

AMENDED

April 22, 1976

Calendar No. H. 3662

Introduced by REPS. HODGES, GELEGOTIS, ROBERT R. WOODS, THEODORE, HOLT, JOHN H. SMITH, HOWARD, KOHN, WALLER, MEDLEY, DUKES, HEINEMANN, WASHINGTON, BARRINEAU, KLAUMAN, SANDIFER, BRADLEY, SIDNEY T. FLOYD, CHANDLER, DesCHAMPS, BAKER, KELLER, POWELL, HENRY F. FLOYD, PEDEN B. McLEOD, VAN OSDELL, TISON, HELMLY, STANLEY, JOHNSON, PATTERSON, WILSON, HENDRICKS, SCHWARTZ, STROUD, BYRD, McGOWAN, LISTER, MORGAN, HAWKINS, TOAL, VENTERS, MCGILL, GORDON, MITCHELL, MARVIN B. COLLINS, JAMES E. MOORE, ARRAANTS, CARTER, ANDERSON, JOHN T. WOOD, FINNEY, HOLLAND, STEVENSON, HUNT, KNEECE, MARCHANT, WILLIAM J. McLEOD, GASQUE, HUFF, GRANGER, HINSON, BRUCE, MANGUM, CARNELL, RUDNICK, BLEASE, HORNSBY, HINES and CLYBURN

Printer's No. 703—H.

Read the first time February 17, 1976.

A BILL

To Amend Act 1268 of 1972, Relating to the State Board for Technical and Comprehensive Education, so as to Provide that the Board Shall Have Within Its Jurisdiction All State-Supported Post-Secondary Technical Institutions and Their Programs; Provide the Board with Certain Authority Over Certain Post-Secondary Vocational, Technical and Occupational Education Programs; Further Provide for the Powers and Duties of the Board; Designate All Personnel Employed by the Board State Employees; Provide for Salary Ranges for Certain Employees; Prohibit Local Salary Supplements; Provide Appeal Procedures; Establish the Powers and Duties of Area Commissions; Establish Ownership of Certain Property; Provide for a Uniform and Equitable Allocation of Funds; Provide for Money Appropriated for Special Schools; Provide for Accounting and

Budgeting; Provide that the Board May Receive State Funds for Capital Facilities; Delete Certain Provisions for Four-Year Institutions; and Add Provisions Relative to Four-Year and Three-Year Branches of the University of South Carolina.

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

SECTION 1. Section 1 of Act 1268 of 1972 is amended to read:

"Section 1. There is hereby created the State Board for Technical and Comprehensive Education (Board) as a continuing body and agency and instrumentality of the State. The Board shall consist of eight members, appointed by the Governor for terms of six years and until successors are appointed and qualify. One member shall be appointed from each congressional district, with the advice and consent of the legislative delegations of the congressional district involved, and be a resident thereof. There shall be two at-large members appointed by the Governor. The initial terms of office of Board members representing congressional districts shall be for a period of years corresponding to the numerical designation of their respective districts. The initial terms of office of the at-large members shall be for three and six years, determined by lot. In addition, the State Superintendent of Education and the Executive Director of the State Development Board shall serve as ex officio members of the Board. The chairman shall be elected by the Board. Board members serving on the effective date of this act shall complete their appointive term without interruption and shall be eligible for reappointment. In case a vacancy shall occur a member shall be appointed in the same manner for the remainder of the unexpired term. The Board shall enter into contracts and make such rules and regulations, including policies and guidelines, as deemed necessary to fulfill the intent of this act, subject to the approval of the General Assembly."

SECTION 2. Section 2 of Act 1268 of 1972 is amended to read:

"Section 2. The Board shall have within its jurisdiction, in accordance with the provisions of this act, all state-supported technical institutions and their programs that are presently operating and any created in the future.

The Board shall have approval or disapproval authority over all post-secondary vocational, technical and occupational diploma and associate degree programs financed in whole or in part by the State that lead directly to employment. Excepted are such programs presently being offered by other state-supported institutions of higher

learning which shall continue their present programs under the direction of their respective institutions. The Board shall continue major emphasis on the special schools program, which provides training for prospective employees for new and expanding industry, such programs to be closely coordinated with the State's economic development efforts.

All courses, programs and institutions within the jurisdiction of the Board shall be identified and administered as the South Carolina Technical Education System.

The Board shall have the responsibility for developing and maintaining the short and long-range plans for the South Carolina Technical Education System and shall coordinate its planning activities with similar activities of the State Development Board, the Commission on Higher Education, the State Department of Education and other state agencies, institutions and departments.

All personnel employed in the institutions and programs within the jurisdiction and control of the Board are designated state employees whether paid in whole or in part by state funds and shall be subject to the rules, regulations, guidelines and policies of the Board, the Budget and Control Board and the state personnel system. There shall be no local supplements to any salaries. The Board shall establish salary ranges for unclassified institutional employees based upon minimum standard systemwide qualification criteria. Area commissions will fill all positions with qualified personnel."

SECTION 3. Section 3 of Act 1268 of 1972 is amended to read:

"Section 3. Institutions of the South Carolina Technical Education System shall maintain open admissions policies unless determined to be economically unfeasible by the Budget and Control Board and establish and maintain low tuition and fees in order to provide access to post-secondary education and insure that such educational opportunities shall not be denied to anyone.

Upon request and justification and with the approval of the State Board of Education, the Board may authorize an institution within its jurisdiction to contract with local school districts to offer adult literacy courses and programs and secondary-level vocational courses and programs.

Upon request and justification and with the approval of the Commission on Higher Education, the Board may authorize an institution within its jurisdiction to offer two-year college parallel programs.

The Commission on Higher Education shall approve all criteria for college parallel courses."

SECTION 4. Section 4 of Act 1268 of 1972 is amended to read:

"Section 4. The Board shall maintain effective coordination with the Commission on Higher Education and other educational boards and state agencies. Coordination with the Commission on Higher Education shall be accomplished by the service of the Chairman of the Board as an ex officio member of the Commission on Higher Education.

The Board shall be required to submit to the Commission on Higher Education a budget and enrollment documentation for all existing and proposed college parallel courses or associate degree programs with college transfer credit by institutional location for review and comment prior to submission of the Board's total state budget request to the State Budget and Control Board.

All college parallel courses or associate degree programs shall be subject to termination by the Commission on Higher Education."

SECTION 5. Section 5 of Act 1268 of 1972 is amended to read:

"Section 5. The Board shall:

(1) be responsible for the state-level development, implementation, coordination and operation of an adequate and high quality post-high school vocational, technical and occupational diploma and associate degree courses and programs financed in whole or in part by state funds; such courses and programs to be characterized by a continuing strong emphasis on the employment needs of the State, the communities and people of South Carolina;

(2) establish criteria for and approve the awarding of certificates, diplomas and associate (but not baccalaureate) degrees to students who successfully complete authorized and prescribed courses and programs of study and training;

(3) participate in the various programs of federal aid to public, post-secondary, two-year institutions and to the students therein;

(4) accept and administer donations of funds, grants, real property or equipment from individuals, corporations, foundations and governmental bodies;

(5) establish a minimum and maximum tuition fee with the approval of the area commissions. Any fees charged above or below this established fee schedule shall require the approval of the Board and the appropriate area commissions;

(6) require accountability for and maintain inventory records over all donated equipment, all real property and equipment in the South Carolina Technical Education System which is purchased by or for the institutions and programs regardless of source of funds. All inventory records shall identify sources of funds and ownership of all items;

(7) establish criteria for the justification of a new facility or the modification of existing facilities. No new facilities or modification of existing facilities shall occur without the approval of the area commission and the Board;

(8) employ an executive director and such other personnel as may be necessary for the Board to fulfill its duties and responsibilities;

(9) file reports on its activities annually, with such recommendations as may be appropriate, to the Governor and General Assembly;

(10) continue the special schools training program for new and expanding industry and business, closely coordinated with the State's economic development efforts."

SECTION 6. Act 1268 of 1972 is amended by adding:

"Section 5.1. The Board shall establish statewide policies and procedures necessary to insure educational and financial accountability for operation of the technical education institutions and their programs.

The area commissions shall participate and provide input in the formulation of statewide policies and procedures through joint meetings, distribution of discussion documents and position papers, joint committees, service by area commission members on state board standing committees and whatever other means which may be necessary or desirable.

The area commissions shall be delegated primary responsibility for local governance and supervision of the individual institutions in compliance with all state laws by adoption of appropriate local policies and procedures which are consistent with state-level policies and procedures.

Institutional fees shall be regarded as local funds under the guidelines of the Board.

An area commission shall have the right to appeal to the Budget and Control Board any final decision or action of the Board in accordance with the following procedures:

(1) If differences occur between the state executive director and the local president, the executive director, local president and State Board congressional district member or a designated at-large Board member shall appear before the local area commission to resolve the differences.

(2) If the differences are not resolved as outlined in item (1) the area commission chairman, local president and state executive director shall appear before the Board to resolve the differences.

(3) If the differences are not resolved by the Board all parties, including the Chairman of the Board, shall appear before the Budget and Control Board to resolve the differences.

Section 5.2. The area commissions shall:

(1) Adopt and use a corporate seal;

(2) Adopt such bylaws, rules and regulations for the conduct of business and the expenditure of their funds as they may deem desirable;

(3) Acquire sites and construct and equip thereon appropriate facilities in accordance with item (7) of Section 5; all real property is the possession of the area commission regardless of the source of funds for its purchase or construction, except for those campuses currently owned by the State. All personal property purchased with local funds is the possession of the area commission;

(4) Acquire by gift, purchase or otherwise all kinds and descriptions of real and personal property;

(5) Accept gifts, grants, donations, devises and bequests;

(6) Provide appropriate supervision of the maintenance of any facility established to promote post-secondary vocational, technical and comprehensive education;

(7) Exercise responsibility for the operation, maintenance and improvement of institutional facilities;

(8) Employ the institutional chief administrative officer from a list of at least three candidates recommended by a committee consisting of the chairman of the area commission or designated commission member, the chairman of the Board or designated State Board member and one area president appointed by the two aforementioned persons;

(9) Employ such other personnel as may be deemed necessary;

(10) Establish, promulgate and enforce reasonable rules and regulations for the operation of their facilities;

(11) Operate their affairs on a fiscal year beginning on July first each year and ending June thirtieth of the succeeding calendar year;

(12) Expend any funds received in any manner consistent with their approved budget and in accordance with the purposes for which the funds were made available including the proceeds derived from any bonds issued by the county or counties to defray any costs incident to the establishment of adequate facilities for the program and thereafter to expend such funds for the operation, maintenance and improvement of the facilities;

(13) Exercise the right of eminent domain in the geographical area served by each respective institution;

(14) Apply for, receive and expend moneys from all state, local and federal governmental agencies;

(15) Keep full and accurate accounts of receipts and expenditures and make monthly reports in accordance with uniform procedures established for the system, and within ninety days following the close of the fiscal year cause a complete audit of institutional affairs to be made by an independent certified public accountant with copies of the audit report and related documents to be delivered concurrently to the area commission and the Board. The area commission shall make copies available to legislative delegations or county governing bodies participating in the funding of the institution;

(16) Prepare and submit budgets for review by the county governing bodies participating in the funding of the individual institutions and to the Board for approval in accordance with the methods and procedures established by each of the bodies or agencies involved. Local tax revenue budgets shall require the approval of the county governing bodies.

(17) Award certificates, diplomas and associate (but not baccalaureate) degrees to students who successfully complete authorized and prescribed courses and programs of study and training;

(18) Exercise such other powers as may be provided for them by the legislation which established and regulates the particular area commission.

Except as otherwise provided herein, area commissions of the technical institutions existing on the effective date of this act shall continue as presently constituted and as provided for by the legislation establishing the respective commissions.

Section 5.3. State funds for the South Carolina Technical Education System shall be appropriated to the Board by the General Assembly and funds budgeted for the technical institutions shall be allocated in a uniform and equitable manner. Monies appropriated for special schools shall be retained at the state level and expended upon recommendation of the Board. The Board and all institutions under its direction shall use prescribed statewide accounting and budgeting systems which shall account for all revenues and expenditures regardless of sources of funds and purposes for which expended. The systems shall include provisions to identify specific revenues with the specific expenditures to which they relate when the fund source so requires.

The Board and institutions shall be eligible to receive state funds for capital facilities. To qualify, a minimum of twenty percent of the cost of such facilities shall first be provided by the local support area."

SECTION 7. Section 8 of Act 1268 of 1972 is amended to read:

"Section 8. All four-year and three-year branches of the University of South Carolina shall continue to exist as branches of the University of South Carolina and three-year branches may add the fourth year upon approval of the Board of Trustees of the University of South Carolina."

SECTION 8. Section 6 of Act 1268 of 1972 is repealed.

SECTION 9. This act shall take effect upon approval by the Governor.