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THE STATE OF SOUTH CAROLINA
In the Supreme Court

S.C. 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 DISTRICTAppellant,

vs.

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

AMENDED RECORD ON APPEAL

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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

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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.

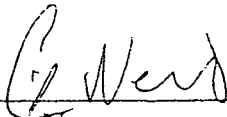
THEREFORE, with the Agreement of counsel for the parties, except for counsel for the State of South Carolina who took no position, and good cause appearing therefore:

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.

CW
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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,)

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,)

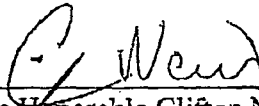
Defendant.)

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
#1 of 2

IT IS SO ORDERED.



The Honorable Clifton Newman
Circuit Court Judge Presiding

December 16
November 16, 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,)

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

Plaintiff,)

~~PROPOSED~~ ORDER GRANTING)
SUMMARY JUDGMENT TO ALL)
DEFENDANTS.)

vs.)

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

Defendants.)

2012 JUL 16 AM 1:58
JEANETTE W. McBRIDE
Clerk of Court
S.C.P. & G.S.

RICHLAND COUNTY
FILED

I. INTRODUCTION

This case has come before the Court on cross-motions for summary judgment by the Plaintiff, Fairfield County School District ("FCSD"), and the Defendants, State of South Carolina and Chester County School District ("CCSD"). The motions were argued on June 8, 2012. After carefully considering the evidence, arguments, and memoranda of counsel, this Court grants summary judgment in favor of the Defendants and against FCSD.

II. CURRENT CLAIMS AND PARTIES

This civil action brought by FCSD challenges the constitutionality of Act 294 of 2010, which is codified as S.C. Code Ann. § 59-63-485. FCSD's complaint initially alleged § 59-63-485 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. At a hearing before The Honorable Clifton Newman, 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 § 59-63-485 violates the South Carolina Constitution Art. III, § 34, against the Defendants CCSD, the State of South Carolina, the State Department of Education, and the Fairfield County Treasurer.

III. PROCEDURAL BACKGROUND

FCSD'S claim asserts that § 59-63-485 violates the special legislation prohibitions of S.C. Const. Art. III § 34. Following the passage of § 59-63-485 in June 2010, FCSD brought this civil action seeking declaratory relief. Thereafter, FCSD and CCSD filed motions for summary judgment and the State of South Carolina filed a motion to dismiss. These motions were heard by the Court before The Honorable Clifton Newman on February 7, 2011. Judge Newman took the motions under consideration. 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), by a consent order dated December 16, 2011, Judge Newman denied the pending dispositive motions without prejudice to re-file motions for summary judgment. Thereafter, the State of South Carolina filed its answer to FCSD's complaint, and following a period of time for discovery, the parties, including the State, again filed motions for summary judgment supported by memoranda of law, affidavits, and other evidence.

Additionally, by separate orders of the Court, the funds invoiced by CCSD to the Fairfield County Treasurer pursuant to § 59-63-485 for the past three school years are being held in a separate account by the Treasurer pending resolution of the parties' motions for summary judgment.

IV. FINDINGS OF UNDISPUTED FACTS

The Court finds the following facts to be undisputed. For decades, and at least since 1947, children residing in the Mitford community of Fairfield County have been attending CCSD's schools in the Great Falls area of Chester County. The Mitford community is located in the northeast corner of Fairfield County and of FCSD. CCSD's Great Falls schools are closer to the Mitford community than any of FCSD's schools. The Mitford community is generally demarcated 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, a copy of which is attached as an exhibit to the Affidavit of Tressa Harrington and is referenced in Act No. 1236 of 1972. The Mitford area is included in the attendance zones for CCSD's Great Falls schools: Great Falls Elementary School, Great Falls Middle School, and Great Falls High School.

For at least the past four decades approximately 100-200 students of the Mitford community have been attending CCSD's Great Falls schools at no cost to the students or their families, including free bus transportation. For the 2009-10 school year 190 students from the Mitford community attended CCSD's Great Falls school. For the 2010-11 school year 156 students from the Mitford community attended CCSD's Great Falls schools, and for the 2011-12 school year 166 such students attended CCSD's Great Falls schools.

Pursuant to the formula under § 59-63-485, CCSD has invoiced the Fairfield County Treasurer \$1,838,703 for expenses in educating these children for the past three school years. The Treasurer has been holding these funds in a separate account pending resolution of FCSD's claim. FCSD submitted an affidavit from Belva Bush, an Attendance Specialist. Ms. Bush testifies in her affidavit she is unable to verify that 6 of the 166 students CCSD has identified as residing in the Mitford community actually do reside in Fairfield County rather than Chester

County. Accordingly, for purposes of summary judgment, the court finds it to be undisputed that for the 2011-12 school 160 Mitford area students attended CCSD's Great Falls schools.¹

In 1970, FCSD's desegregation order entered by the United States District Court for the District of South Carolina required the closing of the all black Mitford Elementary School and that its students be given the choice of attending school at CCSD's Great Falls schools. Thereafter, in 1972, the General Assembly passed Act 1236 of 1972, consolidating the Mitford community into CCSD. This Act was repealed the following year by Act 161 of 1973 based on an agreement between FCSD and CCSD respecting the Mitford community's students' enrollment at CCSD's Great Falls schools and providing for FCSD's payment of \$25,000 per year to CCSD for educational expenses. Subsequently, the General Assembly has provided for the cost of transporting the Mitford community's students to CCSD's Great Falls schools through annual budget provisos, and CCSD readjusted its formal attendance zones for its Great Falls schools to include the Mitford community.

For generations spanning several decades, approximately 100-200 students residing in the Mitford community have annually attended, without charge, CCSD's Great Falls schools. This historical relationship, involving a substantial number of students, between the Mitford and Great Falls communities, their respective school districts, and the State is unique. Since at least 1973, FCSD and CCSD had agreed upon financial and enrollment arrangements for the education of the Mitford community's students. This agreement began breaking down in 2007 and finally ended in the 2009-10 school year when no agreement was reached for that school year or thereafter. On May 21, 2010, FCSD's school board chair, Annie E. McDaniel, wrote to Senator Creighton B. Coleman and made clear FCSD had no agreement with CCSD for payments to

¹ For purposes of payment by the Fairfield County Treasurer to CCSD based on its invoice for the 2011-12 school year, the Court makes no determination of whether 160 or 166 Mitford students attended CCSD schools for the 2011-12. Any dispute regarding the propriety of CCSD's invoice can be raised and addressed under § 59-63-485(C) and (E).

educate the Mitford students and that FCSD "does not pay tuition for students desiring to attend schools out of the District." In light of the school districts' failure to reach an agreement for the cost of educating the Mitford community's students to attend CCSD's Great Falls schools and FCSD's refusal to continue negotiations, the General Assembly enacted § 59-63-485 in order to provide for uniform arrangements between FCSD and CCSD pertaining to these students.

The Court further finds, based on the Supplemental Affidavit of Anna Stroud, that for the fiscal year ending June 30, 2011, (the 2010-11 school year) CCSD's per pupil local revenue as determined under § 59-63-485 was \$3,452. In comparison, FCSD's per pupil local revenue under § 59-63-485's formula was \$8,875. Accordingly, FCSD received as local revenue \$8,875 for the same student that CCSD is to educate under § 59-63-485 for approximately \$3500. The actual average amount of local funds it costs CCSD to educate a student at its Great Falls schools for the 2010-11 school year was \$6,375, i.e., at least \$2,500 more than it would receive under § 59-63-485.

V. LEGAL ANALYSIS AND CONCLUSIONS OF LAW

Section 59-63-485 is entitled to a heavy presumption of constitutionality extended to State legislation by our courts.

"This Court has a limited scope of review in cases involving a constitutional challenge to a statute because all statutes are presumed constitutional and, if possible, will be construed to render them valid." *Curtis v. State*, 345 S.C. 557, 569, 549 S.E.2d 591, 597 (2001). "A legislative act will not be declared unconstitutional unless its repugnance to the constitution is clear and beyond a reasonable doubt." *In re Treatment and Care of Luckabaugh*, 351 S.C. 122, 134-35, 568 S.E. 2d 338, 344 (2002) (quoting *Joytime Distribs. & Amusement Co. v. State*, 338 S.C. 634, 640, 528 S.E.2d 647, 650 (1999)). "A possible constitutional construction must prevail over an unconstitutional interpretation." *Curtis*, 345 S.C. at 569-70, 549 S.E.2d at 597.

State v. Neuman, 384 S.C. 395, 402, 683 S.E.2d 268, 271 (2009). In reviewing the constitutionality of State statutes dealing with public education, courts recognize the General

Assembly's broad discretion in carrying out its responsibility to provide for a system of free public schools under Article XI of our Constitution.

Under the South Carolina Constitution, the Legislature is charged with providing for the maintenance and support of a system of free public schools open to all children in the State. S.C. Const. Art. XI, § 3. The legislature has wide discretion in determining how to go about accomplishing this duty. *Horry County Sch. Dist. v. Horry County*, 346 S.C. 621, 632, 552 S.E.2d 737, 743 (2001).

Burriss v. Anderson County Bd. of Educ., 369 S.C. 443, 451, 633 S.E.2d 482, 486 (2006). Our courts have shown particular deference to this legislative discretion. *Moseley v. Welch*, 209 S.C. 19, 39 S.E.2d 133, 138 (1946); *Bradley v. Cherokee Sch. Dist. No. One of Cherokee County*, 322 S.C. 181, 470 S.E.2d 570, 572 (1996); *Moye v. Caughman*, 265 S.C. 140, 217 S.E.2d 36 (1975).

Article III, § 34 generally prohibits special laws where a general law can be made to apply. *Michelin Tire Corp. v. Spartanburg County Treasurer*, 281 S.C. 31, 314 S.E. 2d 8, 9 (1984). "The purpose of the prohibition on special legislation is to make uniform where possible the statutory laws of this State in order to avoid duplicative or conflicting laws on the same subject." *Med. Soc'y of S.C. v. MUSC*, 334 S.C. 270, 279, 513 S.E.2d 352, 357 (1999). However, the prohibition of special legislation is not absolute, and special legislation is not unconstitutional where the General Assembly has a logical basis and sound reason for resorting to special legislation. *Id.* Further, this Court may not "overrule the legislature's judgment that a special law is necessary unless there has been a clear and palpable abuse of legislative discretion." *Id.*

Recently, the Supreme Court reviewed this standard of review for determining the constitutionality of special legislation and reaffirmed that where a special law will best meet the exigencies of a particular situation, it is not unconstitutional and that the General Assembly need only have a logical basis and sound reason for resorting to special legislation. *Charleston Sch. Dist. v. Harrell*, 393 S.C. 552, 558-59, 713 S.E.2d 604, 608 (2011).

The Court finds that FCSD has presented no evidence tending to show the General Assembly clearly and palpably abused its discretion in enacting § 59-63-485. The Court further finds that the General Assembly had a logical basis and sound reason for resorting to special legislation in enacting § 59-63-485 in order to provide for uniform arrangements between FCSD and CCSD pertaining to the Mitford community's students.

The Mitford 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 CCSD's Great Falls schools. Until the 2009-10 school year, funding for the Mitford area students had been paid by FCSD to CCSD based on an agreement or understanding between FCSD and CCSD. Prior to the 2009-10 school year, and as far back as 1947, Mitford area students have been attending the Great Falls schools. In 1970, FCSD's desegregation order required FCSD to close its Mitford Elementary School and for the students to be allowed to attend CCSD's Great Falls schools. In 1972, the General Assembly formally made the Mitford community part of CCSD. In 1973 the General Assembly repealed the Mitford area consolidation with CCSD, and FCSD authorized the Mitford area's students to attend CCSD's schools and payment to CCSD on behalf of the Mitford students. In further support of the Mitford area students' attendance at CCSD's Great Falls schools, the General Assembly has historically provided transportation funds for students to attend the Great Falls schools. And, CCSD has formally zoned the Mitford community for attendance at its Great Falls schools. Accordingly, the State, FCSD, and CCSD have all approved of, fostered, and encouraged the attendance of the Mitford community students at CCSD'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 CCSD for the approximately 190 Mitford area students to continue to attend CCSD's schools. In light of this failure, the General Assembly reasonably addressed this exigent

situation by enacting § 59-63-485 to ensure Mitford area students could continue to attend CCSD's Great Falls schools through the payment of a reasonable amount of funds by FCSD to CCSD in exchange for educational services to the Mitford community's students. Given the peculiar local conditions and exceptional factual situation, 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. *Med. Soc'y of S.C.*, 334 S.C. at 278-80, 513 S.E.2d at 357; *Charleston County Sch. Dist.*, 393 S.C. at 558-59, 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 CCSD for educating students residing in the Mitford area of FCSD. As set forth in the Supplemental Affidavit of Anna Stroud, CCSD's Director of Finance, FCSD's level of local per student funding, as determined under § 59-63-485, is \$8,875 as compared to CCSD's \$3,452. Thus, by seeking only to make CCSD's taxpayers whole for educating students residing in FCSD, FCSD is actually spending over \$5,000 less per student than it's per student revenue. Additionally, Ms. Stroud also determined that the payment per student under the § 59-63-485 funding scheme, which for 2010-11 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. Consequently, CCSD is not unduly profiting from the payments from FCSD under § 59-63-485, nor is FCSD being unreasonably burdened by these per pupil payment amounts.

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. *See, e.g.*, Budget Proviso 1.8

(2009-10 Bill H. 4657 – Part 1B, 1.8). The similar funding scheme included in § 59-63-485 is likewise logical and reasonable.

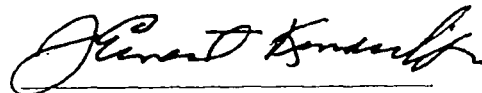
FCSD asserts that the payment formula under § 59-63-485 is unreasonable because the marginal cost to CCSD of serving the Mitford area students is likely covered by any State and/or federal funds CCSD otherwise receives for educating these students. However, both alternate payment provisions referenced with approval by FCSD as general laws, i.e., § 59-63-45 and § 59-63-480, are based on average—not marginal—per pupil funding or costs, just like § 59-63-485. Although the actual cost of educating students at CCSD's Great Falls schools will inevitably vary from year to year and student to student, basing FCSD's funding of its Mitford area students at the Great Falls schools on CCSD's "local revenue per pupil for school operating purposes" is a rational and sound funding scheme similar, if not identical, to those set forth in §§ 59-63-45 and -480. Moreover, § 59-63-485 is intended to provide for uniform arrangements over time between FCSD and CCSD regarding 100-200 students each year residing in a discrete community. On the other hand, § 59-63-45 is designed to address ad hoc individual student attendance out-of-district. In light of the different and specific circumstances § 59-63-485 is designed to address in comparison to the ad hoc and individualized circumstances to which § 59-63-45 generally applies, the provisions of § 59-63-485 are rational. It is well settled that special legislation need not be perfect, but only rational, to be constitutional. *Thomas v. Spartanburg Ry., Gas & Elec. Co.*, 100 S.C. 478, 85 S.E. 50, 51 (1915).

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 an exigent, unique situation or local condition.

VI. ORDER

Based on the foregoing findings of fact, analysis, and conclusions of law, this Court hereby declares § 59-63-485 does not violate Article III, § 34 of the South Carolina Constitution, denies FCSD's motion for summary judgment, and grants CCSD's and the State's motions for summary judgment. Judgment accordingly shall be entered for CCSD, the State of South Carolina, the Fairfield County Treasurer, and the State Department of Education. The orders respecting the Fairfield County Treasurer and the funds held by the Treasurer invoiced by CCSD pursuant to § 59-63-485 shall be and hereby are dissolved. The Treasurer is further directed to release the funds due to CCSD under § 59-63-485 within thirty (30) days of this order.

AND IT IS SO ORDERED.



The Honorable J. Ernest Kinard
Circuit Court Judge Presiding

July 10, 2012

Columbia, 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

JEANETTE W. McBRIDE
C.C.P. & G.S.

2010 JUN 16 PM 12: 09

RICHLAND COUNTY
FILED

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 ion 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 it 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,



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Telephone: (843) 723-9804

Date: June 16, 2010
Charleston, South Carolina

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

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.

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Attorney General

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Assistant Deputy Attorney General
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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,)

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

vs.)

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

Defendants.)

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)

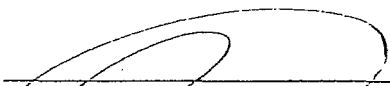
53. The District further alleges that Plaintiff's Complaint should be dismissed pursuant to Rule 12(b), SCRCF, because, as a matter of law, the Complaint fails to state facts sufficient to constitute a cause of action.

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: _____


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Attorneys for Defendant Chester County School
District

August 6, 2010

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(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.

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ATTORNEYS FOR DEFENDANT
FAIRFIELD COUNTY TREASURER

Columbia, South Carolina
August 10, 2010

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS)
FOR THE FIFTH JUDICIAL CIRCUIT)

Board of Trustees for the Fairfield)
County School District)

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

Plaintiff,)

ANSWER

vs.)

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

Defendants.)
_____)

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

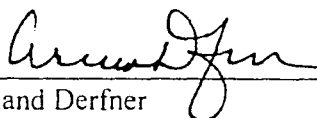
**PLAINTIFF'S RE-FILED MOTION FOR
SUMMARY JUDGMENT**

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

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)	
)	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.)	MOTION FOR SUMMARY JUDGMENT
)	
State of South Carolina, Chester County)	
School District, Fairfield County)	
Treasurer and State Department of)	
Education,)	
)	
Defendants.)	

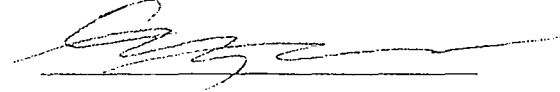
The Defendant State of South Carolina hereby moves for summary judgment herein pursuant to Rule 56, SCRPC, in that the pleadings and any exhibits now or hereinafter submitted, show that there is no genuine issue as to any material fact as to the defenses herein and that the moving party is entitled to 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)
) 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
JUDGMENT

State of South Carolina, Chester County)
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: 

ATTORNEYS FOR THE DEFENDANT STATE OF
SOUTH CAROLINA

May 30, 2012

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

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

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

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, SCRCF, 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

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.

Laurens W. Fort, Jr.

SWORN TO BEFORE ME THIS 3
DAY OF January, 2011

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

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

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

AFFIDAVIT OF ANNA STROUD

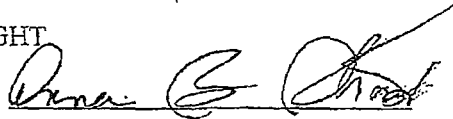
vs.)
)
State of South Carolina, Chester County)
School District, Fairfield County Treasurer,)
and State Department of Education,)

Defendant.

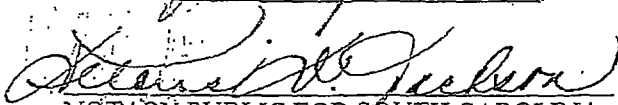
PERSONALLY APPEARED BEFORE ME Anna Stroud, who being first duly sworn, deposes and says as follows:

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



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



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

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:

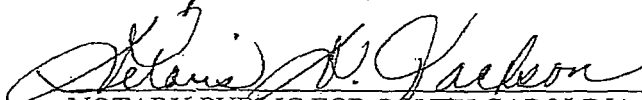
- Great Falls Elementary: \$5,580 per student
- Great Falls Middle School: \$6,178 per student
- Great Falls High School: \$7,368 per student.

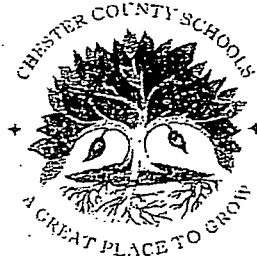
The average per pupil expenditures from local funds for the Mitford students was \$6,375 for fiscal year 2011. This amount is higher than the reimbursement rate established under § 59-63-485.

AFFIANT FURTHER SAYETH NAUGHT.


Anna Stroud

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


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 1/23/2019



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:

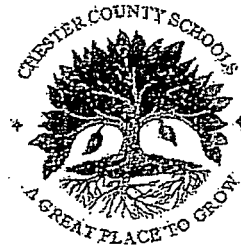
Chester County School District
109 Hinton Street
Chester, SC 29706

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:

REMIT TO:

Fairfield County Treasurer
Post Office Box 7
Winnsboro, SC 29180

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:

REMIT TO:

Fairfield County Treasurer
Post Office Box 7
Winnsboro, SC 29180

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	<u>11,386,208</u>	<u>11,326,327</u>	<u>(59,881)</u>
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	-	<u>55,770</u>	<u>55,770</u>
TOTAL REVENUE ALL SOURCES	<u>30,999,147</u>	<u>32,210,386</u>	<u>1,211,239</u>

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

CURRENT DATE: 05/12/11

F174B121

EPA CATEGORY	PK	K	1	2	3	4	5
KINDERGARTEN	0	30,909	0	0	0	0	0
PRIMARY	0	0	24,405	22,099	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 DISABILIT	0	0	49	545	1,310	1,575	2,329
TRAINABLE MENTALLY	0	0	405	0	0	0	405
EMOTIONALLY HD	0	0	82	0	429	110	786
ORTHOPEDEICALLY HD	0	0	0	0	0	135	0
VISUALLY HANDICAPP	405	135	135	0	135	135	135
AUTISM	0	0	0	135	0	135	135
HEARING HANDICAPPE	0	135	270	0	0	135	405
SPEECH HANDICAPPED	0	4,813	3,534	2,701	2,712	3,438	2,958
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	29,773	34,243
ADM	3.00	255.61	214.53	198.82	232.99	220.53	253.55

DAYS ABSENT	32	1,117	895	575	1,052	894	584
DAYS PRESENT	373	34,875	28,057	24,815	30,402	28,884	33,659
ADA	2.76	258.33	207.90	183.82	225.20	213.56	249.33

EPA CATEGORY	6	7	8	9	10	11	12	TOTAL	ADM
KINDERGARTEN	0	0	0	0	0	0	0	30,509	228.96
PRIMARY	0	0	0	0	0	0	0	73,283	542.84
ELEMENTARY	25,051	25,034	22,325	0	0	0	0	124,457	921.98
HIGH SCHOOL	0	0	0	13,315	5,225	3,019	6,901	29,461	218.23
EDUCABLE MENTALLY	0	111	135	135	0	343	403	1,251	9.34
LEARNING DISABILIT	1,884	1,819	3,229	3,753	4,093	4,258	2,495	27,481	203.56
TRAINABLE MENTALLY	404	135	270	270	135	9	135	2,163	15.05
EMOTIONALLY HD	135	0	197	930	453	550	85	3,658	27.10
ORTHOPEDEICALLY HD	0	0	0	0	0	0	76	211	1.55
VISUALLY HANDICAPP	270	5	0	0	0	0	0	1,355	10.04
AUTISM	0	0	0	0	0	270	270	945	7.00
HEARING HANDICAPPE	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	1,225	9.08
VOCATIONAL 1	0	0	0	9,127	15,234	9,858	9,309	44,063	325.43
VOCATIONAL 2	0	0	0	1,270	3,259	8,873	4,537	19,049	133.70
VOCATIONAL 3	0	0	0	270	270	2,004	1,187	3,731	27.54

TOTAL	30,273	29,013	25,624	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	2,873.13	

DAYS ABSENT	1,018	14	81	241	108	159	300	7,162
DAYS PRESENT	29,255	28,999	25,543	29,414	29,925	29,497	25,990	380,717
ADA	215.70	214.81	195.51	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,)

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:

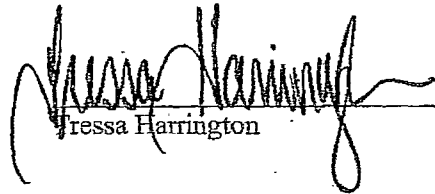
1. I am over eighteen years of age, and I have personal knowledge of the facts and circumstances set forth in this Affidavit.
2. I am currently employed as the Attendance Supervisor with the Chester County School District and have served in this capacity since August of 2007.
3. I lived in the Great 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.

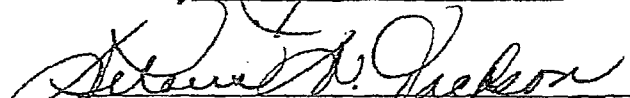
6. Attached hereto as Exhibit B is a true and correct copy of the Chester County School District's attendance zones, reflecting the inclusion of the Mitford area in the attendance zone for the Great Falls schools.

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.


Jressa Harrington

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

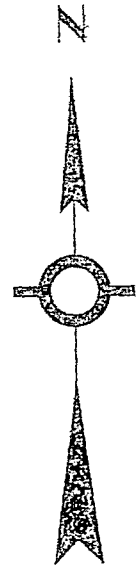

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 1/19/2019

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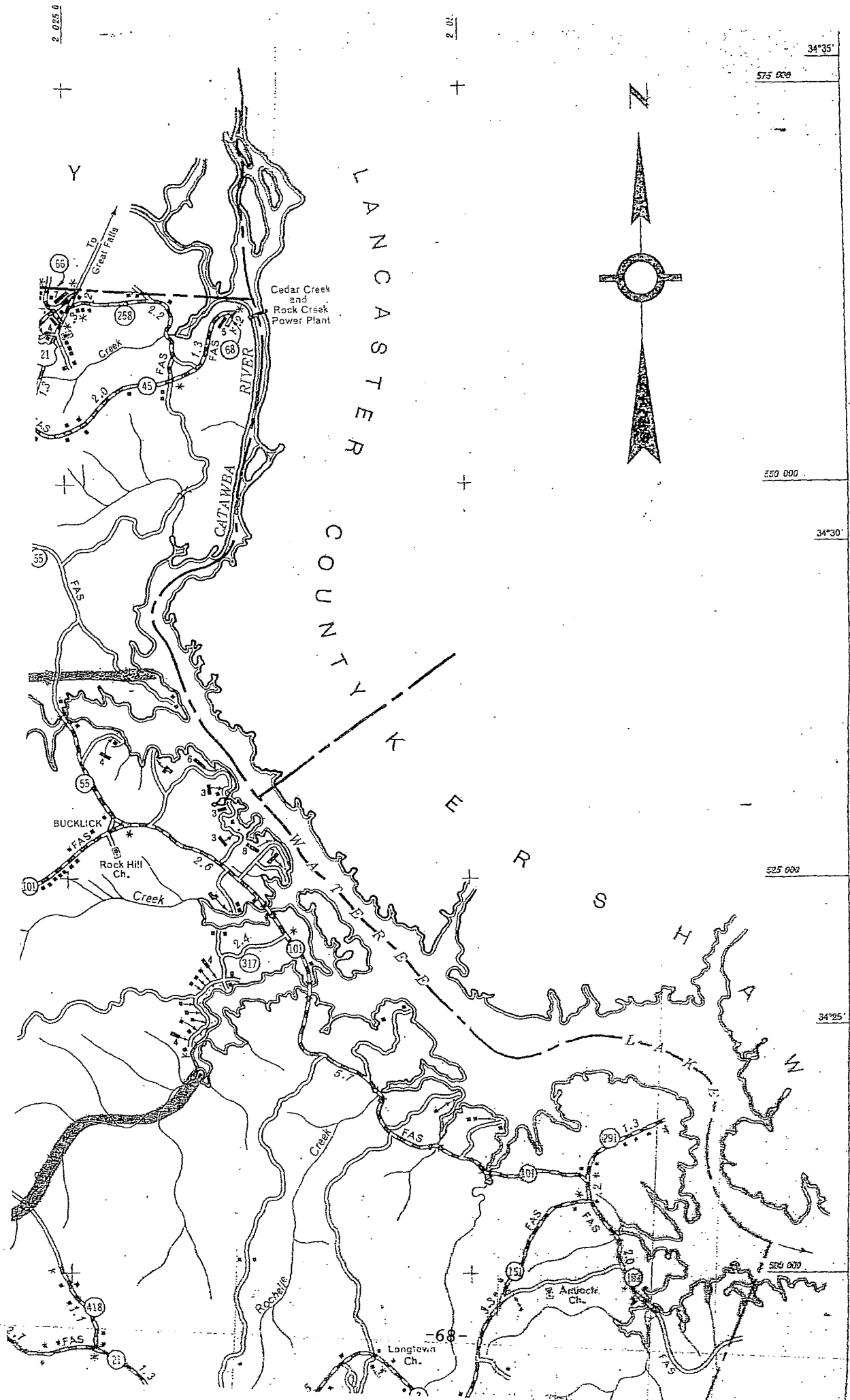
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LANCASTER COUNTY

Cedar Creek and Rock Creek Power Plant

To Great Falls

BUCKLICK

Rock Hill Ch.

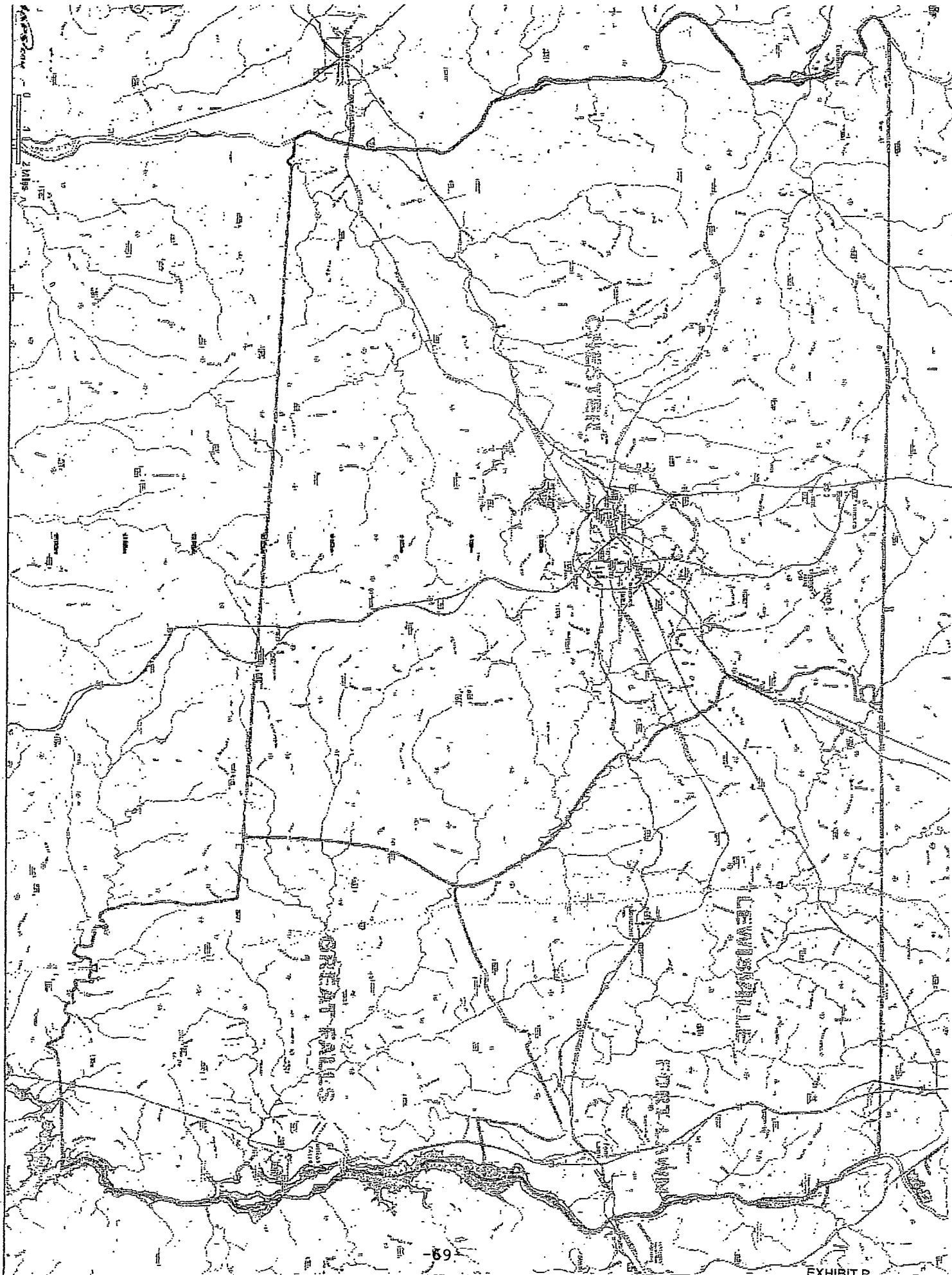
WALTERS

LAKE

Antioch Ch.

Longtown Ch.

-68-



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,)
Defendants.

O R D E R

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	133	13	148
Mitford Elementary	1-7	0	127	127
Greenbriar Elementary	1-7	76	31	107
Fairfield Vocational	11-12	98	122	220

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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

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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^a a desegregated 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
Winnboro 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 Department.

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 maintaining any classroom, non-classroom, or extracurricular activity on a segregated basis, so that no student is effectively excluded from attending any class or participating in any non-classroom or extracurricular activity on the basis of race, color or national origin.

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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

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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

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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.

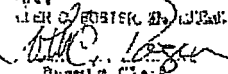
AND IT IS SO ORDERED.

#9.


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

Greenville, South Carolina

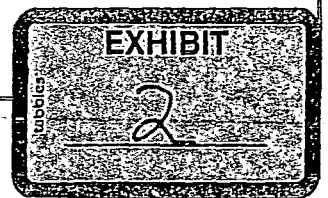
August 17, 1970

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CLERK OF DISTRICT COURT

August 17, 1970

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 mils. 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
	<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	7,338
	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	14,039	17,503	3,419
200 Employee benefits	2,823	2,894	3,790	896
	16,619	16,933	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	148,613	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	44,133	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)

	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				
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
	<u>93,877</u>	<u>98,099</u>	<u>96,841</u>	<u>(1,258)</u>
212 Guidance:				
100 Salaries	571,348	575,006	581,745	6,739
200 Employee benefits	182,984	180,499	190,441	9,942
	<u>754,332</u>	<u>755,505</u>	<u>772,186</u>	<u>16,681</u>
213 Health:				
100 Salaries	160,977	122,630	152,295	29,665
200 Employee benefits	53,828	51,730	49,611	(2,119)
	<u>214,805</u>	<u>174,360</u>	<u>201,906</u>	<u>27,546</u>
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
	<u>160,848</u>	<u>114,117</u>	<u>136,583</u>	<u>22,466</u>
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
	<u>285,467</u>	<u>319,858</u>	<u>344,396</u>	<u>24,538</u>
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
	<u>731,780</u>	<u>701,955</u>	<u>669,326</u>	<u>(32,629)</u>
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
	<u>149,118</u>	<u>144,263</u>	<u>151,526</u>	<u>7,263</u>

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
	<u>823,411</u>	<u>184,773</u>	<u>897,260</u>	<u>712,487</u>
 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
	<u>248,274</u>	<u>261,728</u>	<u>368,996</u>	<u>107,268</u>
 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
	<u>3,085,814</u>	<u>2,882,076</u>	<u>2,917,651</u>	<u>35,575</u>
 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
	<u>436,572</u>	<u>440,922</u>	<u>442,437</u>	<u>1,515</u>
 253 Facilities				
325 Facilities Rental	0	0	54,000	54,000
	<u>0</u>	<u>0</u>	<u>54,000</u>	<u>54,000</u>

	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	492,332	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	1,313,531	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	43,100	43,100	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
	<u>230,559</u>	<u>257,813</u>	<u>258,997</u>	<u>1,184</u>
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)
	<u>1,525,576</u>	<u>985,854</u>	<u>911,815</u>	<u>(74,039)</u>
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
	<u>428,844</u>	<u>351,367</u>	<u>426,341</u>	<u>74,974</u>
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	<u>16,340,039</u>	<u>13,944,693</u>	<u>15,512,631</u>	<u>1,567,938</u>

	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

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, Snall, 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 Galger)

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 McCrosby Liston for 1973 summer program.
- (3) Develop baseball field at Gaiger.
- (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:

Claudett Ragsdale, Jr.

Claude H. 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

NOV 15 2007

November 8, 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 Cranille, 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

Committees:

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.

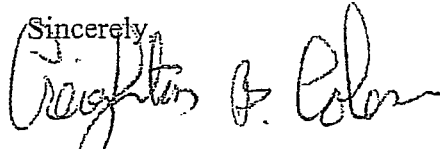
My intent to meet with the school board is not to discuss the current legislation that is currently being analyzed by the U.S. Justice Department or to discuss the SACS issue. These issues are in the proper authorities hands and the chips will fall where they may. It was my intention to look forward 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,

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

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 Mitford Attendance Area law that allowed taxes to be levied in Fairfield County so that students in the Mitford 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 Mitford 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

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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 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 authorities employed by the County of Chester to sell some \$20,000 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 its 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 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.

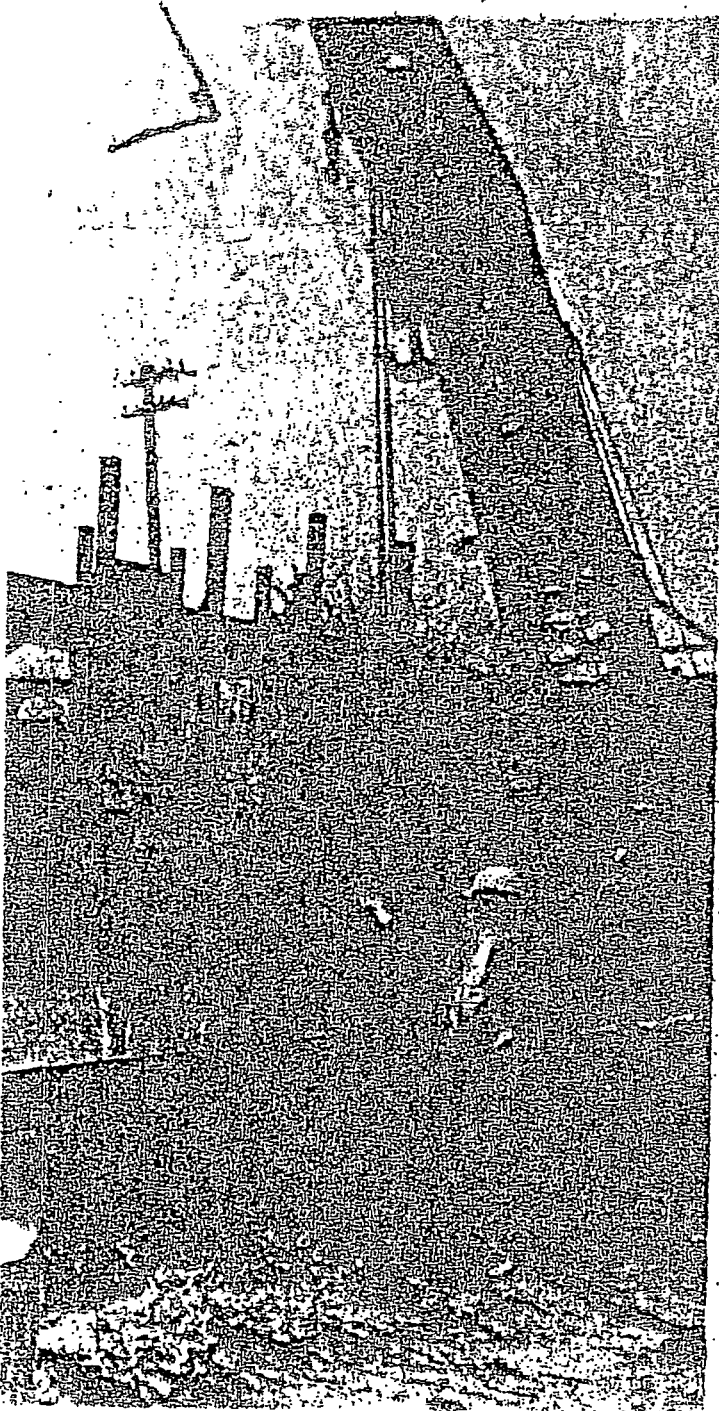
Roxville Township Trustee Ephraim Jackson informed newer trustees that Milford area students have been attending the Great Falls schools for a number of years, but that Fairfield County has paid only

(Continued on Page 16-A)

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Opposition Forms



up Operation

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Trustees-

(Continued from Page 1-A)
\$25,000 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 Superintendent 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 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."

(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.

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.

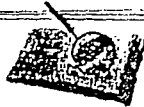
SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of April, 1973.

Welcome to the
South Carolina  *Legislature* Outline

Search Legislation

Session 118 - (2009-2010)



(Full text search on all bills)

R 291 found 1 time. 

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 05/08/10

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 # 387)

olina 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.

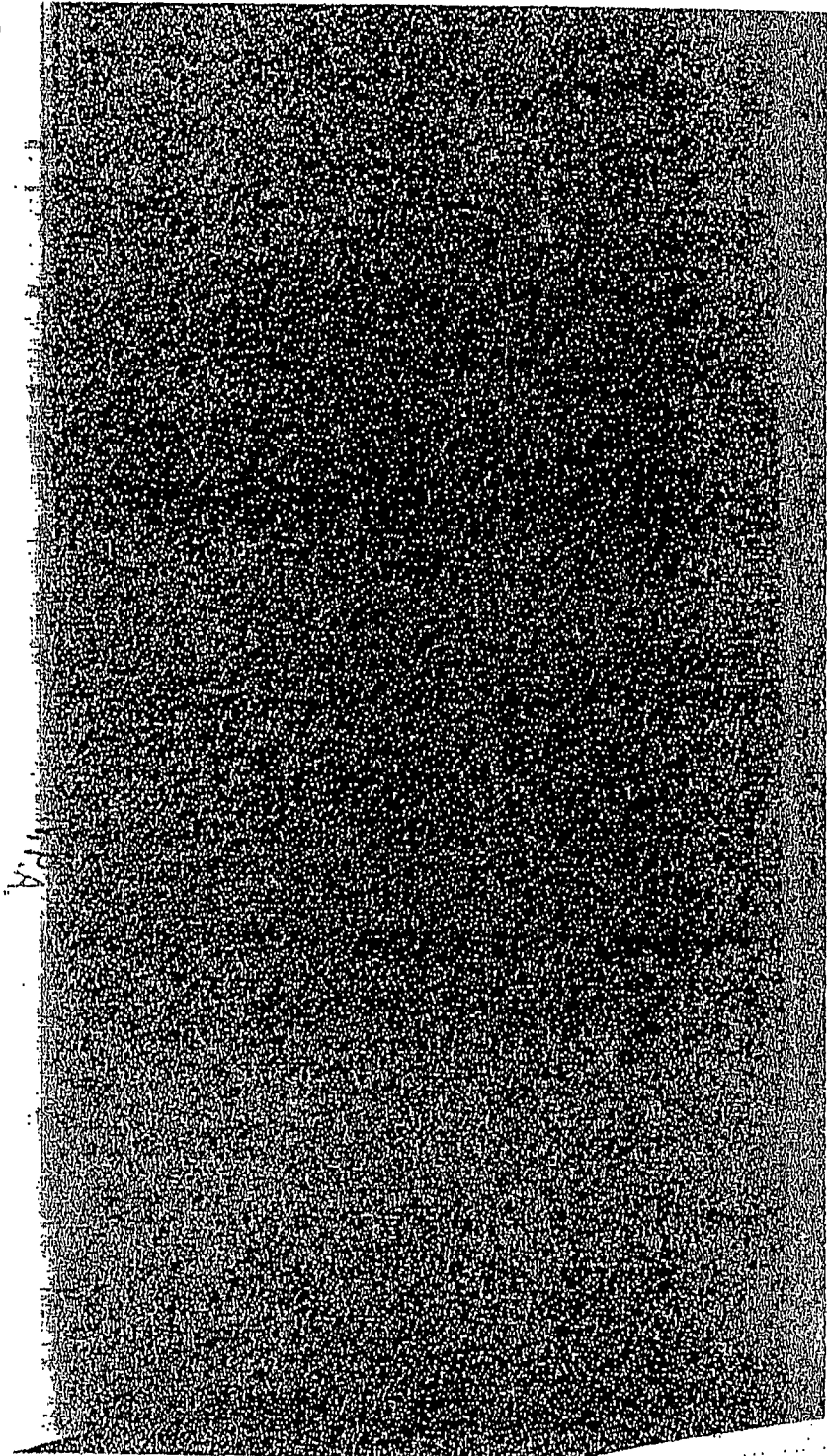
182. (SDE: Part-time Benefits) DELETED

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.



121

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 1B

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

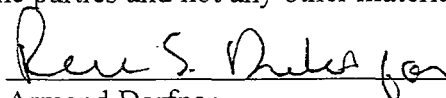
BOARD OF TRUSTEES FOR THE
FAIRFIELD COUNTY SCHOOL DISTRICTAppellants,

vs.

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

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Amended Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



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Charleston, South Carolina
January 18, 2013

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

FEB 07 2013

S.C. 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 DISTRICTAppellants,

vs.

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

PROOF OF SERVICE

I certify that I have served the Appellants' Amended Record on Appeal on the Respondents State of South Carolina, Chester County School District, Fairfield County Treasurer, and State Department of Education by depositing a copy of it in the United States Mail, postage prepaid, on February 4, 2013, addressed to their attorneys of record as follows:

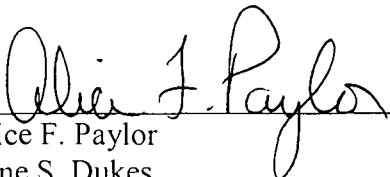
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