**A** **BILL**

TO AMEND SECTION 59‑40‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE CHARTER SCHOOL CHAPTER, SO AS TO AMEND THE DEFINITION OF “CHARTER SCHOOL” TO ALLOW AN APPLICANT TO SEEK TO FORM A SINGLE SEX CHARTER SCHOOL WITHOUT REGARD TO THE GENDER MAKEUP OF THAT PROPOSED CHARTER SCHOOL; AND TO AMEND SECTION 59‑40‑50, AS AMENDED, RELATING TO POWERS AND DUTIES OF A CHARTER SCHOOL, SO AS TO MAKE EXCEPTIONS FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL TO THE REQUIREMENTS THAT CHARTER SCHOOLS ADMIT ALL CHILDREN ELIGIBLE TO ATTEND PUBLIC SCHOOL AND THAT CHARTER SCHOOLS MAY NOT DENY ADMISSION OR SHOW PREFERENCE TO A GROUP OF INDIVIDUALS, RESPECTIVELY.

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

SECTION 1. Section 59‑40‑40(2)(b) is amended to read:

“(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 sex charter school without regard to the gender makeup of that proposed charter school;”

SECTION 2. Section 59‑40‑50(B)(7) of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“(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. 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;”

SECTION 3. Section 59‑40‑50(B)(8) of the 1976 Code, as last amended by Act 239 of 2008, 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; however, a charter school may give enrollment priority to a sibling of a pupil already enrolled or previously enrolled, children of a charter school employee, and children of the charter committee, if ~~such~~the priority enrollment does not constitute more than twenty percent of the enrollment of the charter school;”

SECTION 4. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑