District is being adequately compensated for the educational costs for the Mitford area students.

Please let me know your school board's decision on our discussion of the Mitford area students. I would greatly appreciate an answer no later than Wednesday, April 29, 2009, so that our district administration can move forward with budget planning for the 2009-2010 school year. Thank you for your attention to this matter.

Yours truly,

Richard P. Hughes, M.D.

Chair, Chester County Board of School Trustees"

It was extremely important that this matter be resolved immediately because both districts were in the process of preparing their budgets for the 2009-2010 school year. Because time was of the essence and no contact came from Fairfield County, I introduced local legislation which mirrored the agreement between the school districts outlined in Dr. Hughes' letter of April 22, 2009. This local legislation received second reading in the Senate Thursday, May 7, and third reading Friday, May 8.

On Thursday, May 7, while on my way home from the General Assembly, I received a telephone call from Ms. McDaniel and Chairperson Kennedy inquiring about the local legislation. Their concern was that there had been no communication between the local delegation and the school board. As a result of that comment, I stated there was ample communication with the board, as well as attempted additional communication, that because of their failure to communicate with Chester County, though I did not want to, I stepped in to resolve the issue. I was criticized for my position, but I reiterated that this issue was not about taking sides but about doing what was right for our children.

The legislation then went to the House and was scheduled to pass. Once again the Fairfield delegation received a request to stop the local legislation so that the two school boards could attempt to resolve this issue. This was, I believe, the last week of the legislature and we knew we would probably be back on this issue. Reluctantly, Rep. Brown and I consented to withdraw the legislation in order to allow the two Districts to resolve this issue because we did not want to be

which would allow the students of Fairfield County living in the Mitford Community to attend the Great Falls schools in Chester County. The purpose of this legislation was to prevent the long tiring bus ride from the northeastern part of the county to the Fairfield schools. The Mitford students could instead take a short 15-minute bus ride to the Great Falls schools, thus enabling these students to improve their school performance. The following year, 1973, the local legislation was repealed and state-wide legislation was substituted.

The funding for the education of each S.C. student is derived from three sources: federal, state and local funding. The federal and state funding has followed these 130 students to the Great Falls schools, but the local funding, which in Fairfield and Chester Counties is the largest source of funding, has been at \$25,000 each year since 1972, and was not paid in the past two years. As stated above, for the 2009-2010 school year, Fairfield County is projected to spend \$8,343 of local monies per student, and Chester County is projected to spend \$5,050 of local monies per student.

This matter needed to be resolved, because both districts were preparing for their 2009-2010 budget year and needed to know what to expect. I contacted Chester County School Superintendent, Dr. Larry Heath, and then Fairfield County School Superintendent, Dr. Samantha Ingram, and requested they get together to resolve this issue. In addition, Rep. Boyd Brown and I met with Dr. Ingram expressing our concerns in regard to the above arrangements and requested that she and Dr. Heath get this resolved. Rep. Brown's and my intentions were to no longer be involved in resolving this matter but to let Chester and Fairfield resolve it on their own.

In the meantime, I discussed my concerns with two of the Fairfield County School Board members and contacted another board member requesting a meeting with Chairperson Catherine Kennedy. The messages were left for these board members to contact me, but I never received a response. Subsequent to Dr. Ingram and Dr. Heath contacting their respective board members, Dr. Hughes met with Chairperson Kennedy and Ms. Annie McDaniel to discuss the situation between the two school districts. The representatives came to a consensus regarding the past due monies owed and future payment arrangements. As a result of this meeting, Fairfield County agreed to pay the arrearage of \$50,000, which constituted payments of \$25,000 a year for the 2007-2008 and 2008-2009 school years. Despite several telephone calls from Dr. Hughes and me, and the letter dated April 22, 2009, addressed to Ms. Kennedy, Fairfield County made no contact with Dr. Hughes or with me to address these future payments. The letter to Chairperson Kennedy from Dr. Hughes reads as follows:

"April 22, 2009

Dear Ms. Kennedy:

Pursuant to my meeting with you and Ms. McDaniel on March 31st, you agreed that the Fairfield County School District would pay the Chester County School District \$50,000 for the Mitford area students; the \$50,000 represents payments (\$25,000 each) that were not made for the 2007-2008 and the 2008-2009 school

involved. We have heard absolutely nothing from the Fairfield County School Board. The Chester School Board called to say there was no resolution.

As a result of the above, I wrote Ms. McDaniel and current Superindependent Dr. Patrice Robinson on April 9, 2010, requesting the school district resolve this issue with Chester and, if not, legislation would be introduced to rectify the problem. Again, we received no communication whatsoever from the Fairfield County School District; therefore, legislation was introduced again.

It is amazing how the school district carried on its business in regard to this issue, agreed to something and then backed out. They did not respond to repeated communications. Then they sent out a letter signed by Dr. Robinson on May 10, 2010, to all parents stating:

"May 10, 2010

Dear Parents,

I would like to make you aware of new proposed legislation introduced by Senator Creighton Coleman and how it could affect our schools and school district budget. The new proposed legislation calls for Fairfield County Treasurer to send funds normally collected for the School District of Fairfield County to Chester County for students who voluntarily attend school in Chester County, but reside in Fairfield County.

We will continue to keep you informed of any developments that impact your children and our school district.

Thank you,

Patrice Robinson, Ph.D.

Superintendent"

~~Either Dr. Robinson does not know the full story or elects to ignore the full story.~~

In closing, the current controversy with the Fairfield County School Board is something in which neither Rep. Brown nor I wanted to get involved. The state of education affects every aspect of our lives in Fairfield County. A few of the results which our school system is creating are as follows: lack of industry and jobs coming to Fairfield County; our children not getting the education they need to succeed in today's global world; taxes out of control because no industry is coming to Fairfield County to help pay taxes; and people leaving the county. Our educational system is the economic engine which drives every county and state. The sooner we rebuild our educational engine, the sooner Fairfield County can succeed.

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THE NEWS & REPORTER

Fairfield files lawsuit for Mitford student money

By The Staff

Wednesday, July 21, 2010 at 11:00 pm

The Fairfield County School Board has filed a lawsuit against the Chester County School District, the State of South Carolina, the State Department of Education and its own county's treasurer in an attempt to thwart a recently passed state law that will require the Fairfield district to pay the Chester district approximately \$600,000 a year for the education of Mitford students.

"We had been educating Mitford area students since 1947 and at that time, the law indicated Fairfield County would compensate Chester County for students coming to Great Falls Schools," said Chester County School District Superintendent Dr. Thomas Graves.

"It's a plus for us but a negative for them," Graves said. "But it's not about the money. It's about doing what is best for the kids."

Graves said compensation from Fairfield County "has been inconsistent at best."

Fairfield paid Chester \$25,000 a year up until 2007 when the payments abruptly ended. The Chester board sought an increased payment but none was forthcoming.

Chester County School Board Chairman Dr. Richard Hughes said the Chester District was paid \$50,000 last year for school years 2007 and 2008. He said nothing has been paid this year for the 2009 school year.

"They were getting a heck of a deal with us educating those kids," Hughes said.

State Sen. Creighton Coleman, who represents both Chester and Fairfield Counties, eventually drafted local legislation to force payments from Fairfield to Chester. That bill appeared to be on the way to passage in the South Carolina General Assembly last year but was recalled. Coleman said he actually thought it might not be necessary to refile the bill since board members from the two districts met and apparently had a financial agreement worked out.

An election brought new faces to the Fairfield board and the agreement was reneged on by Fairfield. That led Coleman to refile the bill.

The bill says, in part, "numerous public school students reside in Fairfield County School District but are entitled to attend the schools of Chester County School District pursuant to (state law). The General Assembly finds it necessary to provide by law for uniform arrangements between Fairfield County School District and Chester County School District pertaining to these students. Students would have to be deemed eligible for admission by the

Chester County School District. A roster of these students must be kept up to date by Chester County Schools and sent to Fairfield County School District when updated."

The bill says the Fairfield County treasurer has to withhold from Fairfield County School taxes an amount equal to 103 percent of the Chester District's prior year local revenue per pupil for school operating purposes as reported in the Chester District's annual audit. Chester would submit an invoice and the Fairfield County treasurer would have to pay the money to Chester by Feb. 15 each fiscal year. The State Department of Education would withhold that amount from Fairfield County if the county failed to pay the due amount. The state school superintendent would settle all disputes between Chester and Fairfield arising from implementation of the law. Chester would also be able to send an invoice for the 2009-10 school year retroactively.

The bill was passed a few weeks ago and signed into law by Governor Mark Sanford.

That's what brought about the lawsuit. According to the suit, the legislation related to the Mitford students "is challenged on the ground that it violates the South Carolina Constitution in several respects...because it directly conflicts with and undermines South Carolina's general law governing residence requirements for school attendance and general law governing the financing of schools, because it allows the Chester County School District to levy a tax on the citizens of Fairfield County without their consent, because it conflicts with the General Assembly's 'system' of public schools, because it is an ex post facto law requiring payment from Fairfield County for a school year that was completed before the enactment of the law and because it is a local law imposing duties on the treasurer of only one county, Fairfield County."

Fairfield is seeking a declaratory judgment that the bill is unconstitutional and an injunction against its enforcement.

In announcing the lawsuit at a press conference last week, Fairfield County School Board Chairwoman Dr. Annie McDaniel said Coleman and Rep. Boyd Brown were making her district "bear the cost of educating select students who choose to attend school out of the county." She called the law, which Coleman and Brown both supported as being "unprecedented" and said it hurt Fairfield to have to cough up money to Chester when state budget cuts have whittled away more than \$3 million in recent years.

Coleman said the law is in no way unprecedented since similar laws have been crafted for Georgetown and Williamsburg schools, both of which have students that attend school in another county.

"The courts ruled that they can do it, that the money follows them," Coleman said.

Brown said the law is a win-win for both counties. His district includes Fairfield County and part of Chester County including Great Falls.

"It cuts back on overcrowding in Fairfield, it helps keep the Great Falls schools open and provides a community school for the Mitford students. It's a wonderful piece of legislation," Brown said.

Brown noted that the arrangement actually saves Fairfield money, since the per pupil

allotment in Fairfield is about \$3,000 higher than Chester's. Coleman estimated there were about 120 Mifflord students attending Great Falls. He said that means, roughly, that Fairfield actually saves about \$360,000 a year or more by paying to send the students to Chester. McDaniel claimed that to be false and said even if it were true, Fairfield's schools have "much more to offer than Chester."

Hughes said the press conference and lawsuit did not seem to be taking the children into account, which was what was important.

"The law says those students can be educated in Chester," Hughes said. "All we're asking is for the money collected per child to follow them to Chester."

Hughes said the new law is really only intended to clean up vagueness in the old law, which said Fairfield's reimbursement to Chester would be "a payment of appropriate charges as herein authorized."

The suit was filed with the Court of Common Pleas of the Fifth Judicial Circuit in Richland County last week.

"We'll have to see what happens," Hughes said. "It will be a long drawn out process."

Hughes said the Chester School board has not held a formal meeting to discuss the lawsuit.

"It will be a cascade of court stuff," Hughes said. "And the sad thing about this is that it will cost both districts legal fees."

2416

STATUTES AT LARGE
GENERAL AND PERMANENT LAWS—1972

[No. 1233]

SECTION 20. Removal of judge.—The compensation of the judge of the court shall not be reduced during the term of office.

The judge of the circuit court shall have power, after hearing, to remove the judge from office upon a finding of misconduct in office or persistent failure to perform the duties of his office, or to retire such judge upon a finding of disability seriously interfering with the performance of his duties which is, or is likely to become, of a permanent character.

SECTION 21. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of May, 1972.

(R1389, H2950)

No. 1238

An Act To Repeal Section 40-15, Code Of Laws Of South Carolina, 1962, Relating To The Exemption Of Timber, Lumber And Turpentine Industries And Farming From Certain Statutes And Regulations Of The Department Of Labor.

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

SECTION 1. Repeal.—Section 40-15 of the 1962 Code is hereby repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of May, 1972.

(R1390, H2954)

No. 1234

An Act To Repeal Section 40-81, Code Of Laws Of South Carolina, 1962, Relating To The Number Of Hours That Women May Be Allowed To Work In Mercantile Establishments.

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

SECTION 1. Repeal.—Section 40-81 of the 1962 Code is repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of May, 1972.

No. 1235]

OF SOUTH CAROLINA
GENERAL AND PERMANENT LAWS—1972

2417

(H393, S950)

No. 1235

An Act To Amend Item (4) Of Section 65-259, Code Of Laws Of South Carolina, 1962, As Amended, Relating To An Income Tax Deduction, So As To Provide That Certain Taxes With Respect To Income Or Measured By Income Shall Not Be Allowed As A Deduction.

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

SECTION 1. Certain taxes not deductible.—Item (4) of Section 65-259 of the 1962 Code, as last amended by Sub-Section 3 of item (D) of Section 2 of Part III of Act 1263 of 1968, is further amended by adding on line one between the word "income" and the parenthesis ", taxes with respect to income or taxes measured by income". The item when amended shall read:

"(4) "Taxes for the income year, except taxes on income, taxes with respect to income or taxes measured by income (other than taxes imposed by the United States on income of individuals to an amount not exceeding five hundred dollars), inheritance and gift taxes and taxes assessed for a local benefit of a kind tending to increase the value of the property assessed."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 20th day of May, 1972.

(R1394, S2-39)

No. 1236

An Act To Provide For The Consolidation Of An Area Of Fairfield County With The Chester County School District.

Whereas, the Chester County Board of Education and the Fairfield County Board of Education, at separate meetings, agreed upon the consolidation of an area of Fairfield County with the Chester County School District for school purposes. Now, therefore,

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

SECTION 1. School area consolidated.—That area of Fairfield County which lies in the northeast corner of the county, the exact line of which is shown on a plat of Fairfield County recorded in

the office of the Clerk of Court for Fairfield County in Plat Book eight at Page ninety-five and is the attendance line which was previously drawn by the Office of Health, Education and Welfare of the United States Government is hereby consolidated with the Chester County School District.

SECTION 2. Consolidated area — assessments.—The Chester County School District shall not assess any of its outstanding bonded indebtedness against the area of Fairfield so consolidated. The area shall, however, assume a levy identical with that of any school indebtedness that shall hereafter be incurred by the consolidated school district of Chester County; *provided*, that the area consolidated shall not be assessed or called upon to pay any indebtedness, by reason of refinancing or otherwise, existing or subsisting at the time of consolidation.

SECTION 3. Not liable for Fairfield County assessments.—There is no school building now in use in the area consolidated and the area shall not bear any portion of the levy necessary for the retirement of the notes outstanding in Fairfield County other than those which it has already paid, and the area consolidated with the Chester County School District shall be debt free.

SECTION 4. Further.—The area consolidated with the Chester County School District shall be exempt from the annual Fairfield County special operating school levy as of January 1, 1973.

SECTION 5. Assumption of tax levy.—The area consolidated shall assume the same annual special operating school levy of the Chester County School District as of January 1, 1973 and the area shall comply with Chester County laws for the purpose of setting up school levies, but the assessment of the property in the area shall continue to be made in Fairfield County with the assessment to be the same as it may be for other county purposes. In order to provide therefor, the Chester County Board of Trustees shall notify the Auditor of Fairfield County on or before June thirtieth of each year, in writing, the millage required for the succeeding school year. The levy shall be identical with the Chester County levy for operation of the schools and the Auditor of Fairfield County shall levy this tax against all of the real and personal property in the area consolidated with the Chester County School District. The Treasurer

of Fairfield County shall collect this tax and remit, monthly, the amount collected to the Treasurer of Chester County. Upon receipt of the tax the Treasurer of Chester County shall deposit the proceeds to the credit of the Chester County School District in the same manner as the tax levy is collected in Chester County for school purposes.

SECTION 6. Board of trustees.—The residents of the area consolidated shall be eligible as members of the Board of Trustees for the Chester County School District, and the qualified voters in the area shall be eligible to vote for school trustees for the Chester County School District and any other matters which shall concern the school district which shall be submitted to the people for a vote. The area to be consolidated shall become a part of the Rossville Township for school board election purposes.

SECTION 7. Not to share in certain taxes.—The area consolidated with the Chester County School District shall not share in any Fairfield County beer and wine tax funds that might be earmarked by Fairfield County for school purposes.

SECTION 8. Time effective.—This act shall take effect January 1, 1973.

Approved the 20th day of May, 1972.

(H. 395, S. 356)

No. 1237

An Act To Regulate Business Practices Between Motor Vehicle Manufacturers, Distributors And Dealers And To Provide For Actions For Violations And Limitations Upon Such Actions.

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

SECTION 1. Findings.—The General Assembly finds that the distribution of motor vehicles in the State of South Carolina vitally affects the general economy of the State and the public interest and public welfare, and in the exercise of its police power, it is necessary to regulate motor vehicle manufacturers, distributors, dealers and their representatives doing business in South Carolina in order to prevent frauds, impositions and other abuses upon its citizens.

SECTION 1. Building permits required.—Section 1 of Act No. 171 of 1963, as last amended by Act No. 914 of 1970, is further amended by striking "fifty cents" on line seven and inserting in lieu thereof "one dollar". The section when amended shall read as follows:

"Section 1. Before any person places a house trailer or mobile home on a lot or constructs any new building or any addition to an existing building in Dorchester County, which construction shall cost five hundred dollars or more, he shall obtain from the Auditor of Dorchester County, or any magistrate designated by the auditor, a building permit which shall be executed before any construction shall be commenced. A charge of one dollar shall be made for such building permits; *provided*, that no permit shall be required for such construction upon real estate situate within any incorporated municipality which requires a permit for the erection or construction of such improvements; *provided*, further, every municipality in the county, requiring permits for the erection or construction of any improvements upon real estate situate within the municipality, shall furnish to the auditor and tax assessor copies of all permits issued by the municipality."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of April, 1973.

(R269, H1509)

No. 161

An Act To Repeal Act 1236 Of 1972, Relating To The Consolidation Of An Area Of Fairfield County With The Chester County School District.

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

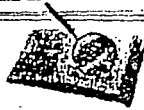
SECTION 1. Repeal.—Act 1236 of 1972 is repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of April, 1973.

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 Session H8 - (2009-2010)



(Full text search on all bills)

R 291 found 1 time. ⑥

S*1405

S*1405 (Rat #0291) General Bill, By Coleman

AN ACT TO PROVIDE FOR THE TRANSFER OF QUALIFYING STUDENTS FROM FAIRFIELD COUNTY SCHOOL DISTRICT TO CHESTER COUNTY SCHOOL DISTRICT; TO REQUIRE THE TREASURER OF FAIRFIELD COUNTY TO REMIT CERTAIN FUNDS PER TRANSFERRING PUPIL TO CHESTER COUNTY SCHOOL DISTRICT ON BEHALF OF FAIRFIELD COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE TIMING OF THE PAYMENT, AND TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PAY THE AMOUNT DUE TO CHESTER COUNTY SCHOOL DISTRICT OUT OF FUNDS OTHERWISE ALLOCATED TO THE FAIRFIELD COUNTY SCHOOL DISTRICT PURSUANT TO THE EDUCATION FINANCE ACT IF THE TREASURER OF FAIRFIELD COUNTY FAILS TO PAY CHESTER COUNTY SCHOOL DISTRICT; TO ALLOW THE CHESTER COUNTY SCHOOL DISTRICT TO CONSIDER THESE PAYMENTS ANTICIPATED AD VALOREM TAXATION; TO REQUIRE THE STATE SUPERINTENDENT OF EDUCATION TO SETTLE ANY DISPUTE THAT ARISES BETWEEN THE DISTRICTS UPON THE IMPLEMENTATION AND ADMINISTRATION OF THE PROVISIONS OF THIS ACT; AND TO PROVIDE FOR THE PAYMENT OF MONIES PREVIOUSLY OWED TO CHESTER COUNTY SCHOOL DISTRICT. - ratified title

04/29/10 Senate Introduced and read first time SJ-9
 04/29/10 Senate Referred to Committee on Education SJ-9
 04/29/10 Senate Unanimous consent for second and third readings
 on next two consecutive legislative days SJ-9
 04/30/10 Senate Read second time SJ-2
 04/30/10 Scrivener's error corrected
 05/04/10 Senate Read third time and sent to House SJ-21
 05/05/10 House Introduced and read first time HJ-6
 05/05/10 House Referred to Fairfield Delegation HJ-6
 05/12/10 House Delegation report: Favorable Fairfield Delegation HJ-72
 05/20/10 House Read second time HJ-73
 05/20/10 House Unanimous consent for third reading on next
 legislative day HJ-73
 05/21/10 House Read third time and enrolled HJ-2
 06/02/10 Ratified R 291
 06/08/10 Signed By Governor
 06/15/10 Effective date 06/08/10

S. 1405

NOTE: THIS COPY IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL PUBLISHED IN THE ADVANCE SHEETS TO THE ACTS AND JOINT RESOLUTIONS. WHEN THIS DOCUMENT IS PUBLISHED IN THE ADVANCE SHEET, THIS NOTE WILL BE REMOVED.

(R291, S1405)

AN ACT TO PROVIDE FOR THE TRANSFER OF QUALIFYING STUDENTS FROM FAIRFIELD COUNTY SCHOOL DISTRICT TO CHESTER COUNTY SCHOOL DISTRICT; TO REQUIRE THE TREASURER OF FAIRFIELD COUNTY TO REMIT CERTAIN FUNDS PER TRANSFERRING PUPIL TO CHESTER COUNTY SCHOOL DISTRICT ON BEHALF OF FAIRFIELD COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE TIMING OF THE PAYMENT, AND TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PAY THE AMOUNT DUE TO CHESTER COUNTY SCHOOL DISTRICT OUT OF FUNDS OTHERWISE ALLOCATED TO THE FAIRFIELD COUNTY SCHOOL DISTRICT PURSUANT TO THE EDUCATION FINANCE ACT IF THE TREASURER OF FAIRFIELD COUNTY FAILS TO PAY CHESTER COUNTY SCHOOL DISTRICT; TO ALLOW THE CHESTER COUNTY SCHOOL DISTRICT TO CONSIDER THESE PAYMENTS ANTICIPATED AD VALOREM TAXATION; TO REQUIRE THE STATE SUPERINTENDENT OF EDUCATION TO SETTLE ANY DISPUTE THAT ARISES BETWEEN THE DISTRICTS UPON THE IMPLEMENTATION AND ADMINISTRATION OF THE PROVISIONS OF THIS ACT; AND TO PROVIDE FOR THE PAYMENT OF MONIES PREVIOUSLY OWED TO CHESTER COUNTY SCHOOL DISTRICT.

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

Transfer of students from Fairfield County School District to Chester County School District; provision for payment of funds; State Superintendent of Education to settle disputes

SECTION 1. (A) The General Assembly finds that numerous public school students reside in Fairfield County School District but are entitled to attend the schools of Chester County School District pursuant to Section 59-63-480. The General Assembly finds it necessary to provide by law for uniform arrangements between Fairfield County School District and Chester County School District pertaining to these students.

(B) A student who qualifies for transfer pursuant to Section 59-63-480 may

be admitted, and remain enrolled, by Chester County School District upon proof of eligibility as Chester County School District finds acceptable. A roster of these students must be kept current by Chester County School District and sent to Fairfield County School District as and when updated.

(1) Each fiscal year, for each pupil authorized to transfer from Fairfield County School District to Chester County School District pursuant to Section 59-63-480 and actually enrolled in a public school of Chester County School District, the Fairfield County Treasurer, on behalf of and from funds of the Fairfield County School District, shall pay Chester County School District one hundred and three percent of Chester County School District's prior year local revenue per pupil for school operating purposes as reported in Chester County School District's annual audit for the immediately preceding fiscal year.

(2) As used in this section, "prior year local revenue per pupil for school operating purposes" includes any state reimbursement paid for property tax exemptions from Chester County School District ad valorem taxes including, but not limited to, all payments pursuant to Section 11-11-156.

(C) Upon invoice, the Fairfield County Treasurer, on behalf of and from the funds of the Fairfield County School District, shall pay Chester County School District the amount determined pursuant to subsection (B)(1) of this section. Payment to Chester County School District must be completed before the fifteenth day of February in each fiscal year. If the Fairfield County Treasurer fails to pay this invoice by the fifteenth day of February, the South Carolina Department of Education, upon application by Chester County School District, out of the funds otherwise meant for the next Education Finance Act disbursement to Fairfield County School District, shall pay the invoice on behalf of Fairfield County School District. Any undisputed amounts must be paid when due.

(D) Chester County School District may consider payments pursuant to this act to be anticipated ad valorem taxation for purposes of Subsection 7, Section 15, Article X of the South Carolina Constitution, relating to tax anticipation notes.

(E) The State Superintendent of Education shall settle any dispute between Chester County School District and Fairfield County School District arising from the implementation and administration of this act by the school districts and the State Department of Education.

Payment of funds for the 2009-2010 year

SECTION 2. For the 2009-2010 school and the fiscal year only, the Fairfield County Treasurer, on behalf of and from the funds of the Fairfield

County School District, shall pay the Chester County School District an amount calculated pursuant to SECTION 1(B)(1) and (2) of this act on account of the pupils enrolled in the Chester County School District from Fairfield County pursuant to Section 59-63-480 for the 2009-2010 school year. This amount must be Invoiced by the Chester County School District promptly upon the effective date of this act, and must be paid no later than ~~June 30, 2010, or the delinquency provisions of SECTION 1(C) apply to the~~ payment.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 2nd day of June, 2010.

Approved the 8th day of June, 2010. -- L.

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SECTION 1 - H63 - EDUCATION, DEPARTMENT OF

(Act # 367)

Carolina but not in an academic or geographic critical need area are to be charged an interest rate below that charged to loan recipients who do not teach in South Carolina. Additional loans to assist with college and graduate expenses shall be made available for talented and qualified state students attending public or private colleges and universities in this state for the sole purpose and intent of changing careers in order to become certified teachers employed in the State in areas of critical need. These loan funds also may be used for the cost of participation in the critical needs certification program pursuant to Section 26-30(A)(8). Such loans must be cancelled under the same conditions and at the same rates as other critical need loans. All loan cancellation and repayment provisions of the Teacher Loan Program shall apply to the loans provided under the former Governor's Teaching Scholarship Loan Program.

1081. (SDE: Excellence in Middle School Initiative) Funds appropriated for the Excellence in Middle Schools Initiative shall be to increase the number of guidance counselors, school safety officers and/or school nurses in middle/junior high schools. The funding allocation shall be based proportionately on the number of middle/junior high schools in each district.

1082. (SDE: Part-time Benefits) DELETED

1083. (SDE: Mitford Transportation Costs) Transportation costs for transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

SECTION 1A - H63 - EDUCATION-EIA, DEPARTMENT OF

1A.1. (SDE-EIA: X-Local Financial Support) There shall be no required local match for Education Improvement Act funds appropriated in Part 1A, Section 1 X. This shall not impact or alter the requirements of Section 59-21-1030, level of financial effort per pupil required of each school district; application for waiver. The stationary increase required for local financial effort as defined in Section 59-21-1030 for the current fiscal year is 3.9%.

1A.2. (SDE-EIA: X-Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation.

South Carolina General Assembly
118th Session, 2009-2010

H. 4657

General Appropriations Bill for fiscal year 2010-2011
As Ratified by the General Assembly

PLEASE NOTE

Provisions not vetoed by the Governor took effect June 9, 2010, and generally apply for the fiscal year beginning July 1, 2010. To see those items vetoed by the Governor, see the Governor's veto message which follows. To determine which vetoes were sustained and which vetoes were overridden, refer to the Journal of the House of Representatives for June 16, 2010, and the Senate Journals for June 17 and 29, 2010.

PART IB

OPERATION OF STATE GOVERNMENT

SECTION 1 - H63-DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department's school bus transportation operating account.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student-Cost-Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$1,630. In Fiscal Year 2010-11, the total pupil count is projected to be 694,303. The average per pupil funding is projected to be \$4,485 state, \$1,633 federal, and \$5,254 local. This is an average total funding level of \$11,372 excluding revenues of local bond issues. For Fiscal Year 2010-11 the South Carolina Public Charter School District shall receive and distribute state funds to the charter school as determined by the current year's base student cost, as funded by the General Assembly, plus an additional \$700, multiplied by the weighted students enrolled in the charter school, which must be subject to adjustment for student attendance and must not be reduced for state budget allocations.

In Fiscal Year 2010-11, the Abbeville School District total pupil count is projected to be 2,963. The per pupil funding is projected to be \$5,892 state, \$1,878 federal, and \$3,286 local. This is a total projected funding level of \$11,057 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Aiken School District total pupil count is projected to be 23,756. The per pupil funding is projected to be \$4,237 state, \$1,578 federal, and \$3,177 local. This is a total projected funding level of \$8,992 excluding revenues of local bond issues.

1.26. (SDE: School Building Aid) Of the funds appropriated in Part 1A for School Building Aid, \$500,000 shall be allocated on a K-12 per pupil basis to Multi-District Area Vocational Schools.

1.27. (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

1.28. (SDE: Basic Skill Exam) Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the teacher candidate basic skill examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the teacher candidate basic skill examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

1.29. (SDE: School Bus Driver CDL) From funds provided in Part 1A, Section 1, IX.B., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

1.30. (SDE: SAT Preparation) From the funds appropriated for SAT Preparation, the State Department of Education shall institute a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and providing assistance. To accomplish this, the Department shall use reports that analyze student weaknesses and provide guidance to local schools on the effective use of the reports.

1.31. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses.

1.32. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops and funds appropriated in IX.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in FY 2010-11 to support bus transportation services.

1.33. (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

1.34. (SDE: Refurbishing Science Kits) Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory, purchasing new kits from the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs.

1.35. (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.

1.36. ~~DELETED~~

1.37. (SDE: Governor's School Leave Policy) The S.C. Governor's School for the Arts and Humanities and the S.C. Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors.

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Circuit Court Judge

Case No. 2010-CP-40-4017

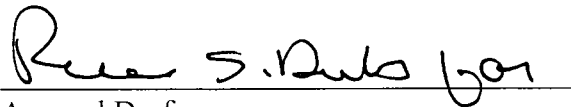
BOARD OF TRUSTEES FOR THE
FAIRFIELD COUNTY SCHOOL DISTRICT Appellants,

vs.

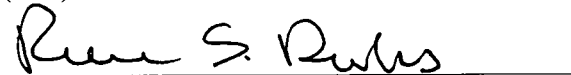
STATE OF SOUTH CAROLINA, CHESTER
COUNTY SCHOOL DISTRICT, FAIRFIELD
COUNTY TREASURER, and STATE
DEPARTMENT OF EDUCATION Respondents.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Armand Derfner
Derfner Altman & Wilborn, LLC
P.O. Box 600
Charleston, SC 29402
(843) 723-9804



Alice F. Paylor
Rene S. Dukes
Rosen, Rosen & Hagood, LLC
P.O. Box 893
Charleston, SC 29402
(843) 577-6726

ATTORNEYS FOR APPELLANT

Charleston, South Carolina
December 17, 2012