

July 24, 2015

The Honorable Nikki Haley
Governor of South Carolina
State House
Columbia, South Carolina 29211

Dear Governor Haley:

Each year I write to update you on South Carolina's membership on the Southern Regional Education Board (SREB). Currently, South Carolina has a vacant membership position on the Board for a term ending June 30, 2019. Also, on June 30, 2014, the term of membership of Melanie Barton on the Board expired. You may reappoint Ms. Barton or appoint someone else to serve the term July 1, 2014 through June 30, 2018. In addition, on June 30, 2013, the term of membership of Senator Nikki G. Setzler expired. You may reappoint Senator Setzler or someone else to serve the term ending June 30, 2017. The SREB Compact requires that at least one member of a state's representation on the Board must be a state legislator and at least one must be an educator.

The member now serving on the Board from South Carolina and his expiration date is:

Dr. Mitchell M. Zais

June 30, 2016

I am also writing about South Carolina's membership on SREB's Legislative Advisory Council, which advises the Board on legislative matters pertaining to Southern regional education. States find it important to have key legislators in education and education finance leadership positions involved in SREB's work, and SREB benefits greatly from having the group's advice and guidance. Ideally, each state has four to five members on the Council, with both House and Senate represented. At present, Senator Setzler serves on the Council by virtue of being a legislative member of the Board. Senator John W. Matthews Jr. serves on the Council at your pleasure and does not have a specified term. I hope you will increase South Carolina's presence in SREB's work by appointing two or three additional legislators to serve on the Council at your pleasure. All that is necessary from SREB's standpoint is that we receive a copy of your letter to the legislators you appoint to the Council.

Enclosed are the Compact and Bylaws that include provisions concerning the appointment of members of the Board. Also enclosed are three sets of SREB's official appointment form for Board members to be completed in your office for your signature. Each appointee should receive a copy of his/her appointment form, one copy should be retained for your files, and we ask that one copy be returned to the SREB office for our official Board files.

We look forward to another productive year and appreciate South Carolina's commitment to improving education.

Sincerely,


David S. Spence
President

Enclosures

Certification of Membership
Board of Control for Southern Regional Education

I hereby certify that

(Name)

(Title)

(Address)

has been duly appointed a member of the Board of Control for Southern Regional Education, as one of the representatives of the State of _____, and for the term ending June 30, 2019.

Governor of _____

Date

Copy for Appointee

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Board of Control for Southern Regional Education

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(Name)

(Title)

(Address)

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Governor of _____

Date

Copy for Governor's Files

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Governor of _____

Date

Please return to:
Office of the President
Southern Regional Education Board
592 Tenth Street, N.W.
Atlanta, Georgia 30318-5790

Certification of Membership
Board of Control for Southern Regional Education

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(Name)

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Governor of _____

Date

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Governor of _____

Date

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592 Tenth Street, N.W.
Atlanta, Georgia 30318-5790

THE SOUTHERN REGIONAL EDUCATION

Compact

*W*HEREAS, the States who are parties hereto have during the past several years conducted careful investigation looking toward the establishment and maintenance of jointly owned and operated regional educational institutions in the Southern States in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens of the several States who reside within such region; and

WHEREAS, Meharry Medical College of Nashville, Tennessee, has proposed that its lands, buildings, equipment, and the net income from its endowment be turned over to the Southern States, or to an agency acting in their behalf, to be operated as a regional institution for medical, dental and nursing education upon terms and conditions to be hereafter agreed upon between the Southern States and Meharry Medical College, which proposal, because of the present financial condition of the institution, has been approved by the said States who are parties hereto; and

WHEREAS, the said States desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities;

NOW, THEREFORE, in consideration of the mutual agreements, covenants and obligations assumed by the respective States who are parties hereto (hereinafter referred to as "States"), the said several States do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting States which, for the purpose of this Compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent States and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and institutions for the benefit of citizens of the respective States residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

The States do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the "Board"), the members of which Board shall consist of the Governor of each State, *ex officio*, and four additional citizens of each State to be appointed by the Governor thereof, at least one of whom shall be selected from the field of education, and at least one of whom shall be a member of the Legislature of that State. The Governor shall continue as a member of the Board during his tenure of office as Governor of the State, but the members of the Board appointed by the Governor shall hold office for a period of four years except that in the original appointments one Board member so appointed by the Governor shall be designated at the time of his appointment to serve an initial term of two years, one Board member to serve an initial term of three years, and the remaining Board members to serve the full term of four years, but thereafter the successor of each appointed Board member shall serve the full term of four years. Vacancies on the Board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the Governor for the unexpired portion of the term. The officers of the Board shall be a Chairman, a Vice Chairman, a Secretary, a Treasurer, and such additional officers as may be created by the Board from time to time. The Board shall meet annually and officers shall be elected to hold office until the next annual meeting. The Board shall have the right to formulate and establish by-laws not inconsistent with the provisions of this Compact to govern its own actions in the performance of the duties delegated to it including the right to create and appoint an Executive Committee and a Finance Committee with such powers and authority as the Board may delegate to them from time to time. The Board may, within its discretion, elect as its Chairman a person who is not a member of the Board, provided such person resides within a signatory State, and upon such election such person shall become a member of the Board with all the rights and privileges of such membership.

It shall be the duty of the Board to submit plans and recommendations to the States from time to time for their approval and adoption by appropriate legislative action for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the States, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the States and to all properties and facilities used in connection therewith shall be vested in said Board as the agency of and for the use and benefit of the said States and the citizens thereof, and all such educational institutions shall be operated, maintained and financed in the manner herein set out, subject

to any provisions or limitations which may be contained in the legislative acts of the States authorizing the creation, establishment and operation of such educational institutions.

In addition to the power and authority heretofore granted, the Board shall have the power to enter into such agreements or arrangements with any of the States and with educational institutions or agencies, as may be required in the judgment of the Board, to provide adequate services and facilities for the graduate, professional, and technical education for the benefit of the citizens of the respective State residing within the region, and such additional and general power and authority as may be vested in the Board from time to time by legislative enactment of the said States.

Any two or more States who are parties of this Compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such States and to be controlled exclusively by the members of the Board representing such States provided such agreement is submitted to and approved by the Board prior to the establishment of such institutions.

Each State agrees that, when authorized by the legislature, it will from time to time make available and pay over to said Board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the States under the terms of this Compact, the contribution of each State at all times to be in the proportion that its population bears to the total combined population of the States who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States of America; or upon such other basis as may be agreed upon.

This Compact shall not take effect or be binding upon any State unless and until it shall be approved by proper legislative action of as many as six or more of the States whose Governors have subscribed hereto within a period of eighteen months from the date hereof. When and if six or more States shall have given legislative approval of this Compact within said eighteen months period, it shall be and become binding upon such six or more States 60 days after the date of legislative approval by the sixth State and the Governors of such six or more States shall forthwith name the members of the Board from their States as hereinabove set out, and the Board shall then meet on call of the Governor of any State approving this Compact, at which time the Board shall elect officers, adopt by-laws, appoint committees and otherwise fully organize. Other States whose names are subscribed hereto shall thereafter become parties hereto upon approval of this Compact by legislative action within two years from the date hereof, upon such conditions as may be agreed upon at the time. Provided, however, that with respect to any State whose constitution may require amendment in order to permit legislative approval of the Compact, such State or States shall become parties hereto upon approval of this Compact by legislative action within seven years from the date hereof, upon such conditions as may be agreed upon at the time.

After becoming effective this Compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the States and provided further that any State may withdraw from this Compact if such withdrawal is approved by its legislature, such withdrawal to become effective two years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action,

but such withdrawal shall not relieve the withdrawing State from its obligations hereunder accruing up to the effective date of such withdrawal. Any State so withdrawing shall *ipso facto* cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this Compact.

If any State shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said State as authorized by and in compliance with the terms and provisions of this Compact, all rights, privileges and benefits of such defaulting State, its members on the Board and its citizens shall *ipso facto* be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one year immediately following the date of such default this Compact may be terminated with respect to such defaulting State by an affirmative vote of three-fourths of the members of the Board (exclusive of the members representing the State in default), from and after which time such State shall cease to be a party to this Compact and shall have no further claim to or ownership of any of the property held by or vested in the Board or to any of the funds of the Board held under the terms of this Compact, but such termination shall in no manner release such defaulting State from any accrued obligation or otherwise affect this Compact or the rights, duties, privileges or obligations of the remaining States thereunder.

I IN WITNESS WHEREOF this Compact has been approved and signed by Governors of the several States, subject to the approval of their respective legislatures in the manner hereinabove set out, as of the 8th day of February, 1948.

STATE OF ALABAMA
By JAMES E. FOLSOM, *Governor*

STATE OF LOUISIANA
By J. H. DAVIS, *Governor*

STATE OF SOUTH CAROLINA
By J. STROM THURMOND, *Governor*

STATE OF ARKANSAS
By BEN LANEY, *Governor*

STATE OF MARYLAND
By WM. PRESTON LANE, JR., *Governor*

STATE OF TENNESSEE
By JIM McCORD, *Governor*

STATE OF FLORIDA
By MILLARD F. CALDWELL, *Governor*

STATE OF MISSISSIPPI
By F. L. WRIGHT, *Governor*

STATE OF TEXAS
By BEAUFORD H. JESTER, *Governor*

STATE OF GEORGIA
By M. E. THOMPSON, *Governor*

STATE OF NORTH CAROLINA
By R. GREGG CHERRY, *Governor*

COMMONWEALTH OF VIRGINIA
By WM. M. TUCK, *Governor*

STATE OF KENTUCKY
By EARLE D. CLEMENTS, *Governor*

STATE OF OKLAHOMA
By ROY J. TURNER, *Governor*

STATE OF WEST VIRGINIA
By CLARENCE W. MEADOWS, *Governor*

By-Laws

OF THE
SOUTHERN REGIONAL
EDUCATION BOARD

SREB

AS AMENDED AND ADOPTED
BY BOARD OF CONTROL
SEPTEMBER 22, 1958

On November 11, 1951, the Executive Committee authorized the use of the title "Southern Regional Education Board" in lieu of the phrasing "Board of Control for Southern Regional Education" for general purposes; the latter title, however, is used in the Compact and in conducting legal business.

By-Laws
Southern Regional Education Board

As amended and adopted by Board of Control

ARTICLE I
(PURPOSE, FUNCTIONS, AND POLICIES)

Section I. *State of Purpose.* The Board shall be devoted to the task of assisting states and institutions and agencies concerned with higher education in their efforts to advance knowledge and to improve the social and economic level of the southern region.

In aiding such states, institutions, and agencies, the Board shall explore fully, recommend, where desirable, and develop, where needed, interstate collaboration in the support, expansion, or establishment of regional services or schools for graduate, professional, and technical education.

Section 2. *Functions.* The Board, in carrying out its general purposes, shall perform the following functions:

- a) Serve as a clearing house on information regarding regionally significant activities among institutions and agencies concerned with higher education in the southern region.
- b) Provide a facility and staff for continuous assessment of needs in higher education within the South and for developing plans and programs to meet those needs.
- c) Serve as an administrative device for carrying out interstate arrangements for regional educational services and institutions.
- d) Serve as fiscal agent for carrying out interstate arrangements for regional educational services and institutions.
- e) Serve as a research facility on institutional and regional problems related to improving higher education.
- f) Assist in providing consultative services to states and institutions on improvement of higher education in the South on problems of major regional significance.

Section 3. *Policies.* The Board, in all its activities, shall be guided by the following policies:

- a) Each State shall be responsible, within the limits of its resources, for making available adequate facilities for higher education to its own citizens. In doing so, each State shall take into consideration the contributions made by institutions not under public control.
- b) Continuation, expansion, or establishment of educational services shall be guided by needs of the States.
- c) The quality of educational services provided shall be the highest possible consistent with the resources of the States.
- d) In so far as possible, needed regional educational services shall be provided through special arrangements among existing institutions. Regional facilities shall be established and directed by the Board only when no existing institution can satisfactorily provide needed services under a

system of regional collaboration, or when because of statutory or constitutional limitations, States cannot collaborate in supporting existing institutions.

e) Regional services, whether developed at existing institutions, or directed by the Board, shall be subject to applicable State and Federal laws and court decisions.

f) In undertaking research, the Board shall secure, in so far as possible, the collaboration of existing agencies, organizations and institutions.

g) The Board, in its study and action, shall collaborate with appropriate professional and accrediting organizations.

ARTICLE II (MEMBERSHIP)

Section I. *Members.*

a) The membership of the Board shall consist of the Governor of each State which has approved the Compact, *ex officio*, and four additional citizens of each Compact State to be appointed by the Governor thereof, at least one of whom shall be selected from the field of education, and at least one of whom shall be a member of the legislature of that State.

b) Any State which is unable to qualify shall, upon approval of the Board, be permitted full participation on the Board and in the regional program it directs, if its Governor requests such participation in writing and states his intention to inaugurate steps to permit its qualification as soon as possible. Until its legislature approves the Compact, however, such State shall not be permitted to vote.

Section 2. *Tenure.* The Governor shall continue as a member of the Board during his tenure of office as Governor of the State but the members of the Board appointed by the Governor shall hold office for a period of four years except that in the original appointments one Board member so appointed shall be designated by the Governor at the time of his appointment to serve an initial term of two years, one Board member to serve an initial term of three years, and the remaining Board members shall serve the full term of four years, but thereafter the successor of each appointed Board member shall serve the full term of four years, or until his successor is appointed. The term of all appointments shall end on June 30th of the appropriate year.

Section 3. *Vacancies.* Any vacancy on the Board caused by death, resignation, refusal or inability to serve shall be filled by appointment by the appropriate Governor for the unexpired portion of the term.

Section 4. *Certification of Appointment to Board.* The Governor of each State shall, upon appointment of a member to the Board, inform the appointee in writing of his appointment and the term for which he has been appointed and he shall inform the Chairman of the Board in writing as to the name and address of such appointee and the term for which such appointment is made.

ARTICLE III (MEETINGS)

Section 1. *Regular Annual Meeting.* The Board shall hold its regular meeting annually at such a time and place as may be designated by the Chairman, who shall notify the members of the Board in writing as to the time and place of such meeting at least thirty (30) days in advance of such meeting, unless advance notice is waived by the majority of the Board.

Section 2. *Special Meetings.* Special meetings may be called at any time by the Chairman, or a majority of the Executive Committee, provided however, that all members shall be given at least thirty (30) days notice in writing as to the time and place such special meeting is to be held, unless such notice is waived by a majority of the Board.

Section 3. *Quorums.* A majority of the total membership of the Board shall constitute a quorum for any special or regular meeting.

ARTICLE IV (OFFICERS, TERMS, DUTIES)

Section 1. *Officers.* The officers of the Board shall be a Chairman, A Vice-Chairman, a Secretary, and a Treasurer. The offices of Secretary and Treasurer may be filled by the same person. The Board may, within its discretion, elect as its Chairman a person who is not a member of the Board, provided such person resides within a signatory State, and upon such election such person shall become a member of the Board with all the rights and privileges of such membership.

Section 2. *Election.* All officers shall be elected at the regular annual meeting and shall hold office until the next annual meeting or until their successors are elected.

Section 3. *Duties.* The officers shall perform the usual duties of their respective offices, which are:

a) *Chairman.* It shall be the duty of the Chairman to preside over all meetings of the Board and to appoint the appointive members of all standing and special committees of the Board and to fill all vacancies in the membership of such committees in accordance with the provisions of these by-laws. It shall be the duty of the Chairman to call meetings and to plan the agenda for such meetings.

b) *Vice-Chairman.* In the absence of the Chairman of the Board or in the event that he is present but desires the Vice-Chairman of the Board to do so, it shall be the duty of such Vice-Chairman to perform all the duties of the Chairman of the Board.

c) *Secretary.* The Secretary of the Board shall keep minutes of all the meetings of the Board and of its committees. He shall file, index, and preserve carefully all minutes, papers, and documents pertaining to the business and proceedings of the Board and of its committees. The Secretary shall appoint a suitable person, not a member of the Board, to act as Assistant Secretary

thereof; such Assistant Secretary shall have the actual custody, under the supervision and control of the Secretary, of the records. Copies of all minutes, papers, and documents of the Board may be certified to be true and correct copies thereof by either the Secretary or the Assistant Secretary.

d) *Treasurer.* The Treasurer shall keep a full and accurate accounting of all funds received and disbursed by the Board and shall arrange for annual audits of the Board's records. The Treasurer shall appoint a suitable person, not a member of the Board, to act as Assistant Treasurer thereof; such Assistant Treasurer shall have the actual custody under the supervision and control of the Treasurer, of the records.

Section 4. the officers shall execute such bond as may be required from time to time by the Executive Committee.

ARTICLE V

(COMMITTEES)

Section 1. *Executive Committee.*

MEMBERSHIP. The Chairman of the Board shall appoint the members of the Executive Committee, which shall consist of not less than one member of the Board from each State, and a total membership of not more than eighteen. The appointment of each member shall be subject to the approval of the Governor of the State in which the member resides.

VOTING. Each State shall have only one vote. Where more than one person represents a single State on the Executive Committee, the vote shall be divided equally among the State's representatives.

POWERS OF THE EXECUTIVE COMMITTEE. Except as otherwise provided in the Compact, during the intervals between the meetings of the Board of Control, the Executive Committee may exercise all of the powers of the Board of Control.

The Executive Committee shall meet from time to time on call of the Chairman or on call of the members representing any two or more of the States, stating the place, day and hour thereof, notice of which shall be served personally on each member of the Executive Committee, or shall be mailed, telegraphed or telephoned to his address at least forty-eight hours before the meeting. The Executive Committee may fix its own rules of procedure, and it shall keep a record of its proceedings and shall report these proceedings to the Board of Control at the regular, or any special, meeting thereof held next after each action has been taken by the Executive Committee.

Section 2. *Special Committees.* The Chairman shall appoint such special committees as shall be deemed necessary or appropriate, and fix the term of their appointment.

ARTICLE VI
(DIRECTOR AND STAF)

Section 1. *Director.* The Board shall appoint a Director of the office of the Board.

Section 2. *Staff.* The Director shall select the staff, with the approval of the Board.

Section 3. *Duties of the Director.* The Director shall be responsible for recommending general policies and program plans to the Board, and within the limits of policies and programs approved by the Board shall be responsible for the development and execution of the Board's functions. The Director shall be authorized to execute contracts in the name of and on behalf of the Board, when so directed by the Board.

ARTICLE VII
(FINANCE)

Section 1. *Fiscal Year.* The Board's fiscal year shall be from July 1 through June 30.

Section 2. *Accounting and Audits.* There shall be orderly and accurate methods of accounting used in handling all funds received and disbursed by the Board. An annual audit shall be made by a Certified Public Accountant and a financial report shall be submitted by the Treasurer to the members of the Board at the regular annual meeting.

ARTICLE VIII
(METHOD OF CHANGING BY-LAWS)

Section 1. Any by-law may be passed, amended, or repealed by a vote of two-thirds (2/3) of the States represented at any regular or special meeting and authorized to vote; provided, however, that such two-thirds shall be not less than a majority of the States. No changes shall be made in the by-laws unless the notice of the meeting sets out in full the proposed change or changes.

BY-LAWS CHANGES

- Sept. 21, 1957 The Board adopted a recommendation urging the Governors, in appointing legislative members or other elective officials to the Board, to specify that they shall serve a regular term of four years, unless their tenure of office expires before the end of those four years. Except in such event, the term of all appointments shall end on June 30 of the appropriate year.
- June 11, 1970 Title of Director changed to President by action of the Board.
- June 11, 1970 Reaffirmation of the Board's 1957 resolution on membership which urged Governors "...in appointing future members, to give thoughtful consideration to making the Board as broadly representative as possible of the variety of educational institutions in the South."
- Nov. 18, 1985 By-Laws concerning Executive Committee membership-- Executive Committee voted to give notice to the full Board that it will seek at the 1986 annual meeting a change in the By-Laws to increase the maximum membership of the Executive Committee to 20 from 18.
- June 21, 1986 -- The Board voted approval of the Executive Committee's proposed change in the By-Laws to increase the maximum membership of the Executive Committee to 20 from 18. (See pages 10 & 13 of Board proceedings.)
- A procedural change was also called for--in seeking a respective governor's concurrence of an appointment to the Executive Committee, inform that governor that in the absence of a specific response by a specified period of time would constitute concurrence (for example, two weeks).