

## Session 119 - (2011-2012)

**H\*3241 (Rat #0188, Act #0164 of 2012) General Bill, By Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis**

### **Summary:** Charter schools

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL SPONSOR POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; BY ADDING SECTION 59-40-235 SO AS TO PROVIDE THAT 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; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS, INCLUDING PROVISIONS WITHIN THE DEFINITION OF A "CHARTER SCHOOL" TO ALLOW AN APPLICANT TO SEEK TO FORM A SINGLE GENDER CHARTER SCHOOL, AND TO PERMIT WITHIN THE DEFINITIONS OF "SPONSOR" AND "APPLICANT" A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING OR ITS BOARD TO BE A SPONSOR OR APPLICANT; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES AND FOR OTHER PROVISIONS PERTAINING TO THE OPERATION OR GOVERNANCE OF THE CHARTER SCHOOL, INCLUDING THE SELECTION OF ITS BOARD OF DIRECTORS AND THE AUTHORIZATION OF CHARTER SCHOOLS AND CHARTER SCHOOL STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC COMPETITIONS, PROGRAMS, AND EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO REQUIRE A CONTRACT TO BE EXECUTED BETWEEN THE CHARTER SCHOOL AND ITS SPONSOR, REFLECTING THE PROVISIONS IN THE APPLICATION AMONG OTHER REQUIREMENTS, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL DEVELOP A CONTRACT TEMPLATE TO BE USED BY CHARTER SCHOOLS AND THEIR SPONSORS, AND TO FURTHER PROVIDE FOR ACTIONS REQUIRED OF AN APPLICANT AND WHAT MUST BE IN THE APPLICATION; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP, TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION, AND TO PROVIDE FOR OTHER PROVISIONS RELATIVE TO THE APPLICATION, INCLUDING A REQUIREMENT THAT THE ADVISORY COMMITTEE SHALL NOTIFY THE LOCAL DELEGATION OF A COUNTY IN WHICH A PROPOSED CHARTER SCHOOL IS TO BE LOCATED UPON RECEIPT OF A CHARTER SCHOOL APPLICATION AND ALSO SHALL PROVIDE A COPY OF THE CHARTER SCHOOL APPLICATION UPON REQUEST BY A MEMBER OF THE LOCAL DELEGATION; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO A CHARTER SCHOOL CONVERSION, SO AS TO PROVIDE FOR SPECIFIC VOTE REQUIREMENTS IF THE PROPOSED CONVERSION SCHOOL HAS CERTAIN TYPES OF OUTSTANDING GENERAL OBLIGATION BOND DEBT, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION, AND TO PROHIBIT UNLAWFUL REPRISALS AGAINST EMPLOYEES OF A SCHOOL DISTRICT BECAUSE OF THEIR INVOLVEMENT IN ESTABLISHING OR CONVERTING A CHARTER SCHOOL; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO PERMIT A CHARTER SCHOOL TO SUBMIT A RENEWAL APPLICATION TO ANOTHER CHARTER GRANTING AUTHORITY IF THE SPONSOR REFUSES TO RENEW THE CHARTER UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO REVISE THE MANNER IN WHICH SPECIFIC FUNDS MUST BE DISTRIBUTED BY THE DEPARTMENT OF EDUCATION TO SCHOOL DISTRICTS HAVING CHARTER SCHOOLS AND THEN BY THE DISTRICTS TO THE CHARTER SCHOOLS, TO FURTHER PROVIDE FOR THE DISTRIBUTION OF CERTAIN OTHER FUNDS TO A CHARTER SCHOOL BY THE SPONSOR, TO FURTHER PROVIDE FOR CONTRACT AND REPORTING REQUIREMENTS IN REGARD TO THE CHARTER SCHOOL, AND TO PROVIDE FOR THE MANNER IN WHICH FUNDING SHALL BE DETERMINED FOR CONVERTED CHARTER SCHOOLS; TO AMEND SECTION 59-40-190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT OR AREA COMMISSION FOR CRIMINAL OR CIVIL LIABILITY REGARDING

ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT, SO AS TO REVISE ITS MEMBERSHIP; TO AMEND SECTION 59-40-130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES; TO AMEND SECTION 59-40-220, RELATING TO THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE PROHIBITION AGAINST THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT HAVING A LOCAL TAX BASE AND RECEIVING LOCAL PROPERTY TAXES DOES NOT EXTEND TO CERTAIN LOCAL FUNDS; TO AMEND SECTION 59-18-920, RELATING TO REPORT CARD REQUIREMENTS FOR CHARTER AND OTHER SCHOOLS, SO AS TO PROVIDE THAT THE PERFORMANCE OF CHARTER SCHOOL STUDENTS MUST NOT BE INCLUDED IN THE OVERALL PERFORMANCE RATINGS OF THE LOCAL SCHOOL DISTRICT UNLESS THERE IS A MUTUAL AGREEMENT TO INCLUDE SCORES IN THE LOCAL DISTRICT RATINGS; AND BY ADDING SECTION 59-19-350 SO AS TO PROVIDE THAT A LOCAL SCHOOL DISTRICT BOARD OF TRUSTEES DESIROUS OF CREATING AN AVENUE FOR NEW, INNOVATIVE, AND MORE FLEXIBLE WAYS OF EDUCATING CHILDREN WITHIN THEIR DISTRICT MAY CREATE A SCHOOL OF CHOICE WITHIN THE DISTRICT THAT IS EXEMPT FROM STATE STATUTES WHICH GOVERN OTHER SCHOOLS IN THE DISTRICT AND REGULATIONS PROMULGATED BY THE STATE BOARD OF EDUCATION, AND TO PROVIDE FOR THE REQUIREMENTS AND PROCEDURES TO IMPLEMENT THESE SCHOOLS OF CHOICE. - ratified title

12/14/10	House	Prefiled
12/14/10	House	Referred to Committee on Education and Public Works
01/11/11	House	Introduced and read first time (House Journal-page 96)
01/11/11	House	Referred to Committee on Education and Public Works (House Journal-page 96)
01/12/11	House	Member(s) request name added as sponsor: Long
01/18/11	House	Member(s) request name added as sponsor: Henderson, Atwater, Lucas, Clemons, Harrell
01/19/11	House	Member(s) request name added as sponsor: Cooper, Horne
01/20/11	House	Member(s) request name added as sponsor: Simrill, D.C.Moss
01/27/11	House	Member(s) request name added as sponsor: Sandifer
02/01/11	House	Member(s) request name removed as sponsor: Allison
02/08/11	House	Member(s) request name added as sponsor: Erickson
02/09/11	House	Committee report: Majority favorable with amend., minority unfavorable Education and Public Works (House Journal-page 1)
02/10/11	House	Debate adjourned until Tuesday, February 15, 2011 (House Journal-page 39)
02/15/11	House	Debate adjourned until Wednesday, February 16, 2011 (House Journal-page 25)
02/16/11	House	Member(s) request name added as sponsor: Norman, Barfield
02/17/11	House	Debate adjourned until Wednesday, February 23, 2011 (House Journal-page 20)
02/23/11	House	Member(s) request name added as sponsor: Loftis
02/23/11	House	Amended (House Journal-page 82)
02/23/11	House	Read second time (House Journal-page 82)
02/23/11	House	Roll call Yeas-85 Nays-32 (House Journal-page 82)
02/23/11	House	Ordered to third reading with notice of amendments (House Journal-page 135)
02/24/11	House	Read third time and sent to Senate (House Journal-page 34)
02/24/11		Scrivener's error corrected
03/01/11	Senate	Introduced and read first time (Senate Journal-page 4)
03/01/11	Senate	Referred to Committee on Education (Senate Journal-page 4)
03/24/11	Senate	Committee report: Majority favorable with amend., minority unfavorable Education (Senate Journal-page 6)
06/01/11	Senate	Read second time (Senate Journal-page 48)
02/21/12	Senate	Special order, set for February 21, 2012 (Senate Journal-page 44)
02/21/12	Senate	Roll call Ayes-41 Nays-1 (Senate Journal-page 44)
03/01/12	Senate	Debate interrupted (Senate Journal-page 28)
03/14/12	Senate	Committee Amendment Amended and Adopted (Senate Journal-page 47)
03/14/12	Senate	Amended (Senate Journal-page 47)
03/14/12	Senate	Debate interrupted (Senate Journal-page 47)
03/15/12	Senate	Amended (Senate Journal-page 10)

03/16/12	Scrivener's error corrected
03/19/12	Scrivener's error corrected
03/20/12	Senate Amended (Senate Journal-page 99)
03/20/12	Senate Debate interrupted (Senate Journal-page 99)
03/21/12	Senate Amended (Senate Journal-page 49)
03/21/12	Senate Read third time and returned to House with amendments (Senate Journal-page 49)
03/21/12	Senate Roll call Ayes-39 Nays-2 (Senate Journal-page 49)
03/22/12	House Non-concurrence in Senate amendment (House Journal-page 15)
03/22/12	Senate Senate insists upon amendment and conference committee appointed Matthews, Hayes, and Fair (Senate Journal-page 13)
03/28/12	House Conference committee appointed J.M. Neal, Owens, and Patrick (House Journal-page 2)
03/29/12	House Conference report received and adopted (House Journal-page 17)
04/25/12	Senate Conference report rejected
04/26/12	House Conference committee appointed Owens, JM Neal, Patrick (House Journal-page 2)
05/01/12	Senate Conference report received and adopted (Senate Journal-page 37)
05/01/12	Senate Roll call Ayes-40 Nays-0 (Senate Journal-page 37)
05/01/12	House Conference report received and adopted (House Journal-page 74)
05/01/12	House Roll call Yeas-87 Nays-15 (House Journal-page 102)
05/01/12	House Ordered enrolled for ratification (House Journal-page 103)
05/08/12	Ratified R 188
05/14/12	Signed By Governor
05/18/12	Effective date 05/14/12
05/21/12	Act No. 164