**A** **BILL**

TO AMEND SECTION 59‑40‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS OF CHARTER SCHOOLS FROM CERTAIN PROVISIONS APPLICABLE TO PUBLIC SCHOOLS, THE POWERS AND DUTIES OF A CHARTER SCHOOL, AND ADMISSIONS TO CHARTER SCHOOLS, SO AS TO FURTHER PROVIDE FOR THE QUALIFICATIONS FOR NONCERTIFIED AND CERTIFIED TEACHERS TO TEACH CORE ACADEMIC COURSES IN CHARTER SCHOOLS AND TO PROVIDE THAT NONCERTIFIED TEACHERS MUST UNDERGO THE SAME BACKGROUND CHECKS AS DO CERTIFIED TEACHERS; TO FURTHER PROVIDE FOR ENROLLMENT PREFERENCES THAT MAY BE GIVEN BY PARTICULAR CHARTER SCHOOLS, TO PROVIDE THAT A CHARTER SCHOOL MAY REENROLL HIGH SCHOOL STUDENTS WHO WERE ENROLLED IN THE CHARTER SCHOOL WITHIN THE TWO PREVIOUS SCHOOL YEARS AND WHO PARTICIPATED IN AN ACADEMIC STUDY ABROAD PROGRAM, TO REQUIRE COMPLIANCE WITH APPLICABLE RACIAL COMPOSITION REQUIREMENTS, AND TO REQUIRE APPROVAL BY A CHARTER SCHOOL BOARD OF AN ATTENDANCE ZONE IN WHICH THE CHARTER SCHOOL IS LOCATED BEFORE THE ATTENDANCE ZONE MAY BE IMPLEMENTED; AND TO PERMIT MULTISCHOOL CHARTER CONTRACTS AND MULTICHARTER CONTRACT BOARDS AND THE DUTIES AND FUNCTIONS OF EACH; AND TO CLARIFY THAT THE CHARTER SCHOOL BOARD GOVERNS THE SCHOOL.

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

SECTION 1.A. Section 59‑40‑50(B)(5) of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“(5) in its discretion hire noncertified teachers in a ratio of up to twenty‑five percent of its entire teacher staff; 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.~~ For core academic courses, all noncertified teachers and certified teachers teaching courses outside of their certification area must demonstrate a high level of competency through completion of at least a bachelor’s degree with college level work in the core academic areas they are teaching, advanced certification, or credentialing. Part‑time noncertified teachers are considered pro rata in calculating this percentage based on the hours which they are expected to teach. Part‑time noncertified teachers are considered pro rata in calculating this percentage based on the hours which they are expected to teach. All noncertified teachers must undergo the background checks and other investigations required of certified teachers, as provided by law, before they may teach in the charter school;”

B. Section 59‑40‑50(B)(8) of the 1976 Code, as last amended by Act 29 of 2013, is further amended to read:

“(8) not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except in the case of an application to create a single gender charter school, in which case gender may be the only reason to show preference or deny admission to the school; a charter school may give enrollment priority to a sibling of a pupil currently enrolled and attending, or who, within the last six years, attended the school for at least one complete academic year.

(a) A public charter school shall give enrollment preference 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.

(b) A charter school also may give priority to children of a charter school employee and children of the charter committee, if priority enrollment for children of employees and of the charter committee does not constitute more than twenty percent of the enrollment of the charter school.

(c) 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 not to exceed fifty percent of the total enrollment of the charter school. 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.

(d) A public charter school opened after July 1, 2015, that is sponsored by a local school district and provided district school facilities free of charge, including furniture, fixtures, technology, and district transportation may give enrollment preferences for students from an attendance zone designated by the sponsoring local school district. Charter committees of proposed attendance zone charter schools may request a waiver of the approval timelines provided in this chapter from the sponsoring district if facilities are identified in the application and are to be provided free of charge by a school district. The racial composition requirement of the student population set forth in Section 59‑40‑50(B)(7) and Section 59‑40‑70(D) must be followed by the school and the sponsor. If a district constituent board exists where the charter school will be located, the board must approve the attendance zone before implementation of the attendance zone.

(e) A charter school designated as an Alternative Education Campus (AEC) by its sponsor as outlined in Section 59‑40‑111 and provided educational facilities by a residential facility may give enrollment preferences to students residing in the residential facility.

(f) A charter school may reenroll high school students who were enrolled in the charter school within the two previous school years and who have participated in an academic study abroad program;”

C. Section 59‑40‑50(B)(9) of the 1976 Code, as last amended by Act 164 of 2012, is further amended to read:

“(9) ~~consist of~~ be governed by a board of directors consisting of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws. Members of a board of directors may serve a term of two years, and may serve additional terms. A choice of the membership of the board must take place every two years. Fifty percent of the members of the 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. 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. Parents or guardians shall have one vote for each student enrolled in the charter school. All members must be residents of the State of South Carolina. Multischool charter contracts and multicharter contract boards are permitted under this chapter, whereby the board of directors may oversee multiple schools linked under a single charter contract or may hold multiple charter contracts. Multiple schools operating under a single charter contract or overseen by a single governing board must report their performance and maintain financial records as separate, individual schools, and each school must be held independently accountable for its compliance with the terms of the charter. 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;”

SECTION 2. This act takes effect upon approval by the Governor.

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