**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5245**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, Erickson, Bradley and Weeks

Document Path: LC-0622WAB24.docx

Introduced in the House on March 7, 2024

Introduced in the Senate on April 2, 2024

Last Amended on March 28, 2024

Currently residing in the House

Summary: Charter school enrollment preferences

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/7/2024 House Introduced and read first time ([House Journal‑page 12](h:\hj\20240307.docx))

3/7/2024 House Referred to Committee on **Education and Public Works** ([House Journal‑page 12](h:\hj\20240307.docx))

3/21/2024 House Member(s) request name added as sponsor:
Erickson, Bradley

3/27/2024 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 4](h:\hj\20240327.docx))

3/28/2024 House Member(s) request name added as sponsor: Weeks

3/28/2024 House Amended

3/28/2024 House Read second time

3/28/2024 House Unanimous consent for third reading on next
legislative day

3/28/2024 House Amended ([House Journal‑page 30](h:\hj\20240328.docx))

3/28/2024 House Read second time ([House Journal‑page 30](h:\hj\20240328.docx))

3/28/2024 House Roll call Yeas-105 Nays-0 ([House Journal‑page 32](h:\hj\20240328.docx))

3/28/2024 House Unanimous consent for third reading on next legislative day ([House Journal‑page 33](h:\hj\20240328.docx))

3/29/2024 House Read third time and sent to Senate ([House Journal‑page 3](h:\hj\20240329.docx))

4/2/2024 Senate Introduced and read first time ([Senate Journal‑page 24](h:\sj\20240402.docx))

4/2/2024 Senate Referred to Committee on **Education** ([Senate Journal‑page 24](h:\sj\20240402.docx))

4/24/2024 Senate Committee report: Favorable with amendment **Education** ([Senate Journal‑page 11](h:\sj\20240424.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5245&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/07/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5245_20240307.docx)

[03/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5245_20240327.docx)

[03/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5245_20240328.docx)

[04/24/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5245_20240424.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

April 24, 2024

H. 5245

Introduced by Reps. G. M. Smith, Erickson, Bradley and Weeks

S. Printed 04/24/24--S.

Read the first time April 02, 2024

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The committee on Senate Education

To whom was referred a Bill (H. 5245) to amend the South Carolina Code of Laws by amending Section 59-40-50, relating to charter school admissions, so as to provide charter schools may give enrollment, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-40-50(8)(a), (b), (c), (d), and (e) and inserting:

(a) 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 or as allowed by subitems (b) and (c);.

(b) A charter school must give preference to students enrolled in the public charter school the previous year.

(c) A charter school may give enrollment prioritypreference to any of the following by enrolling the student without requiring participation in a lottery when a lottery is otherwise required under this chapter:

(i) 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 public charter school shall give enrollment preference to students enrolled in the public charter school the previous school year. An enrollment preference for a returning studentsstudent allows the student to enroll in the charter school without being subject to participation in excludes those students from entering into a lottery. A charter school also may give enrollment preference to no more than twenty percent of its total enrollment to children of active duty military servicemembers residing or stationed in this State. A charter school also may give priority toenrollment preference to no more than twenty percent of its total enrollment 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.;

(ii) a child or children of any employee of the charter school or member of the charter school committee, provided that the number of students eligible for this preference may not exceed twenty percent of the school’s total enrollment;

(iii) dependents of active-duty members of the military residing or stationed in this State, limited to not more than twenty percent of the school’s total enrollment except for schools meeting the provisions of Section 59-40-50(B)(8)(f). Dependents of active-duty military members are subject to the enrollment provisions of Section 59-63-33.

(d) A student eligible for multiple enrollment preferences may be enrolled based on only one of the preferences, at the charter school’s discretion. A student eligible for an enrollment preference that is denied the enrollment preference because the charter school has exceeded the number of enrollment preferences allowed must be permitted to participate in any enrollment lottery held by the school for the year the enrollment preference is denied.

(e) In the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, mission-aligned preference 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.

(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 prioritypreference 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 prioritypreference is in addition to the other prioritiespreferences provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each prioritypreference;

Renumber sections to conform.

Amend title to conform.

GREG HEMBREE for Committee.

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-40-50, RELATING TO CHARTER SCHOOL ADMISSIONS, SO AS TO PROVIDE CHARTER SCHOOLS MAY GIVE enrollment preference TO CHILDREN OF ACTIVE DUTY MILITARY SERVICEMEMBERS IN THIS STATE IF THEIR ENROLLMENT DOES NOT CONSTITUTE MORE THAN TWENTY PERCENT OF THE OVERALL ENROLLMENT, and to revise existing enrollment preference provisions.

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

SECTION 1. Section 59-40-50(B)(8) of the S.C. Code is amended to read:

(8) (a) 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 or as allowed by subitem (b);.

(b) A charter school may give enrollment prioritypreference to any of the following by enrolling the student without requiring participation in a lottery when a lottery is otherwise required under this chapter:

(i) 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.;

(ii) students enrolled in the public charter school the previous school year A public charter school shall give enrollment preference to students enrolled in the public charter school the previous school year. An enrollment preference for a returning studentsstudent allows the student to enroll in the charter school without being subject to participation in excludes those students from entering into a lottery. A charter school also may give enrollment preference to no more than twenty percent of its total enrollment to children of active duty military servicemembers residing or stationed in this State. A charter school also may give priority toenrollment preference to no more than twenty percent of its total enrollment 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.;

(iii) a child or children of any employee of the charter school or member of the charter school committee, provided that the number of students eligible for this preference may not exceed twenty percent of the school’s total enrollment;

(iv) dependents of active-duty members of the military residing or stationed in this State, limited to not more than twenty percent of the school’s total enrollment except for schools meeting the provisions of Section 59-40-50(B)(8)(e). Dependents of active-duty military members are subject to the enrollment provisions of Section 59-63-33.

(c) A student eligible for multiple enrollment preferences may be enrolled based on only one of the preferences, at the charter school’s discretion. A student eligible for an enrollment preference that is denied the enrollment preference because the charter school has exceeded the number of enrollment preferences allowed must be permitted to participate in any enrollment lottery held by the school for the year the enrollment preference is denied.

(d) In the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, mission-aligned preference 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.

(e) 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 prioritypreference 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 prioritypreference is in addition to the other prioritiespreferences provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each prioritypreference;

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

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