**A** **BILL**

TO AMEND SECTION 59‑40‑70, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REVIEW OF CHARTER SCHOOL APPLICATIONS, SO AS TO PROVIDE THAT A LOCAL SCHOOL BOARD MUST PUBLISH NOTICE OF A PUBLIC HEARING FOR THE APPROVAL OF A PROPOSED CHARTER SCHOOL TO BE HELD WITHIN THIRTY DAYS OF RECEIPT OF THE APPLICATION, AND TO PROVIDE THAT THE CHARTER SCHOOL MAY BE REPRESENTED BY COUNSEL, MAY PRESENT EVIDENCE, AND MAY CROSS EXAMINE WITNESSES AT THE HEARING.

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

SECTION 1. Section 59‑40‑70(B) of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“(B) The school board of trustees from which the applicant is seeking sponsorship ~~shall rule on the application for a charter school in~~ must hold a public hearing to consider the application for a charter school, upon ~~reasonable~~ at least ten days public notice, published in a newspaper of general circulation in the school district in which the proposed charter school will be located. The hearing must be held within thirty days after ~~receiving~~ the school board receives the application. At the hearing, the applicant may be represented by counsel and must be allowed to present evidence before the board and to cross‑examine adverse witnesses. If ~~there is~~ the board has issued no ruling within thirty days of the hearing, the application is considered approved. Once the application has been approved by the school board of trustees, the charter school may open at the beginning of the following year. However, before a charter school may open, the State Department of Education shall verify the accuracy of the financial data for the school within forty‑five days after approval.”

SECTION 2. Section 59‑40‑70(C) of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“(C) A school district board of trustees only shall deny an application if the application does not meet the requirements specified in Section 59‑40‑50 or 59‑40‑60, fails to meet the spirit and intent of this chapter, or adversely affects, as defined in regulation, the other students in the district in which the charter school is to be located. It shall provide, within ~~ten~~ thirty days of the hearing, a written explanation of the reasons for denial, citing specific standards related to provisions of Section 59‑40‑50 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 and the Charter School Advisory Committee.”

SECTION 3. Section 59‑40‑70(G) of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“(G) If a local school board of trustees has information that an approved application by the South Carolina Public Charter School District adversely affects the other students in its district, as defined ~~in~~ by 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 pursuant to Sections 1‑23‑380(B) and 1‑23‑600(D). ~~The Administrative Law Court, within forty‑five days, may affirm or reverse the application for action by the South Carolina Public Charter School District in accordance with an order of the state board.~~”

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

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