



## THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA

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### LWVSC STUDY: SCHOOL DISTRICT STRUCTURE AND AUTHORITY

#### Issues in School District Governance and Authority

##### 1. The School Board

- How many members does/should the district board have?
- Are they/should they be elected at-large, by single-member areas, or some of each?
- Are they/should they be elected or appointed?
- Are the elections/should the elections be partisan or nonpartisan?
- Who makes these decisions/who should make these decisions?

#### **Background:**

The 85 School district boards in South Carolina range from five to twelve members, with most in the seven to nine member range. Larger school districts tend to have larger boards. The state does not set a minimum or maximum number of board members. The number of members is set by the local legislation that was enacted for each district/county, as well as the method of selection.

Both systems, those with members from designated single-member areas and those with only at-large members, have advantages. Members from single areas have a particular perspective and constituency that needs representation. They are not elected by all the voters in the school district, just those in their particular area, so each voter has only one school board member who is elected by that person and his/her neighbors. At-large members represent a broader perspective, and give voters a chance to pick the entire board, not just one member. At-large members are particularly valuable in larger school districts because shifts in population between censuses mean that growing areas are increasingly underrepresented in a system with single area members. Some school districts use designated or numbered seats, in which case a candidate would file not just to run for school board but to run for a particular seat. In that case, voters would choose from a limited number of candidates for a particular seat.

Most board members in South Carolina are elected, mostly in nonpartisan elections and mostly for four-year terms. Board members are appointed annually in Clarendon 2, biennially in Clarendon 1, annually in Dillon 1, 2, and 3 and Marion 1,2, and 7. Chester, Horry, and Lee Counties have

partisan elections (all are single-district counties). All other elected boards run on non-partisan tickets.

In general, changes in these policies and practices are made by local legislation, introduced by the county's legislative delegation. Local legislation consists of bills passed by the General Assembly that affects only one local government. Local legislation is not permitted on county and municipal matters, but it continues to be the accepted practice with respect to the governance of school districts. The county delegation consists of members of the S.C. Senate and House representing some part of that county. Because House and Senate districts cross county lines, some members of the county delegation may not live in that county.

## 2. The School District

- How many districts should there be in the county/state? How large should they be (minimum, maximum, average)
- Who does/should have the power to split or consolidate districts or to redraw district lines?
- What roles are/should be played in changing district lines by citizens, the legislative delegation, and existing school authorities?
- How might it be possible to create multi-county districts? Who should decide?

### **Background: Home Rule**

The legislation that provides for consolidation of school districts dates back to the pre-Home Rule era.<sup>1</sup> Home rule came to South Carolina counties and municipalities (but not school districts) as a result of federal court decisions that required both Senate and House districts in the state to be apportioned by population rather than by county lines. The result of that reapportionment was that there was no longer a clearly defined county delegation to manage county and school district affairs. Some counties did not have a resident senator, others had more than one. Representatives found themselves in districts that cut across two or sometimes three counties.

Constitutional amendments passed in 1974 provided for the creation of county governments and also set forth the structural options for municipal governments. This event is referred to as home rule—turning decisions about the structure of local government over to the citizens. After 1974, counties were required to choose from among alternative structures via referenda that established the size of their councils, the mix of at-large seats and single member districts, and whether to have a manager, an administrator, or (for counties) a supervisor and (for cities) a mayor who was also chief executive officer. Municipalities already had considerable fiscal home rule, but counties began managing their own fiscal affairs for the first time instead of being governed by the county delegation.

Because school districts receive a substantial share of their revenue from the state, the General Assembly treated them differently from other elected local governments. Even with the change in House and Senate district lines across counties, county delegations still retain considerable power over the makeup and fiscal operations of school boards. In particular, school districts did not receive structural home rule,

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<sup>1</sup> South Carolina Code, sections 59-17-20 to 59-17-90.

which means the right to determine the size of the school board, the mix of at-large seats and single member districts, and other governance matters, including altering district boundaries to reflect changes in population and/or tax bases. The power to make such structural changes lay with either the legislative delegation or, in a few counties, with the county board of education. With the abolition of most county boards of education, the legislative method has become the common method of making changes in either district lines or the composition of school boards (South Carolina School Boards Association, 2008). There is no explicit provision for consolidating districts across county lines.

### **Background: Changing district lines**

A change in the law governing school districts, school boards, or county boards of education takes place when members of the county's legislative delegation introduce local legislation—an act of the General Assembly that only applies to the particular county or school district or districts, introduced by members of the county legislative delegation. Usually such legislation passes routinely if endorsed by a majority of the delegation in each house. In the Senate, if the county contains parts of more than one Senate district, the votes are divided according to the proportion of the county that each Senator represents. The governor sometimes signs such legislation, but even if he does not, the General Assembly generally overrides his veto.

The less frequently used method allows the county board (where one exists) to make such a change under one of three conditions. In general, county boards can alter district boundaries with

- EITHER written approval from all of the county's legislative delegation
- OR written petition signed by at least 80 percent of the qualified electors [voters] in each affected school district
- OR written petition by at least one-third of the qualified electors in each affected school district, followed by a referendum in which the proposed change receives a majority vote in every affected district.

The difficulty of altering district boundaries provides important protections for minority concerns under the petition or referendum method, but offers less protection when the local legislation approach is adopted.

Most of the current school district lines in South Carolina were created in the 1950s. There have been a limited number of consolidations (most recently in Sumter, Orangeburg and Marion Counties) but no redrawing of lines or splitting of larger districts.

### **Background: Size issues**

South Carolina's school districts are not small in comparison to many other states. Studies indicate that the minimum efficient size is somewhere between 1,600 and 3,000 students per district. The smallest district is Dillon 1 with less than 900 pupils, and the largest district is Greenville with more than 62,000 students. The median district has about 4,400 pupils. Smaller districts have higher costs, but in most cases the higher costs result from being rural. Low density of students drives up transportation costs and results in smaller schools and smaller classes to serve a scattered population. Larger districts tend to serve minority and low-income students less effectively than smaller districts and particularly smaller schools.

However, larger districts will encompass a broader range of incomes and tax bases and therefore result in more equalization of fiscal resources per pupil.

### **3. Multidistrict counties**

- Who does/should have the coordination responsibility for school districts in multi-district counties?
- If there is such a coordinating entity, what powers and responsibilities does/should it have?
- How are its members selected, and to whom are they accountable?

#### **Background:**

Of the state's 46 counties, 29 have a single school district. The other 17 counties have from two to seven (Spartanburg) districts each, most of them two or three. In the 1950s, when the number of school districts in South Carolina was consolidated from more than 1,200 to less than 100, every county had a county board of education, even if there was only one school district in the county. Most of those county boards have been dissolved, although there are still county boards in Anderson and Dillon Counties and coordinating entities in a few other counties. A few counties with more than one district share tax revenues to provide some equalization in funding (Spartanburg and Laurens). Dillon's board is appointed by the legislative delegation. Anderson's board is elected by the citizens of the county.

### **4. Fiscal powers**

- What authority does/should the school district board have over the mill rate and the budget? Over the issuance of bonds for school construction?
- Should school districts in multidistrict counties be permitted or encouraged to share the county property tax base by means of a countywide levy that is either shared on a per pupil basis or used to fund particular services to all school districts? Who should have the authority to decide?

#### **Background:**

Most school district boards in South Carolina have very limited fiscal authority. They may or may not be permitted to raise the mill rate, sometimes subject to the approval of the county council or the legislative delegation. Twenty-three districts have the authority to set their own mill rate (now subject to the limits set in Act 388) and approve their own budgets. Another 26 districts have no authority over either the mill rate or the budget, which is approved by another entity—legislative delegation, town meeting, or county council. Three districts have a statutory cap on the mill rate that cannot be exceeded without approval from county council or referendum. The remaining 33 districts have limited authority to increase the mill rate up to a ceiling, after which approval must be sought from

county council, legislative delegation, or referendum. School boards can issue bonds for capital purposes (also tax anticipation notes as needed), but they are subject to a constitutional limitation.

At least four multi-district counties—Anderson, Greenwood, Laurens, and Spartanburg—practice some limited tax sharing across districts in order partly equalize resources. The rationale is that some of the tax revenue results from countywide efforts to recruit industry and the benefits should not be limited to the district in which the industry locates.

## 5. The Legislature

What is/should be the role of the legislative delegation and the General Assembly in making these decisions for the state’s public schools?

**Background:** Cities have always had a fair degree of autonomy, or home rule, in South Carolina. Counties were governed by their legislative delegations until the 1970s, when reapportionment left some counties with no resident senator and others with multiple senators, and legislators whose districts crossed county lines. Counties then were given the right to choose a form of government from several options and create elected county councils with the normal powers of setting the mill rate, approving the budget and providing various kinds of ordinances and public services. School districts, however, do not have home rule. The General Assembly functions as a “super-school board” in many respects. The argument is that the state provides a substantial share of the funding for public schools and therefore is entitled to a high degree of control. This argument has some validity for FISCAL home rule (setting mill rates and budgets), but not necessarily STRUCTURAL home rule (the size and composition of the school board and the drawing and redrawing of district lines).