

# Report of the Ad Hoc Committee on Charter Schools

Submitted to Representative Rita Allison  
Chair, House Education and Public Works Committee



Submitted by Representatives Raye Felder and  
Bill Taylor, Co-Chairs

January 15, 2020

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## ***OVERVIEW***

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The South Carolina Charter School Act (Act 447) was signed into law on June 18, 1996. Although the act has been amended six times since its inception, it has not received a comprehensive legislative review. Because the student population of charter schools continues to grow, and there are now two statewide authorizers, the Chair of the House Education and Public Works Committee commissioned an Ad Hoc Study Committee to examine possible revisions to the Charter School Act. The Committee was comprised of the following members:

- The Honorable Raye Felder (District 26), Chair of Education and Public Works Committee's K-12 Education Subcommittee. (Co-Chair of the Task Force)
- The Honorable Bill Taylor (District 86), Chair of Education and Public Works Committee's Higher Education Subcommittee. (Co-Chair of the Task Force)
- The Honorable Terry Alexander (District 59)
- The Honorable Lin Bennett (District 114)
- The Honorable Robert Brown (District 116)
- The Honorable Brandon Newton (District 45)
- The Honorable Ronnie Young (District 84)<sup>1</sup>

## ***TASK FORCE MEETINGS***

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In order to allow for testimony from a variety of witnesses, the Ad Hoc Committee convened several meetings. A summary of those meetings is contained below.

### **I. October 16, 2018**

The initial meeting began with a description of the Committee's purpose and mission, followed by staff providing a review of the South Carolina Charter School Act. Upon completion of the review, the following individuals made presentations to the committee:

- Sam Duell--Foundation for Excellence in Education
- Cameron Runyan--Chief Executive Officer, The Charter Institute at Erskine
- Elliot Smalley--Superintendent, South Carolina Public Charter School District

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<sup>1</sup> Representative Young passed away on May 19, 2019. His seat on the Committee was left vacant.

- Kenzie Riddle, Budget Analyst for the House of Representatives Ways and Means Committee, and Melanie Barton, Executive Director of the Education Oversight Committee (EOC), provided an update on charter school funding. The EOC, pursuant to proviso 1A.51, is examining the funding of charter schools.
- Emily Heatwole, Director of Governmental Affairs for the State Department of Education, provided recommendations for changes to the Charter School Act.

**V. September 9, 2019**

EOC provided an update regarding its work on the charter school funding systems. At the conclusion of the report, the Committee received public testimony.

Once all interested parties appeared before the Committee, the State Department of Education, Public Charter School Alliance, the Institute at Erskine, and the Public Charter School District <sup>2</sup> were directed to review the Charter School Act. The Committee requested that the parties provide their proposed changes to the Act.

**VI. October 21, 2019**

The Ad Hoc Committee, with representatives of the Review Panel in attendance, discussed the proposed changes to the Act. In addition to noting areas of where consensus was not reached, the Committee also provided suggestions and made requests of the Review Panel. The panel was requested to revisit its work and report to the Committee at its next meeting.

**VII. November 12, 2019**

At the beginning of the Committee's meeting, a motion was adopted to accept all suggested changes to the Charter School Act that were unanimously agreed upon by the Review Panel. These changes were to be incorporated into a working draft for the next Committee meeting. The meeting adjourned with no further action being taken.

**VIII. December 11, 2019**

Using the working document developed as a result of the Review Panel and Committee's efforts, the Committee adopted the recommendations attached to this report. Pending approval of the final report, the Committee announced its work completed.

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<sup>2</sup> The State Department of Education, South Carolina Public Charter School Alliance, the Charter Institute at Erskine, and the South Carolina Public Charter School will also be referred to as the Review Panel.

## FINDINGS

In order to clearly delineate the recommendations of the Ad Hoc Committee, the suggested revision to Charter School Act are attached with the following notations:

- Suggested deletions are noted with a ~~striketrough~~.
- New language is in **bold and underlined**.
- For areas where additional information or discussion is needed, a text box has been inserted.
- Additional items for discussion are included in the documents Miscellaneous section.

## Charter Schools Act

### SECTION 59-40-10. Short title.

This chapter may be cited as the “South Carolina Charter Schools Act of 1996”.

### SECTION 59-40-20. Purpose.

This chapter is enacted to:

- (1) improve student learning;
- (2) increase learning opportunities for students;
- (3) encourage the use of a variety of productive teaching methods;
- (4) establish new forms of accountability for schools;
- (5) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
- (6) assist South Carolina in reaching academic excellence; and
- (7) create new, innovative, and more flexible ways of educating children within the public school system, with the goal of closing achievement gaps between low performing student groups and high performing student groups.

### SECTION 59-40-30. Intent of General Assembly.

(A) In authorizing charter schools, it is the intent of the General Assembly to create a legitimate avenue for parents, teachers, and community members to take responsible risks and create new, innovative, and more flexible ways of educating all children within the public school system. The General Assembly seeks to create an atmosphere in South Carolina’s public school systems where research and development in producing different learning opportunities are actively pursued, and where classroom teachers are given the flexibility to innovate and the responsibility to be accountable. As such, the provisions of this chapter should be interpreted liberally to support the findings and goals of this chapter and to advance a renewed commitment by the State of South Carolina to the mission, goals, and diversity of public education.

(B) It is the intent of the General Assembly that creation of this chapter encourages cultural diversity, educational improvement, and academic excellence. Further, it is not the intent of the General Assembly to

create a segregated school system but to continue to promote educational improvement and excellence in South Carolina.

**SECTION 59-40-40. Definitions.**

As used in this chapter:

(1) A "charter school" means a ~~public, nonreligious, nonhome-based~~, nonprofit corporation forming a **public, accredited, nonreligious, non-home based** school that operates **under the oversight of a sponsor.**

**A charter school:**

**(a) is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services; however, an applicant may seek to form a single gender charter school without regard to the gender makeup of that proposed charter school;**

**(b) must be administered and governed by a governing body in a manner agreed to by the charter school applicant and the sponsor, the governing body to be selected as provided in Section 59-40-50(B)(9);**

**(c) may not charge tuition or other charges pursuant to Section 59-19-90(8) except as may be allowed by the sponsor and is comparable to the charges allowable by the local school district in which the charter school is located;**

**(d) is subject to the same federal and state fiscal practices and fixed asset inventory requirement as all public schools**

**The Committee recommends that issues regarding item (d) should be examined further.**

by sponsorship of a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning, but is accountable to the board of trustees, or in the case of technical colleges, the area commission, of the sponsor which grants its charter. Nothing in this chapter prohibits charter schools from offering virtual services pursuant to state law and subsequent regulations defining virtual schools.

—(2) A charter school:

—(a) is, for purposes of state law and the state constitution, considered a public school and part of the South Carolina Public Charter School District, the local school district in which it is located, or is sponsored by a public or independent institution of higher learning;

—(b) is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services; however, an applicant may seek to form a single gender charter school without regard to the gender makeup of that proposed charter school;

—(c) must be administered and governed by a governing body in a manner agreed to by the charter school applicant and the sponsor, the governing body to be selected as provided in Section 59-40-50(B)(9);

—(d) may not charge tuition or other charges pursuant to Section 59-19-90(8) except as may be allowed by the sponsor and is comparable to the charges of the local school district in which the charter school is located;

—(e) is subject to the same fixed asset inventory requirements as are traditional public schools.

**(2) (3)** "Applicant" means the person who or nonprofit corporate entity **organization** that desires to form a charter school and files the necessary application **with an approved sponsor** the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, or the board of trustees or area commission of a public or independent institution of higher learning. The applicant also must be the person who or the nonprofit corporate entity that applies to the Secretary of State to organize the charter school as a nonprofit corporation.

**(3) (4)** "Sponsor" means the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, as provided by law, a public **or independent** institution of higher learning as defined in Section 59-103-5 **and 59-113-50**, ~~or an independent institution of higher learning as defined in Section 59-113-50~~, from which the charter school

applicant requested its charter and which granted approval for the charter school's existence. Only those public or independent institutions of higher learning that meet the criteria defined in regulation by the State Board, as defined in this subsection, who register with the and approved by the South Carolina Department of Education (SCDE) may serve as charter school sponsors, and the The department shall maintain a directory of those institutions. The sponsor of a charter school is the charter school's Local Education Agency (LEA) and a charter school is a school within that LEA. The sponsor retains responsibility for ~~special education and shall ensure~~ ensuring that students enrolled in its charter schools it sponsors are served in a manner consistent with all LEA obligations under applicable federal, state, and local law.

(4) ~~(5)~~ "Certified teacher" means a person currently certified by the State of South Carolina to teach in a public elementary or secondary school or who currently meets the qualifications outlined in Sections 59-27-10 and 59-25-115.

(5) ~~(6)~~ "Noncertified teacher" means an individual considered appropriately qualified for the subject matter taught and who has completed at least one year of study at an accredited college or university and meets the qualifications outlined in Section 59-25-115. All noncertified teachers shall register with the SCDE and are subject to the same background checks and standards of conduct as certified teachers, but are not required to complete a state mandated evaluation or certification process. Noncertified teachers are subject to the jurisdiction, oversight, and authority of the SCDE which may discipline noncertified teachers in the same manner as certified teachers, including denying the individual the ability to register as a noncertified teacher. Noncertified teachers shall have the same rights as certified teachers with regard to the disciplinary process.

(6) ~~(7)~~ "Charter planning committee" means the ~~governing body of a charter school~~ non-profit corporation ~~formed by the applicant to~~ governed by appointed board members pursuant to the corporation's by laws through the application process and until the first election of a board of directors is held following approval. ~~After the election, the board of directors of the corporation must be organized as the governing body and the charter committee is dissolved.~~

(7) "Charter Board of Directors" means a board of directors of a charter school that is established after the first election of a newly formed charter school and must comply with 59-40-50(B)(9). The first election of a newly formed charter school must occur within ninety days of the school beginning to serve students.

(8) "Local school district" means any school district in the State except the South Carolina Public Charter School District, and any public or independent institution of higher learning, and ~~does not include~~ special school districts.

(9) "Charter school contract" means a ~~fixed-term~~ ten-year, renewable contract between a charter school and a sponsor that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(10) "Resident public school" means the school, other than a charter school, within whose attendance boundaries the charter school student's custodial parent or legal guardian resides.

(11) "Blended Learning" means a formal education program in which the student learns at least in part — through online learning, with some element of control over time, place, path or pace; at least in part under the supervision of an instructor in a traditional brick-and-mortar location away from home; and the modalities along each student's learning path within a course or subject that are connected to provide an -integrated learning experience.

#### SECTION 59-40-50. Exemption; powers and duties; admission to charter school.

(A) Except as otherwise provided in this chapter, a charter school is exempt from all provisions of law and regulations applicable to a public school, a school board, or a district, although a charter school may elect to comply with one or more of these provisions of law or regulations.

(B) A charter school must:

(1) adhere to the same health, safety, civil rights, and disability rights requirements as are applied to all public schools; ~~operating in the same school district or, in the case of the South Carolina Public Charter~~

School District or a public or independent institution of higher learning sponsor, the local school district in which the charter school is located;

(2) meet, but may exceed, the same minimum student attendance requirements as are applied to public schools;

(3) adhere to the same financial audits, audit procedures, and audit requirements, **procurement requirements, and to Generally Accepted Accounting Principles**, as are applied to **all** public schools;

(4) be considered a school district for purposes of tort liability under South Carolina law, except that the tort immunity does not include acts of intentional or ~~wilful~~ **willful** racial discrimination by the governing body or employees of the charter school. Employees of charter schools must be relieved of personal liability for any tort or contract related to their school to the same extent that employees of traditional public schools in their school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the local school district in which the charter school is located are relieved;

(5) in its discretion hire noncertified teachers in a ratio of up to twenty-five percent of its entire teacher staff **teaching core curriculum classes. For classes that are not part of the core curriculum, charter schools may employ non-certified teachers without limitation as to number**; however, if it is a converted charter school, it shall hire in its discretion noncertified teachers in a ratio of up to ten percent of its entire teacher staff. However, in either a new or converted charter school, a teacher teaching in the core academic areas as defined by the federal No Child Left Behind law must be certified in those areas or possess a baccalaureate or graduate degree in the subject he or she is hired to teach. **All noncertified teachers and certified teachers who are teaching courses outside of their certification area must possess a high level of subject matter competency through completion of college level work, advanced certification, work experience, or credentialing.** Part-time noncertified teachers are considered pro rata in calculating this percentage based on the hours that they are expected to teach **and support staff, teaching assistants, and administrative staff shall not be included in this calculation unless they are teaching a core curriculum class in addition to other duties. Any teacher, regardless of certification status, who resigns is suspended, or terminated amid allegations of unprofessional conduct, must be reported to the department by the sponsor**;

(6) hire or contract for, in its discretion, administrative staff, including a school leader, to oversee the daily operation of the school. At least one of the administrative staff must be certified or experienced in the field of school administration;

(7) perform criminal history record checks as applicable to all public schools for all school personnel, governing board of directors, volunteers, and other individuals who regularly come into contact with students, as defined in Section 59-19-117;

~~(8)~~ (7) admit all children eligible to attend public school to a charter school, subject to space limitations, except in the case of an application to create a single gender charter school or, in the case of a charter school designated as an **Targeted Academic Support Campus (TASC)**. Alternative Education Campus, pursuant to Section 59-40-111, **A TASC is any charter school** with an explicit mission and purpose of specializing in providing evidence-based, specific educational or behavioral health services for educationally disadvantaged students with a demonstrated need for such services **as defined in Section 59-40-111**. Demonstrated need may include, but not be limited to, as documented in an Individualized Education Program (IEP), 504 plan, a medical or psychological diagnosis, or documentation that the student is not meeting grade specific standards in literacy as documented by the student's school. For purposes of this section, educationally disadvantaged students are those students as defined by the Every Student Succeeds Act (ESSA). Evidence-based services must include, but are not limited to, services to students who need evidence-based, specialized, multi-sensory instruction in literacy or other services included in the students' IEP or 504 plan. This specialized mission and purpose must be defined in the school's charter and charter contract as approved by the sponsor and as allowed by ESSA. However, it is required that the racial composition of the charter school enrollment reflect that of the local school district in which the charter school is located or that of the targeted student population of the local school district that the charter school proposes to serve, to be defined for the purposes of this chapter as differing by no more than twenty



percent from that population. This requirement is also subject to the provisions of Section 59-40-70(D). If the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the sponsor. In the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, that is serving educationally disadvantaged students, if the number of applicants exceeds the capacity of a program, class, grade level, or building, students may be accepted by weighted lot as allowed by ESSA with mission-aligned preference and the process clearly described in their charter and charter contract approved by their sponsor, and there is no appeal to the sponsor;

**(9) maintain an enrollment reflective the racial composition of the local school district in which the charter school is geographically located, or the targeted student population of the local school district, should differ by no more than twenty percent and be in compliance with any existing desegregation orders. In the event that the racial composition of a charter school's enrollment differs by more than twenty percent, the sponsor shall consider the charter school's recruitment efforts and racial composition of the applicant pool in determining whether the charter school is operating in a discriminatory manner. Determination by the sponsor that the charter school is operating in a racially discriminatory manner justifies the revocation of a charter as provided in Section 59-40-110, as may be applicable.**

**(10) notify its sponsor of its enrollment procedures and dates of its enrollment period no less than sixty days before the first day of its application period;**

**(11) conduct a lottery if the number of applications exceeds the capacity of a program, class, grade level or building, as defined in the school's charter, and there is no appeal to the sponsor**

**(12) ~~(8)~~ not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except as defined below in (a) through (g). In the case of these listed priorities, no child may be counted more than once for purposes of determining the percentage makeup of each priority and will exclude those students from entering the lottery:**

**(a) in the case of an application to create a single gender charter school may limit enrollment based on gender; in which case gender may be the only reason to show preference or deny admission to the school;**

**(b) a charter school may give enrollment priority to a siblings of a pupil currently enrolled and attending, and siblings of a pupil selected in the lottery;**

**(c) or who, within the last six years, attended the school for at least one complete academic year. A public charter school shall give enrollment preference priority to students enrolled in the public charter school the previous school year. An enrollment preference for returning students excludes those students from entering into a lottery.**

**(d) A a charter school also may give enrollment priority to children of a charter school employee, and children of the charter planning committee, and children of the governing board of the charter school if priority enrollment for these groups children of employees and of the charter committee does not constitute more than twenty percent of the enrollment of the charter school.**

**(e) In the case of a charter school designated as an Alternative Education Campus a Targeted Academic Support Campus, pursuant to Section 59-40-111, mission-aligned preference priority may be given to educationally disadvantaged students as specifically defined in their charter and charter contract approved by their sponsor and as allowed by ESSA federal law.**

**(f) In addition, a charter school located on a federal military installation or base where the appropriate authorities have made buildings, facilities, and grounds on the installation or base available for use by the charter school as its principal location also may give enrollment priority to otherwise eligible students who are dependents of military personnel living in military housing on the base or installation or who are currently stationed at the base or installation. Dependents of military personnel may not exceed fifty percent of the total enrollment of the charter school at the time of the lottery. This priority is in addition to the other priorities provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each priority;**

~~(13) (9) consist of~~ **be governed by** a board of directors of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws. **Boards must follow the following criteria:**

**(a) Members of a board of directors may serve a term of two years, and may serve additional terms. The charter school's by-laws shall require staggered terms for board members.** A choice of the membership of the board must take place every two years.

**(b) Fifty percent of the members of the charter school board as specified by the bylaws must be individuals who have a background in K-12 education or in business, and the bylaws of the charter school also must provide for the manner of selection of these members. All board members must be United States Citizens and legal residents of the State of South Carolina. A person who has been convicted of a felony, any crime involving the neglect or abuse of a child, forgery, theft of money, or embezzlement of money must not be elected to a board of directors.**

**(c) In addition, at least fifty percent of the members of the board as specified by the bylaws must be elected by the employees and the parents or guardians of students enrolled in the charter school. A Parents or guardians shall have one vote for each student enrolled in the charter school. Employees shall also each have one vote. If an employee is also a parent or guardian of a student enrolled in the charter school, they will have one vote for each student enrolled, in addition to the one vote they are entitled to for being an employee All members must be residents of the State of South Carolina. A person who has been convicted of a felony must not be elected to a board of directors. If the board of directors consists of an odd number of members, the extra member must be an individual who has a background in K-12 education or in business;**

**The Committee agrees with SCPCSD, the Charter Institute, and the Alliance in that the opinion of the charter schools should be sought prior to changing charter school election requirements.**

**(d) Each governing board must be subject to the ethics and government accountability requirements for public members and public employees and shall be required to adopt a conflict of interest policy and a code of ethics consistent with Chapter 13, Title 8 and this Chapter. For purposes of this subsection, employees of the charter school board are considered public employees. The charter contract in accordance with Section 59 40 60(B) must contain a statement of assurance of ethical compliance on behalf of the school.**

**(e) A single non-profit corporation may hold more than one charter, and the board of directors of the non-profit corporation may oversee more than one charter school; provided however, that each school shall be overseen by a charter school board of directors, and each board shall be separate and distinct from any others for purposes of financial accountability and academic performance and shall provide for fair pro-rata representation for each school on the nonprofit board of directors.**

**The Committee recommends that "pro rata" be defined in the school's bylaws, but additional discussion is needed to determine if inclusion in school bylaws would be applicable to the non-profit corporation board of directors.**

**(14) (10) be subject to the Freedom of Information Act, including the charter school and its governing body. A board of directors of a charter school shall notify its sponsor of any regular meeting of the board at least forty-eight twenty-four hours prior to the date on which it is to occur;**

~~(11) be subject to the ethics and government accountability requirements for public members and public employees as contained in Chapter 13, Title 8. For purposes of this subsection, employees of the charter school board are considered public employees. The charter contract in accordance with Section 59 40 60(B) must contain a statement of assurance of ethical compliance on behalf of the school.~~

**(C)(1) If a charter school denies admission to a student, the student may appeal the denial to the sponsor. The decision is binding on the student and the charter school.**

**(2) If a charter school suspends or expels a student, other charter schools or the local school district in which the charter school is located has the authority but not the obligation to refuse admission to the student.**

(3)(a) A charter school is eligible for federally sponsored, state-sponsored or district-sponsored interscholastic leagues, competitions, awards, scholarships, grants, and recognition programs for students, educators, administrators, staff, and schools to the same extent as all other public schools.

(b) A charter school student is eligible to compete for, and if selected, participate in any extracurricular activities not offered by the student's charter school which are offered at the resident public school he would otherwise attend **as defined in Section 59-63-100**. A charter school student is eligible to compete for, and if selected, participate in an activity governed by the South Carolina High School League offered at the resident public school he would otherwise attend if the league-governed activity is not offered at the student's charter school.

**The Committee recommends further examination of item (C).**

(c) A charter school student is eligible for extracurricular activities at the student's resident public school consistent with eligibility standards as applied to full-time students of the resident public school.

(d) A school district or resident public school may not impose additional requirements on a charter school student to participate in extracurricular activities that are not imposed on full-time students of the resident public school.

(e) Charter school students shall pay the same fees as other students to participate in extracurricular activities.

(f) Charter school students shall be eligible for the same fee waivers for which other students are eligible.

(D) The State is not responsible for student transportation to a charter school unless the charter school is designated by the local school district as the only school selected within the local school district's attendance area. However, a charter school may enter into a contract with a school district or a private provider to provide transportation to the charter school students.

(E) The South Carolina Public Charter School District Board of Trustees may not use program funding for transportation.

**SECTION 59-40-55. Sponsor powers; retention of funds.**

(A) In order to promote the quality of charter school outcomes and oversight, the charter school sponsor shall adopt national industry standards of quality charter schools and shall authorize and implement practices consistent with those standards. **The sponsor shall annually submit its charter school policies and procedures to the SCDE, which shall verify that the sponsor has adopted and implemented policies, procedures, and practices consistent with national industry standards.**

(B) A charter school sponsor shall:

(1) ensure that students enrolled in its charter schools are served in a manner consistent with all LEA obligations under applicable federal, state, and local law;

(2) ~~(1)~~ approve charter applications pursuant to Section 59-40-70 that meet the requirements specified in Sections 59-40-50 and 59-40-60;

(3) ~~(2)~~ decline to approve charter applications according to Section 59-40-70(C);

(4) ~~(3)~~ negotiate and execute sound charter contracts with each approved charter school; **including, but not limited to, specific outcome based expectations concerning academics, operations, and finance based on the school's charter;**

(5) ~~(4)~~ approve **amendments to charter and charter contracts;**

(6) ~~(4)~~ monitor, in accordance with charter contract terms, **and applicable federal and state statutes and regulations,** the **academic** performance and legal/fiscal compliance of charter schools to include collecting and analyzing data to support ongoing evaluation according to the charter contract;

(7) ~~(5)~~ conduct or require oversight activities that enable the sponsor to fulfill its responsibilities outlined in this chapter, including conducting appropriate inquiries and investigations, only if those

activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to public charter schools;

**(8)** ~~(6)~~ collect, in accordance with Section 59-40-140 (H), an annual report from each of its sponsored charter schools and submit the reports to the Department of Education;

**(9)** ~~(7)~~ notify the charter school of ~~perceived~~ problems if its **noncompliance in the charter school's academic performance, fiscal compliance, or legal compliance, or other breach of its charter contract** appears to be unsatisfactory and provide reasonable opportunity for the school to ~~remedy the problem~~ **correct the noncompliance**, unless the problem warrants immediate revocation, in which revocation timeframes apply; **The sponsor shall notify a charter school's leader and board chair via written communications at least five business days ahead of the sponsor's board meeting if the charter school is the subject of action or information at the sponsor's board meeting;**

**(10)** ~~(8)~~ take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies **noncompliance** in charter school **academic performance, fiscal compliance,** or legal compliance. These actions or sanctions may include requiring a school to develop and execute a corrective action plan within a specified timeframe, **withholding funding to provide services the charter school fails to provide, or freezing enrollment until the noncompliance is remedied;**

**(11)** ~~(9)~~ determine whether each charter contract merits renewal, nonrenewal, or **revocation based on school level performance data and the terms of the charter contract;**

**(12)** ~~(10)~~ provide to parents and the general public information about charter schools authorized by the sponsor as an enrollment option ~~within the district in which the charter school is located~~ to the same extent and through the same means as the **sponsor** ~~district in which the charter school is located~~ provides and publicizes information about all public schools in the district. **The sponsor shall monitor the application, lottery, and enrollment procedures of a charter school for compliance.** ~~A charter school shall notify its sponsor of its enrollment procedures and dates of its enrollment period no less than sixty days before the first day of its enrollment period; and~~

**The Committee recommends additional discussion regarding the consequences to sponsors if procedures are not properly monitored.**

**(13)** ~~(11)~~ permanently close any charter school at the conclusion of the school year after receiving the lowest performance level rating as defined by the **state** ~~federal~~ accountability system for three consecutive years in accordance with Section 59-40-110(E); **however, the first year of a school's operation shall be excluded for purposes of this section.**

(C) The South Carolina Public Charter School District, **or an approved public or independent institution of higher learning sponsor,** may **shall** retain ~~no more than~~ two percent of the total state appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools. The sponsor's administrative fee does not include costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor. The sponsor's fee is not applicable to federal money, **state technical assistance funds** or grants received by the charter school. The sponsor shall use its funding provided pursuant to this section exclusively for the purpose of fulfilling sponsor obligations in accordance with this chapter. **A charter school authorizer shall obtain an audit from an independent third party to determine if the funds authorized by this item were spent in accordance with this chapter. The findings from the audit shall be reported to the State Department of Education.**

**The Committee voted favorably to recommend adding language requiring public accessibility in regard to the collection and expenditure of funds noted in this item.**

**The Committee recommends that the issue of sponsors' carry-forward balances be further examined .**

**SECTION 59-40-60. Charter Planning Committee, Charter application requirements; revision; formation of charter school; charter committee; application requirements.**

—(A) An approved charter application constitutes an agreement between the charter school and the sponsor.

—(B) A contract between the charter school and the sponsor must be executed and must reflect all provisions outlined in the application as well as the roles, powers, responsibilities, and performance expectations for each party to the contract. A contract must include the proposed enrollment procedures and dates of the enrollment period of the charter school. All agreements regarding the release of the charter school from school district policies must be contained in the contract. The Department of Education shall develop a contract template to be used by charter schools and the sponsor. The template must serve as a foundation for the development of a contract between the charter school and the sponsor.

—(C) A material revision of the terms of the contract between the charter school and the sponsor may be made only with the approval of both parties.

—(D) Except as provided in subsection (F),

**(A)** an applicant who wishes to form a charter school shall:

(1) organize the charter school as a nonprofit corporation pursuant to the laws of this State;

(2) form a charter **planning** committee for the charter school which includes one or more teachers;

and

(3) submit a letter of intent and a written charter school application to the ~~board of trustees or area commission~~ **sponsor** from which the committee is seeking **sponsorship approval**.

**(B)** ~~(E)~~ A charter committee is responsible for and has the power to:

(1) submit a letter of intent and an application to operate as a charter school, sign a charter school contract, and ensure compliance with all of the requirements for charter schools provided by law;

(2) employ and contract with teachers and nonteaching employees, contract for services, and develop pay scales, performance criteria, and discharge policies for its employees. All teachers whether certified or noncertified must undergo the background checks and other investigations required for certified teachers, as provided by law, before they may teach in the charter school; and

(3) decide all other matters related to the operation of the charter school, including budgeting, curriculum, and operating procedures.

**(C)** ~~(F)~~ **The charter planning committee must develop and submit a charter application, as created and provided by the SCDE, and must include the following components.** The charter school application, based on an application template with compliance guidelines developed by the State Department of Education, must include:

(1) an executive summary, ~~not to exceed two pages~~;

(2) the mission statement of the charter school, which must be consistent with the principles of the General Assembly's purposes pursuant to Section 59-40-20;

(3) the goals, objectives, and academic performance standards to be achieved by the charter school, and

**(4)** a description of the charter school's admission policies and procedures;

**(5)** ~~(4)~~ evidence that an adequate number of parents or legal guardians with students eligible to attend the proposed school pursuant to Section 59-40-50 support the formation of a charter school ~~and justify the projected per pupil allocation in the application budget~~;

**(6)** ~~(5)~~ a description of the charter school's educational program, including how it will meet or exceed the academic performance standards and expectations, including academic standards adopted by the State Board of Education and how the instructional design, learning environment, class size and structure, curriculum, and teaching methods enable each pupil to achieve these standards;

**(7)** ~~(6)~~ a description of the charter school's plan for evaluating pupil achievement and progress toward **meeting the outlined educational program**, accomplishment of the school's achievement standards in addition to state assessments, the timeline for meeting these standards, and the procedures for taking corrective action if that pupil achievement falls below the standards;

**(8)** ~~(7)~~ evidence that the plan for the charter school is economically sound, a proposed budget for the term of the charter **to include a justification of the projected per pupil allocation**, a description of the

manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the sponsor, is to be conducted;

(C) A board of trustees or area commission **sponsor** shall deny an application only if:

**(1)** the application does not meet the requirements specified in Section 59-40-50 or 59-40-60, ;

**(2) the written application** fails to meet the spirit and intent of this chapter, ; or

**(3)** adversely affects, as defined in regulation, the other students in the district in which the charter school is to be located, ; or if,

**(4)** based on the totality of information provided by the applicant, the board of trustees or area commission **sponsor** determines that the applicant has failed to demonstrate a substantial likelihood that it has the capacity to establish a viable school based on national industry standards of quality charter school authorization.

(D) ~~It~~ **The sponsor** shall provide, within ten **fifteen business** days, a written explanation **to the applicant and the SCDE** of the reasons for denial, citing specific standards related to provisions of Section 59-40-50 and/or 59-40-60 that the application violates. ~~This written explanation immediately must be sent to the charter committee and filed with the State Board of Education.~~

~~(D) In the event that the racial composition of an applicant's or charter school's enrollment differs from the enrollment of the local school district in which the charter school is to be located or the targeted student population of the local school district by more than twenty percent, despite its best efforts, the board of trustees or area commission from which the applicant is seeking sponsorship shall consider the applicant's or the charter school's recruitment efforts and racial composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. A finding by the board of trustees or area commission that the applicant or charter school is operating in a racially discriminatory manner justifies the denial of a charter school application or the revocation of a charter as provided in this section or in Section 59-40-110, as may be applicable. A finding by the board of trustees or area commission that the applicant is not operating in a racially discriminatory manner justifies approval of the charter without regard to the racial percentage requirement if the application is acceptable in all other aspects.~~

(E) If the board of trustees or area commission **sponsor** from which the applicant is seeking sponsorship **approval** denies a charter school application, the charter applicant may appeal the denial to the Administrative Law Court pursuant to Section 59-40-90.

**(F) If a local school board of trustees has information that an approved application by the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor adversely affects the other students in its district, as defined in regulation, or that the approval of the application fails to meet the spirit and intent of this chapter, the local school board of trustees may appeal the granting of the charter to the Administrative Law Court. The Administrative Law Court, within forty five days, may affirm or reverse the application for action by the South Carolina Public Charter School District or the public or independent institution of higher learning in accordance with an order of the state board.**

~~(G) (F) If **Once** the board of trustees or area commission **sponsor** approves the application, it becomes the **school's** charter. school's sponsor and shall sign the approved application. The sponsor shall submit a copy of the charter contract to the State Board of Education.~~

~~(G) If a local school board of trustees has information that an approved application by the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor adversely affects the other students in its district, as defined in regulation, or that the approval of the application fails to meet the spirit and intent of this chapter, the local school board of trustees may appeal the granting of the charter to the Administrative Law Court. The Administrative Law Court, within forty five days, may affirm or reverse the application for action by the South Carolina Public Charter School District or the public or independent institution of higher learning in accordance with an order of the state board.~~

**(H) In addition a 10-year contract between the charter school and the sponsor must be executed and must reflect all provisions outlined in the application as well as the roles, powers, responsibilities, and performance expectations for each party to the contract. A contract must include the proposed enrollment procedures and dates of the enrollment period of the charter school. The executed**

contract between a charter school and the sponsor is a legally binding and enforceable agreement. All agreements regarding the release of the charter school from school district policies must be contained in the contract. The SCDE shall develop a contract template to be used by charter schools and the sponsor. The template must serve as a foundation for the development of a contract between the charter school and the sponsor. The sponsor shall submit a copy of the approved charter and the contract to the SCDE. The contract is for a 10-year period and does not need annual renewal by the sponsor.

(I) A material revision of the terms of the charter or the contract between the charter school and

**The Committee recommends requiring that material revisions to the terms of a charter or contract also be reported to the State Department of Education.**

the sponsor may be made only with the approval of both governing boards.

**SECTION 59-40-75.** Removal of sponsor or member of district or governing board; prosecution.

(A) A member of the South Carolina Public Charter School District or of the governing board or sponsor of the charter school **who has been convicted of a felony, any crime involving the neglect or abuse of a child, forgery, theft of money, or embezzlement of money** is indicted in any court for any crime, or has waived the indictment if permitted by law, may be suspended by the Governor, who shall appoint another in his stead until he is acquitted. In case of conviction, the office must be declared vacant by the Governor and the vacancy filled as provided by law.

(B) A member of the South Carolina Public Charter School District or of the governing board of the charter school who is guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity may be removed from office by the Governor. Before removing the officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard.

(C) Whenever it appears to the satisfaction of the Governor that probable cause exists to charge a member of the South Carolina Public Charter School District or of the governing board of the charter school who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, then the Governor shall direct his immediate prosecution by the proper officer.

**The Committee recommends additional discussion regarding the removal of a sponsor or member of a governing board.**

**SECTION 59-40-80.** ~~Conditional authorization of charter school.~~ **Pre-Opening Conditions**

A sponsor may conditionally authorize a charter school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates such authority is necessary for it to meet the requirements of this chapter. Conditional authorization does not give rise to any equitable or other claims based on reliance, notwithstanding any promise, parole, written, or otherwise, contained in the authorization or acceptance of it, whether preceding or following the conditional authorization.

**SECTION 59-40-90.** Appeal to Administrative Law Court.

A final decision of the school district or a public or independent institution of higher learning sponsor may be appealed by any party to the Administrative Law Court as provided in Sections 1-23-380(B) and 1-23-600(D).

**SECTION 59-40-100.** Conversion to charter school; employees; occupancy; sponsors; unlawful reprisals.

(A)(1) Subject to item (2), an existing public school may be converted into a charter school if two-thirds of the faculty and instructional staff employed at the school and two-thirds of all voting parents or legal

guardians of students enrolled in the school agree to the filing of an application with the local school board of trustees for the conversion and formation of that school into a charter school. Parents or legal guardians of students enrolled in the school must be given the opportunity to vote on the conversion. Parents or guardians of a student shall have one vote for each student enrolled in the school seeking conversion. The application must be submitted pursuant to Section 59-40-70(A)(5) by the principal of that school or his designee who must be considered the applicant. The application must include all information required of other applications pursuant to this chapter. The local school board of trustees shall approve or disapprove this application in the same manner it approves or disapproves other applications. The existence of another charter granting authority must not be grounds for disapproving a school desiring to convert to a charter school.

(2)(a) In addition to the vote requirements required in item (1), if a proposed conversion school has outstanding general obligation bond debt owed on it and that debt is resulting from an ordinance originally authorizing the bonds, and the original authorization was no more than ten years prior to the proposed conversion, and the bonds were specifically issued for the construction or improvement of the proposed conversion school, the school may be converted into a charter school only upon a majority vote of the local school board of trustees.

(b) In addition to the vote requirements required in item (1), if a proposed conversion school has outstanding general obligation bond debt owed on it and that debt is resulting from a referendum originally authorizing the bonds, and the original authorization was no more than ten years prior to the proposed conversion, and the bonds were specifically issued for the construction or improvement of the proposed conversion school, the school may be converted into a charter school only upon a two-thirds vote of the local school board of trustees.

(B) A converted charter school shall offer at least the same grades, or non-graded education appropriate for the same ages and education levels of pupils, as offered by the school immediately before conversion, and also may provide additional grades and further educational offerings.

(C) All students enrolled in the school at the time of conversion must be given priority enrollment. Thereafter, students who reside within the former attendance area of that public school must be given enrollment priority.

(D) All employees of a converted school shall remain employees of the local school district, ~~the South Carolina Public Charter School District, or the public or independent institution of higher learning sponsor~~ with the same compensation and benefits including any future increases. The converted charter school quarterly shall reimburse the local school district, ~~the South Carolina Public Charter School District, or the public or independent institution of higher learning sponsor~~ for the compensation and employer contribution benefits paid to or on behalf of these employees and also provide to the sponsor any reports, forms, or data necessary for maintaining retirement coverage and providing South Carolina Retirement Systems benefits to converted school employees. The provisions of Article 5, Chapter 25, Title 59 apply to the employment and dismissal of teachers at a converted school.

(E) For the duration of a converted charter school's contract with a sponsor, a converted charter school shall have the right to retain occupancy and use of the school's facility or facilities and all equipment, furniture, and supplies that were available to the school before it converted, in the same manner as before the school converted, with no additional fees or charges.

(F) The South Carolina Public Charter School District or a public or independent institution of higher learning may not sponsor a public school to convert to a charter school. However, the South Carolina Public Charter School District or a public or independent institution of higher learning may sponsor a converted charter school renewal if the charter school has not committed a material violation of the provisions specified in subsection (C) of Section 59-40-110 and the local school district board of trustees refuses to renew the charter. In such cases, the charter school shall continue to receive local funding pursuant to Section 59-40-110(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.



(G) A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee of the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school.

As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or education program and:

(1) with respect to a school district employee, results in:

(a) disciplinary or corrective action;

(b) detail, transfer, or reassignment;

(c) suspension, demotion, or dismissal;

(d) an unfavorable performance evaluation;

(e) a reduction in pay, benefits, or awards;

(f) elimination of the employee's position without a reduction in force by reason of lack of monies or work; or

(g) other significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification; and

(2) with respect to an educational program, results in:

(a) suspension or termination of the program;

(b) transfer or reassignment of the program to a less favorable department;

(c) relocation of the program to a less favorable site within the school district; or

(d) significant reduction or termination of funding for the program.

(H) A special public school that is funded directly by the State of South Carolina and, therefore, is not associated with a public school district may apply to become a public charter school if it serves as a professional development school for an institution of higher learning's teacher education program. If a special public school becomes a public charter school pursuant to this subsection, the provisions of Section 59-127-75 do not apply. Notwithstanding any other provision of law, if the qualifying special public school becomes a public charter school, it shall be deemed not to be a converted charter school.

#### **SECTION 59-40-110. Duration of charter; renewal; revocation; termination.**

(A) A charter must be approved or renewed for a period of ten school years **beginning on July 1 of the year in which the charter was approved and expiring on June 30 of the final-tenth year**; however, the charter only may be revoked or not renewed under the provisions of subsection (C) **(F)** of this section. The sponsor annually shall evaluate the conditions outlined in subsection (C) **(F)**. The annual evaluation results must be used in making a determination for nonrenewal or revocation.

(B) The existence of another charter granting authority must not be grounds for the nonrenewal or revocation of a charter. Grounds for nonrenewal or revocation must be only those specified in this section.

**(C) The SCDE shall develop the charter school renewal application in compliance with this subsection. The application must contain:** ~~A charter renewal application must be submitted to the school's sponsor one hundred twenty calendar days before the end of the school year for the term of the charter contract, and it must contain:~~

(1) a report on the progress of the charter school in achieving the goals, objectives, pupil achievement standards, and other terms of the initially approved charter application;

(2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that allows comparison of these costs to other schools or other comparable organizations, in a format required by the State Board of Education; and

(3) any proposed material changes to the current charter or charter school contract to be implemented in the next ten year charter term.

**(D) A charter renewal application must be submitted to the school's current sponsor or a sponsor other than their current sponsor by December 1. A renewal application may only be submitted to one sponsor. Sponsors must make all renewal decisions by February 1.**

The Committee recommends additional discussion is regarding item (D).

**(E) A charter school seeking renewal may submit a renewal application to another charter granting authority if the charter school has not committed a material violation of the provisions specified in this section or the sponsor refused to renew the charter. In such cases the charter school shall continue to receive local funding pursuant to Section 59-40-140(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.**

**(F) A charter must be revoked or not renewed by the sponsor if it determines that the charter school:**

**(1) committed a material violation of the conditions, standards, performance expectations, or procedures provided for in the charter application or charter school contract, or both;**

**(2) failed to meet the academic performance standards and expectations as defined in the charter application or charter school contract, or both;**

**(3) failed to maintain its books and records according to generally accepted accounting principles or failed to create an appropriate system of internal control, or both; or**

**(4) violated any provision of law from which the charter school was not specifically exempted.**

**(DG) A sponsor summarily may revoke any charter school that is determined by the sponsor to pose an imminent threat of harm to the health or safety of students, or both, based on documented and clear and convincing data.**

**(H) If a sponsor makes a decision to revoke or not renew a charter, the sponsor must be in accordance with Section 59-40-55 and the revocation or nonrenewal must follow the procedure provided for in this section:**

**(1) For revocations based on academic performance only, the sponsor shall notify in writing the charter school's governing board, the school leader, the local school district and the SCDE of proposed action to revoke or not renew a charter no later than December 1 for closure effective at the end of the current school year. Actions to revoke a charter based on reasons related to student health, safety, or financial non-compliance may be initiated at any time. The notification shall state the grounds for the proposed action in reasonable detail.**

**(2) The charter school's governing body may request in writing a public hearing before the sponsor within fourteen days of receiving notice of revocation or nonrenewal of the charter. Failure by the school's governing body to make a written request for a hearing within fourteen days must be treated as an agreement to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give 10 business days' notice to the school's governing body and school leader of the hearing date.**

**(3) The sponsor shall conduct a public meeting before taking final action. The sponsor must take final action to revoke or not renew a charter by February-March 1. Revocation or non-renewal action taken after February-March 1 will constitute closure of the school at the conclusion of the following school year.**

**(I) A decision to revoke or not to renew a charter school may be appealed to the Administrative Law Court pursuant to the provisions of Section 59-40-90. Upon appeal to the Administrative Law Court, there is no automatic stay of the revocation or nonrenewal decision. Pending resolution of the appeal, the charter school also may move before the Administrative Law Court for imposition of a stay of the revocation or nonrenewal on the grounds that an unusual hardship to the charter school will result from the execution of the sponsor's decision.**

(J) Prior to any public charter school closure, the sponsor shall develop a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and net assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the sponsor. In the event of a public charter school closure for any reason, the sponsor shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

(K) (E) A sponsor shall automatically and permanently close Any any charter school at the conclusion of the school year after receiving the lowest performance level rating as defined by the federal state accountability system for three consecutive years and upon notice that the school will be identified for a third year; however, the first year of a school's operation shall be excluded for purposes of this section. shall automatically and permanently close at the conclusion of the school year in which the school first becomes subject to automatic closure for receiving the lowest performance level rating as defined by the federal accountability system for three consecutive years beginning with student achievement data from the 2013-2014 school year. The determination of closure is considered final. Automatic closure shall not apply to any charter school serving fifty percent or more students with disabilities or any charter school designated as an Alternative Education Campus (AEC) a **Targeted Academic Support Campus** by its sponsor as outlined in Section 59-40-111.

(F) At least sixty days before not renewing or terminating a charter school, the sponsor shall notify in writing the charter school's governing body of the proposed action. The notification shall state the grounds for the proposed action in reasonable detail. Termination must follow the procedure provided for in this section.

—(G) The existence of another charter granting authority must not be grounds for the nonrenewal or revocation of a charter. Grounds for nonrenewal or revocation must be only those specified of this section.

—(H) The charter school's governing body may request in writing a hearing before the sponsor within fourteen days of receiving notice of nonrenewal or termination of the charter. Failure by the school's governing body to make a written request for a hearing within fourteen days must be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to the school's governing body of the hearing date. The sponsor shall conduct a hearing before taking final action. The sponsor shall take final action to renew or not renew a charter by the last day of classes in the last school year for which the charter school is authorized.

—(I) A charter school seeking renewal may submit a renewal application to another charter granting authority if the charter school has not committed a material violation of the provisions specified in this section and the sponsor refuses to renew the charter. In such cases the charter school shall continue to receive local funding pursuant to Section 59-40-140(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.

—(J) A decision to revoke or not to renew a charter school may be appealed to the Administrative Law Court pursuant to the provisions of Section 59-40-90. Upon appeal to the Administrative Law Court, there is no automatic stay of the revocation or nonrenewal decision. Pending resolution of the appeal, the charter school also may move before the Administrative Law Court for imposition of a stay of the revocation or nonrenewal on the grounds that an unusual hardship to the charter school will result from the execution of the sponsor's decision.

—(K) Prior to any public charter school closure, the sponsor shall develop a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and net assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the sponsor. In the event of a public charter school closure for any reason, the sponsor shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

**SECTION 59-40-111. Alternative Education Campus Targeted Academic Support Campus designation.**

(A) For purposes of this chapter, an ~~Alternative Education Campus (AEC)~~ **a Targeted Academic Support Campus (TASC)** is any charter school with an explicit mission and purpose as outlined in its charter to serve an enrolled student population with:

(1) severe limitations that preclude appropriate administration of the assessments administered pursuant to federal and state requirements;

(2) fifty percent or more of students having Individualized Education Programs (IEPs) in accordance with federal regulations or a demonstrated need for specific services or specialized instruction as defined in Section 59-40-50, and the school shall provide the needed evidence-based specialized instruction, interventions, services, support, and accommodations based on the needs of the students; ~~or~~

**(3) thirty percent or more of students identified as transient;** or

**(4) ~~(3)~~ eighty-five percent or more of enrolled students meeting the definition of a “high-risk” student including, but not limited to, students who:**

(a) have been adjudicated as juvenile delinquents or who are awaiting disposition of charges that may result in adjudication;

(b) have dropped out of school or who have not been continuously enrolled and regularly attending any school for at least one semester before enrolling in this school;

(c) have been expelled from school or who have engaged in behavior that would justify expulsion;

(d) have documented histories of personal drug or alcohol use or who have parents or guardians with documented dependencies on drugs or alcohol;

(e) have documented histories of personal street gang involvement or who have immediate family members with documented histories of street gang involvement;

(f) have documented histories of child abuse or neglect;

(g) have parents or guardians in prison or on parole or probation;

(h) have documented histories of domestic violence in the immediate family;

(i) have documented histories of repeated school suspensions;

(j) are under the age of twenty years who are parents or pregnant women;

(k) are homeless, as defined in the McKinney-Vento Homeless Assistance Act; or

(l) have a documented history of a serious psychiatric or behavioral disorder including, but not limited to, an eating disorder or a history of suicidal or self-injurious behaviors; ~~;~~

**(m) are off-age or under-credited for their grade level.**

**The Committee recommends additional discussion regarding the new definitions suggested for this section.**

**(B) Charter schools requesting TASC designation must submit supporting evidence and data which qualifies the school for the designation to their sponsor. The charter school must also provide detailed information regarding the plan to address the unique needs of the specialized populations using evidence-based strategies. A charter school meeting the above criteria Such schools must be classified as a AECs-TASC by their its sponsor. The sponsor must include the information required by this item on its website and ensure public access.**

**(C) If a charter school wishes to retain a TASC designation upon renewal, the sponsor shall review the school’s data to determine if the criteria of this item are met.**

**(D) ~~(C)~~ A high-poverty rating alone shall not qualify any charter school for status as an AEC-TASC .**

**(E) ~~(D)~~ Charter school applicants seeking such a designation shall provide sufficient information in their charter application to allow the authorizer to make a determination as to whether that classification applies.**

**(F) ~~(E)~~ Charter schools already in operation may seek AEC TASC classification by petitioning their sponsor.**

**(G) ~~(F)~~ Charter schools receiving an AEC-TASC designation either before or after opening shall be held to applicable state and federal accountability standards along with the academic performance standards and**

expectations established by written agreement between the sponsor and the school that takes into account the school's specialized mission and student population with comparisons to any available nationally normed data with similar subsets of students and is included in their annual report in accordance with Section 59-40-140(I) and is included in the school report card compiled by the Education Oversight Committee.

**SECTION 59-40-115. Termination of contract with sponsor and transfers.**

- (A) A charter school may terminate its contract with a sponsor before the ten-year term of contract if all parties under contract with the charter school agree to the dissolution. A charter school that terminates its contract with a sponsor directly may seek application for the length of time remaining on its original contract from another sponsor.**
- (B) The decision by a charter school board to transfer to another sponsor should be discussed and voted upon during a public meeting of the charter school board with advance notice to parents and the current sponsor.**
- (C) A charter school seeking to transfer to another sponsor must obtain approval from the receiving sponsor prior to termination of contract with current sponsor. A receiving sponsor must make determinations regarding transfers no later than February 1 for the following academic year.**
- (D) Upon approval from the receiving sponsor, notification must be sent to the current sponsor and the SCDE by the charter school governing board within 10 business days.**
- (E) A school may execute a transfer between sponsors no more than once during a five year period. A newly chartered school may not transfer during its initial three years of operation.**

**In the case of a sponsor closure, the need for a charter school to seek new sponsorship will not be considered a transfer.**

- (F) Charter schools receiving the lowest performance level rating as defined by the federal accountability system are not eligible to transfer to a new sponsor until a higher rating is awarded.**

**SECTION 59-40-120. Dissolution of charter school.**

Upon dissolution of a charter school, its assets may not inure to the benefit of any private person. Any assets obtained through restricted agreements with a donor through awards, grants, or gifts must be returned to that entity. All other assets become property of the sponsor. **The sponsor is not responsible for any debt, liability or other obligation of the charter school.**

**The Committee recommends additional examination of Department concerns, specifically the assurance that student information should be released to SDE upon request and all other federal LEA requirements are met.**

**SECTION 59-40-125. Eligibility for retirement coverage.**

(A) All charter schools, other than converted charter schools whose employees remain employees of the local school district or the South Carolina Public Charter School District pursuant to Section 59-40-100(D), are eligible covered employers in the South Carolina Retirement Systems and may elect to participate in the system by filing the appropriate application with the South Carolina Retirement Systems. If the charter school chooses not to become a covered employer, employees of that charter school are not allowed to participate in the South Carolina Retirement Systems except as provided in Section 59-40-130.

(B) The South Carolina Public Charter School District shall be a covered employer in the South Carolina Retirement Systems.

**SECTION 59-40-130. Leave to be employed at charter school; continuation of benefits; exceptions.**

(A)(1) If an employee of a local school district makes a written request for leave to be employed at a charter school before July 1, 2006, the school district shall grant the leave for up to five years as requested by the employee. The school district may require that the request for leave or extension of leave be made by the date provided for by state law for the return of teachers' contracts. Employees may return to employment with the local school district at its option with the same teaching or administrative contract status as when they left but without assurance as to the school or supplemental position to which they may be assigned.

(2) Notwithstanding the provisions of item (1) and subject to the provisions of subsection (B), a charter school employing after June 30, 2006, an individual on leave from a local school district shall participate in the South Carolina Retirement Systems as a covered employer with respect to that employee on leave through the earlier of the date the employee on leave returns to employment by the district or June 30, 2011, and only if the charter school and the employee have made required employer and employee contributions to the South Carolina Retirement Systems from the employee's date of employment with the charter school.

(B) A charter school employing an individual on leave from a local school district shall participate in the South Carolina Retirement Systems as a covered employer with respect to the employee on leave it hires. The employee on leave from a local school district employed by a charter school shall accrue benefits and credits in the South Carolina Retirement Systems. The charter school shall remit to the Retirement Systems the employer contributions required by law for participating employers. The employee shall make the employee contributions to the Retirement Systems required by law and the contributions must be picked up in accordance with Section 9-1-1020. The South Carolina Retirement Systems may impose reasonable requirements to administer this section.

(C) The provisions of this section do not apply to teachers and other employees of a converted school whose employment relation is governed by Section 59-40-100.

#### **SECTION 59-40-140. Funds; services; reports.**

(A) A local school board of trustees sponsor shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues, divided by the previous year's weighted students, then increased by the Education Finance Act inflation factor, pursuant to Section 59-20-40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district. These amounts must be verified by the State Department of Education before the first disbursement of funds. All state and local funding must be distributed by the local school district to the charter school monthly beginning July first following approval of the charter school application and must continue to be disbursed to the charter school for the duration of its charter and for the duration of any subsequent renewals. After verification of student attendance on the fifth day of school at the beginning of each school year, the State Department of Education shall distribute funds to school districts with charter schools: (i) having approved incremental growth and expansion as provided in their charter application; or (ii) for opening of new charter schools in the current fiscal year. These funds must be released to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts shall provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Necessary adjustments due to enrollment changes must be made pursuant to the Education Finance Act.

(B) The South Carolina Public Charter School District or public or independent institution of higher learning sponsor shall receive and distribute state funds to the charter school as provided by the General Assembly.

(C) During the year of the charter school's operation, as received, and to the extent allowed by federal law, a sponsor shall distribute to the charter school federal funds which are allocated to the sponsor on the basis of the number of special characteristics of the students attending the charter school. These amounts must be verified by the State Department of Education before the first disbursement of funds.

(D) Notwithstanding subsection (C), the proportionate share of state and federal resources generated by students or staff serving them must be directed to the sponsor. After receipt of federal or state categorical

aid funds, sponsors shall, within ten business days, supply to the charter school the proportional share of each categorical fund for which the charter school qualifies. If the sponsor fails to do so, the Department of Education may fine the sponsor an amount equivalent to the withheld amounts. Fines imposed must be remitted to the charter school from which the amounts were withheld.

(E) All services centrally or otherwise provided by the sponsor including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries, and warehousing are subject to negotiation between a charter school and the sponsor and must be outlined in the contract required pursuant to Section 59-40-70(F), except as otherwise provided or required by law.

(F) All awards, grants, or gifts collected by a charter school must be retained by the charter school.

(G) ~~The governing body of a~~ A charter school is authorized to accept gifts, donations, or grants of any kind made to the charter school and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. A gift or donation must not be required for admission. However, a gift, donation, or grant must not be accepted ~~by the governing board~~ if subject to a condition contrary to law or contrary to the terms of the contract between the charter school and the governing body. All gifts, donations, or grants must be reported to the sponsor in their annual audit report as required in Section 59-40-50(B)(3).

(H) ~~A charter school sponsor shall report to its sponsor and the Department of Education any changes to a school's charter or contract upon sponsor approval information provided under its application. In addition, a charter school shall report at least annually to its sponsor and the sponsor shall compile these reports into a single document which must be submitted to the department. The Department of Education shall develop a template to be used by charter schools for this annual report. The report shall provide all information required by the sponsor or the department and shall include, at a minimum:~~

- ~~— (1) the number of students enrolled in the charter school from year to year;~~
- ~~— (2) the success of students in achieving the specific educational goals for which the charter school was established;~~
- ~~— (3) an analysis of achievement gaps among major groupings of students in both proficiency and growth;~~
- ~~— (4) the identity and certification status of the teaching staff;~~
- ~~— (5) the financial performance and sustainability of the sponsor's charter schools; and~~
- ~~— (6) board performance and stewardship including compliance with applicable laws.~~

**(I) By January 31 of each year, all sponsors must provide to the SCDE an annual report on each of its charter schools. The report must contain performance and compliance data and specifically highlight educational outcomes, fiscal performance, and governance for each charter school as delineated in State Board regulations. The SCDE shall provide guidance and develop a template to be used by sponsors to submit the annual report.**

~~(J) (H)~~ The sponsor shall ~~may~~ provide technical assistance to **charter planning committees related to preparing charter applications and the application process** ~~persons and groups preparing or revising charter applications~~ at no expense.

~~(K) (H)~~ Charter schools may acquire by gift, devise, purchase, lease, sublease, installment purchase agreement, land contract, option, or by any other means provided by law or otherwise, and hold and own in its own name buildings or other property for school purposes and interests in it which are necessary or convenient to fulfill its purposes.

~~(L) (K)~~ Charter schools are exempt from state and local taxation, except the sales tax, on their earnings and property whether owned or leased. Instruments of conveyance to or from a charter school are exempt from all types of taxation of local or state taxes and transfer fees.

~~(M) (L)~~ Notwithstanding the above provisions of this section, this subsection applies to converted charter schools that converted into a charter school after the effective date of this act. For purposes of computing the funding for any year to be provided a converted charter school under the provisions of this section, the computations required shall be made as provided in this section based on the previous year's revenues, expenditures, and other applicable factors pertaining to that particular converted charter school, and also then shall be made as provided in this section for the year immediately preceding the previous year based

on the revenues, expenditures, and other applicable factors for that year pertaining to that particular converted charter school. The funding of the converted charter school for the initial year shall be the average of the weighted per pupil unit funding computed for these two prior years, and funding for the converted charter school after the initial year shall be provided by the school district in the same manner as regular public schools in the district.

**SECTION 59-40-145.** Students attending charter schools outside district of residence.

A child who resides in a school district other than the one where a charter school is located may attend a charter school outside his district of residence; however, the receiving charter school shall have authority to grant or deny permission for the student to attend pursuant to Sections 59-40-40(2)(b) and 59-40-50(B)(7) and (8) according to the terms of the charter after in-district children have been given priority in enrollment. However, the out-of-district enrollment shall not exceed twenty percent of the total enrollment of the charter school without the approval of the sponsoring district board of trustees. The district sending children to the charter school under the terms of this section must be notified immediately of the transferring students. Out-of-district students must be considered based on the order in which their applications are received. If the twenty percent out-of-district enrollment is from one school district, then the sending district must concur with any additional students transferring from that district to attend the charter school. The charter school to which the child is transferring shall be eligible for state and federal funding according to the formula defined in Section 59-40-140(A), (B), and (C), as applicable. However, this section does not apply to a charter school sponsored by the South Carolina Public Charter School District Board of Trustees **or a public or independent institution of higher learning.**

**SECTION 59-40-150.** Duties of **South Carolina** Department of Education.

(A) The Department of Education shall disseminate information to the public, directly and through sponsors, on how to form and operate a charter school and how to utilize the offerings of a charter school.

**(B) The Department shall develop the charter school application, compliance guidance, and evaluation rubric for all charter applicant groups to submit to a sponsor for charter approval.**

**The Department shall provide guidance and technical assistance regarding charter applications and the application process to sponsors and applicant groups.**

**(C) ~~(B)~~ The Department shall annually make revisions, with stakeholder feedback to the application and publish it to its website no later than October 31 each year.**

(D) ~~(B)~~ At least annually, the department shall provide upon request a directory of all charter schools authorized under this chapter. ~~with information concerning the educational goals of each charter school, the success of each charter school in meeting its educational goals, and procedures to apply for admission to each charter school.~~

**(E) (1) The Department shall develop and implement a system to monitor and oversee the overall performance and compliance of charter school sponsors. The Department shall oversee the activities of sponsors and has the same powers to ensure that sponsors comply with their LEA responsibilities to the same extent the Department oversees all local school districts and public schools.**

**(2) The Department shall compile and make public a report summarizing charter school sponsor performance and compliance.**

**(3) The Department shall take any necessary corrective action regarding sponsor deficiencies or noncompliance including, but not limited to, withholding of financial disbursements.**

**(C) The department shall bear the cost of complying with this section.**

**SECTION 59-40-155.** Orientation **and training** programs for board members and administrators.

(A) Within one year of taking office, **and during each term served,** all persons elected or appointed as members of a charter school board of trustees ~~after July 1, 2006, shall **must** complete successfully an **the** orientation program provided by the Department~~ **The training must include specific instruction on board member duties for compliance with this chapter,** in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, instructional



programs, school finance, school law including charter school law, South Carolina ethics laws, FOIA, South Carolina Nonprofit Code, school safety, and community relations.

~~(B)~~ The orientation must be provided at no charge by the State Department of Education or an association approved by the department.

**(C) Annually, all persons elected or appointed as members of a charter school board of directors shall participate in at least three hours of advanced board governance training on the powers, duties, and responsibilities of a charter school governing board including leader evaluation, education service provider evaluation, policy implementation, strategic planning, academic data analysis, compliance, financial best practices, or other topics specific to the needs and mission of the school.**

~~(D)~~ ~~(B)~~ Within ninety days of employment, ~~an administrator~~ **the leader** employed by the charter school, who **does not possess any previous charter school leadership experience** ~~is not certified,~~ shall complete successfully an orientation program in the powers, duties, and responsibilities of a **charter** school administrator including, but not limited to, topics on personnel, instructional programs, school finance, school law **including charter school law, non-profit law, board relations, ethics and conflicts of interest, school safety,** and community relations. The orientation must be provided at no charge by the State Department of Education or an association approved by the department.

**SECTION 59-40-160.** ~~Compilation of evaluations; impact study.~~

~~—(A) The State Board of Education shall compile evaluations to include, but not be limited to, school report cards of charter schools received from sponsors. They shall review information regarding the regulations and policies from which charter schools were released to determine if the releases assisted or impeded the charter schools in meeting their stated goals and objectives.~~

~~—(B) An impact study must be conducted by the State Board of Education two years after the implementation of the Charter School Advisory Committee review process to determine the effectiveness of the application process.~~

**SECTION 59-40-170.** Annual listing of buildings suitable for charter school use.

The Department of Education shall make available, upon request, a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by school districts in this State and that may be suitable for the operation of a charter school. The department shall make the list available to applicants for charter schools and to existing charter schools. The list must include the address of each building, a short description of the building, and the name of the owner of the building. Nothing in this section requires the owner of a building on the list to sell or lease the building or a portion of the building to a charter school or to any other school or to any other prospective buyer or tenant. However, if a school district declares a building surplus and chooses to sell or lease the building, a charter school's board of directors or a charter committee operating or applying within the district must be given the first refusal to purchase or lease the building under the same or better terms and conditions as it would be offered to the public. **If a school district receives an offer from a charter school to purchase or lease a building it has advertised to the public for sale, and the charter school offers at least fair market value for the property as determined by a qualified appraisal, then the local school district must sell or lease the property to the charter school at the price proposed by the charter school and under the terms and conditions offered to the public at large.**

**SECTION 59-40-175.** Facility revolving loan program.

There is created in the state treasury the Charter School Facility Revolving Loan Program. This loan program is comprised of federal funds obtained by the state for charter school facilities, other funds appropriated or transferred to the fund by the state, and privately donated funds. Funds deposited to the Charter School Facility Revolving Loan Program must remain available for the purposes of the program until appropriated or reverted by the General Assembly. The State Treasurer may approve loans from monies in the Charter School Revolving Loan Program to a charter school, upon application by the charter school. Money loaned to a charter school pursuant to this section must be used for construction, purchase,

renovation, and maintenance of public charter school facilities. The State Treasurer shall establish guidelines and procedures for application, approval, allocation, and repayment regarding loans from these monies. The Office of State Treasurer may be reimbursed from the program for costs associated with the administration of these loans.

**SECTION 59-40-180.** Regulations and guidelines.

The State Board of Education shall promulgate regulations and develop guidelines necessary to implement the provisions of this chapter, ~~including standards to determine compliance with this chapter and an application process to include a timeline for submission of applications that will allow for final decisions, including Administrative Law Court appeal, by December first of the year preceding the charter school's opening.~~

**SECTION 59-40-190.** Liability of governing body, sponsor, board and employees; employment of member of governing body.

(A) The governing body of a charter school may sue and be sued. The governing body may not levy taxes or issue bonds.

(B) A sponsor is not liable for any of the debts of the charter school.

(C) ~~A local school district, sponsor, members of the board or area commission of a sponsor,~~ and employees of a sponsor acting in their official capacity are immune from civil or criminal liability with respect to all activities related to a charter school they sponsor. The governing body of a charter school shall obtain at least the amount of and types of insurance required for **all activities related to the charter school** ~~this purpose.~~

(D) A member, **or their immediate family member,** of a school governing body may not receive pay **for any service provided to the charter school they serve, but are eligible for per diem, mileage, and subsistence as provided by law for members of state boards, committees, and commissions.** ~~as an employee in the same school.~~

**SECTION 59-40-200.** ~~Effect of establishment of South Carolina Public Charter School District on pending and future applications.~~

~~—An application already on file with the charter school advisory committee before the effective date of Section 59-40-220 is subject to the time line in effect at the time the application was filed. An application filed after the effective date of Section 59-40-220 is subject to the new time lines established pursuant to this chapter.~~

**SECTION 59-40-210.** Conversion of private school to charter school.

A school established as a private school, on the effective date of this section, which desires to convert to a charter school shall dissolve and must not be allowed to open as a charter school for a period of twelve months; provided, however, that if the enrollment of the converted private school for the most recently completed school term before the date of the proposed conversion to a charter school reflects the racial composition of the local school district in which the converted private school is located, the provisions of this section prohibiting the private school from opening as a charter school for a period of twelve months do not apply. However, the provisions of Section 59-40-70(D) continue to apply to a private school which was not required to close for a period of twelve months after its conversion to a charter school.

**SECTION 59-40-220.** South Carolina Public Charter School District.

(A) The South Carolina Public Charter School District is created as a public body. The South Carolina Public Charter School District must be considered a local education agency and is eligible to receive state and federal funds and grants available for public charter schools and other schools to the same degree as other local education agencies. The South Carolina Public Charter School District may not have a local tax

base and may not receive local property taxes. This prohibition does not extend to local funds received by the district on behalf of sponsored charter schools pursuant to Section 59-40-140(B).

(B) The geographical boundaries of the South Carolina Public Charter School District are the same as the boundaries of the State of South Carolina.

~~(C) The office of the South Carolina Public Charter School District Board of Trustees must be housed~~  
**located** in the State Department of Education Columbia, South Carolina.

**SECTION 59-40-230.** Board of trustees; membership; powers and duties.

(A) The South Carolina Public Charter School District must be governed by a board of trustees consisting of not more than nine members:

- (1) two appointed by the Governor;
- (2) one appointed by the Speaker of the House of Representatives;
- (3) one appointed by the President Pro Tempore of the Senate; and
- (4) five to be appointed by the Governor upon the recommendation of the:
  - (a) South Carolina Association of School Administrators;
  - (b) South Carolina Chamber of Commerce;
  - (c) South Carolina Education Oversight Committee;
  - (d) South Carolina School Boards Association; and
  - (e) South Carolina Alliance of Black Educators.

The seven members appointed by the Governor pursuant to this subsection are subject to advice and consent of the Senate. Membership of the committee must reflect representatives from each of the entities in item (4) or their designee as reflected in their recommendation. **Of the entities in item (4), the State Superintendent may recommend board members to be appointed by the Governor if no recommendation is made within 60 days once a seat becomes vacant.**

Each member of the board of trustees shall serve terms of three years, except that, for the initial members, two appointed by the Governor, one by the Speaker of the House, and one by the President Pro Tempore of the Senate, shall serve terms of one year and three appointed by the Governor shall serve terms of two years. A member of the board may be removed after appointment pursuant to Section 1-3-240. In making appointments, every effort must be made to ensure that all geographic areas of the State are represented and that the membership reflects urban and rural areas of the State as well as the ethnic diversity of the State.

~~(C)~~ **(B)** The South Carolina Public Charter School District Board of Trustees has the same powers, rights, and responsibilities with respect to charter schools as other school district boards of trustees of this State including, but not limited to, sponsoring charter schools and applying for federal charter school grants, except that the South Carolina Public Charter School District Board of Trustees may not offer application for a charter school, issue bonds, or levy taxes.

~~(D)~~ **(C)** The South Carolina Public Charter School District Board of Trustees annually shall elect a chairman and other officers, as it considers necessary from among its membership.

**(E)** ~~(D)~~ Members of the South Carolina Public Charter School District Board of Trustees are not eligible to receive compensation but are eligible for per diem, mileage, and subsistence as provided by law for members of state boards, committees, and commissions.

**(F)** ~~(E)~~ The South Carolina Public Charter School District Board of Trustees shall:

- (1) exercise general supervision over public charter schools sponsored by the district;
- (2) grant charter status to qualifying applicants for public charter schools pursuant to this chapter;
- (3) adopt and use an official seal in the authentication of its acts;
- (4) keep a record of its proceedings;
- (5) adopt rules of governance;
- (6) determine the policy of the district and the work undertaken by it;
- (7) prepare a budget for expenditures necessary for the proper maintenance of the board and the accomplishment of its purpose;
- (8) keep financial records in accordance with state and federal accounting codes and procedures;
- (9) comply with and ensure compliance of applicable state and federal regulations;

(10) procure an outside annual certified financial audit on funds and submit to the State Department of Education as required by the State Department of Education;

(11) be subject to the Freedom of Information Act;

(12) have the power to hire and fire the superintendent of the district who may have staff as needed.

**(G)** ~~(F)~~ The South Carolina Public Charter School District Board of Trustees may contract, sue, and be sued.

**SECTION 59-40-235.** Geographical boundaries.

The geographical boundaries from which a charter school sponsored by a public or independent institution of higher learning may accept students are the same as the boundaries of the State of South Carolina.

**SECTION 59-40-240.** Severability.

If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this chapter is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this chapter, the General Assembly hereby declaring that it would have passed this chapter, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words thereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**MISCELLANEOUS ITEMS**

The Committee recommends further examination of the following items:

1. Whether the State Department of Education should be given the ability to revoke authorizing authority or intervene in the operations of an authorizer.
2. The responsibilities of the State Department of Education in regard to assisting underperforming charter schools. Specifically, should the Department directly intervene when a charter school is determined to be unsatisfactory.

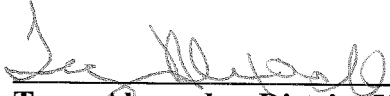
**RESPECTFULLY SUBMITTED,**



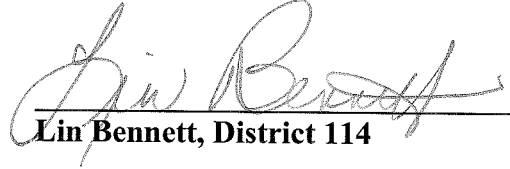
**Raye Felder, Co-Chair, District 26**



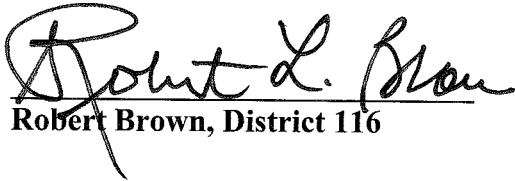
**Bill Taylor, Co-Chair, District 86**



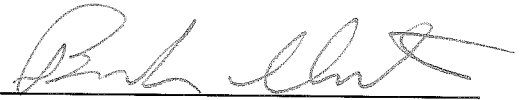
**Terry Alexander, District 59**



**Lin Bennett, District 114**



**Robert Brown, District 116**



**Brandon Newton, District 45**

*The Ad Hoc Committee on Charter Schools wishes to honor and pay tribute to Representative Ronnie Young. Representative Young was a key member of the committee and his absence is felt by his colleagues.*