~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2021

**S. 607**

Introduced by Senators Hembree and Hutto

S. Printed 4/22/21--H.

Read the first time March 18, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (S. 607) to amend Section 59‑40‑75, Code of Laws of South Carolina, 1976, relating to the removal of charter school district board members for cause or due to, etc., respectfully

**REPORT:**

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

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Local Expenditure**

This bill revises the current provisions regarding the removal of a member of the South Carolina Public Charter School District governing board to include members of any charter school board of directors. Additionally, the bill requires vacancies in the membership of any board of directors as a result of removal pursuant to the provisions of this bill to be filled in the manner provided in the bylaws of the charter school.

The South Carolina Public Charter School District and the Charter Institute at Erskine indicate that this bill does not alter the duties or responsibilities of charter school districts. Therefore, this bill will have no expenditure impact on charter school districts.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 59‑40‑75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF CHARTER SCHOOL DISTRICT BOARD MEMBERS FOR CAUSE OR DUE TO INCAPACITY, SO AS TO REVISE THE BASES FOR REMOVAL, TO PROVIDE RESULTING MEMBERSHIP VACANCIES MUST BE FILLED PURSUANT TO CERTAIN BYLAWS OF THE CHARTER SCHOOL, AND TO REMOVE THE SOUTH CAROLINA CHARTER SCHOOL DISTRICT FROM THESE PROVISIONS.

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

SECTION 1. Section 59‑40‑75(B) of the 1976 Code is amended to read:

“(B) ~~A member of the South Carolina Public Charter School District or of the governing board of the charter school who is guilty~~ Notwithstanding another provision of law to the contrary, members of a charter school board of directors who wilfully commit or engage in an act of malfeasance, misfeasance, ~~incompetency,~~ absenteeism, conflicts of interest, misconduct, or persistent neglect of duty in office, or ~~incapacity~~ are deemed incompetent or incapacitated, may be removed from office by the Governor upon any of the forgoing causes being made to the satisfaction of the Governor. Before removing the officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard. Vacancies occurring in the membership of any board of directors as a result of removal pursuant to this subsection must be filled in the manner provided in the charter school’s bylaws.”

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

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