

INTERNAL STAFF UPDATE*

Thursday, September 24, 2015

Abbeville:

Today, the Supreme Court issued an order* granting the Plaintiff Districts' motion to set a concrete timeline for the General Assembly to conduct its work. Our office is reaching out to Senate, House, and Superintendent's staff. Recall that the Governor is also a defendant inasmuch as she writes an Executive Budget and signs/vetoes legislation, but she does not have to comply with the Court's timeline.

Supreme Court's Timeline:

- By October 15, 2015 – The parties will establish a panel of three experts to serve as facilitators: (1) One chosen by the General Assembly; (2) One chosen by the Plaintiff Districts; and (3) Superintendent Molly Spearman.
- By February 1, 2016 – The General Assembly will present to the Expert Panel their plan, including draft legislation.
- By March 1, 2016 – The Plaintiff Districts will present to the Expert Panel their reaction to the General Assembly's proposed plan.
- By March 15, 2016 – The Expert Panel will present a written report setting forth whether the General Assembly's proposed plan is viable to fix the constitutional violations.
- No Date Set – The Court will review the General Assembly/Governor's proposed plan and the Expert Panel's report and issue an order with its findings.

**Note that this Order was issued 3-2 with Justices Kittredge and Pleicones denying the motion on grounds of separation of powers, stating that the Court is involving itself in matters that lie exclusively within the Legislative Branch.*

DSS Class Action:

Today, Holly along with the rest of the parties completed the two-day mediation for the DSS Class Action lawsuit in Charleston. We made progress on the terms of the Settlement Agreement but have not yet completed negotiations nor reached a final compromise. We are going to continue to work on our counter-proposals over the next few weeks. The parties are scheduled to get back together in Charleston with Judge Duffy on October 26th and 27th.

Domestic Violence Task Force:

Yesterday, Becca and David met with Solicitor Duffie Stone and David Ross (Prosecution Coordination Commission) to discuss Recommendation 9 (funding additional prosecutors with accountability measures) and Recommendation 8 (eliminating the practice of law enforcement officers prosecuting cases). They are going to finalize data for each of the 16 Solicitors that we can use as measurables regarding:

- (1) Number of cases that come in and are closed out each year;

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- (2) Caseload numbers per prosecutor, including as compared to national standards;
- (3) Number of days cases are pending over a set amount; and
- (4) Number of cases law enforcement officers are believed to be prosecuting in municipal and magistrates court.

These measurables will allow us to set a baseline of where we are now and to chart whether there is progress year after year for accountability-based funding. We plan to have a proposal to present to the Governor within the next several weeks that accounts for current backlogs as well as increased caseloads, which are expected due to taking over law enforcement DV cases, handling heightened DV cases under the new law, and managing body camera video evidence.

House Higher Education Governance Ad Hoc Committee:

The House Higher Education Governance Ad Hoc Committee met today and heard from representatives of Technical College Board as well as CHE as they continue to find the best way for South Carolina to have a strong and accountable higher education governing system. Testimony was taken from the following:

- Dr. Jimmie Williamson, Executive Director of the Technical College System Board, discussed the governing structure of the board over the 16 colleges in the system. He discussed the functions of the board that are independent of CHE as well as where the board works cooperatively with CHE and its approval authority.
 - If a Board of Regents was put into place it was a fear that the structure would not be “nimble” enough to deal with ever changing needs of business and industry needs. Technical college programs and training that is offered has been based on growing industry and demands of business in the area. It is important that the system not become bogged down in red tape when it is necessary to quickly and skillfully train a workforce.
- Tim Hofferth, Chairman of CHE, provided testimony that, at the board level, CHE has lost its way and lost its vision. Currently the board is working to provide clarity and a collective call to action.
 - The board has obtained outside counsel to thoroughly vet the 1967 statute that governs the board. They are considering the regulations, budgetary provisos and other positions of the board and providing guidance to the commissioners. Commissioners recognize that there needs to be clarification of their role so they can effectively do their jobs.

The next meeting will be on October 6th when University and College Presidents, including Presidents Clements and Pastides, will be testifying before the committee.

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