**South Carolina General Assembly**

125th Session, 2023-2024

**S. 180**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Fanning

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate Committee on **Education**

Summary: Charter School Enrollment Requirements

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/30/2022 Senate Prefiled

11/30/2022 Senate Referred to Committee on **Education**

1/10/2023 Senate Introduced and read first time ([Senate Journal‑page 97](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Education** ([Senate Journal‑page 97](h:\sj\20230110.docx))

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**VERSIONS OF THIS BILL**

[12/02/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/180_20221202.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 59-40-50(B)(7), relating to admissions to charter schools; so as to provide a penalty for charter schools that do not have an enrollment that reflects the racial composition 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.

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

SECTION 1. Section 59-40-50(B)(7) of the S.C. Code is 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 or, in the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, with an explicit mission and purpose of specializing in providing evidence-based, specific educational or behavioral health services for educationally disadvantaged students with a demonstrated need for such services. Demonstrated need may include, but not be limited to, as documented in an Individualized Education Program (IEP), 504 plan, a medical or psychological diagnosis, or documentation that the student is not meeting grade-specific standards in literacy as documented by the student's school. For purposes of this section, educationally disadvantaged students are those students as defined by the Every Student Succeeds Act (ESSA). Evidence-based services must include, but are not limited to, services to students who need evidence-based, specialized, multi-sensory instruction in literacy or other services included in the students' IEP or 504 plan. This specialized mission and purpose must be defined in the school's charter and charter contract as approved by the sponsor and as allowed by ESSA. 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. Charter schools whose racial composition does not meet this requirement by ten percent or less shall be subject to a penalty the following fiscal year in the amount equal to two percent of the school’s state aid to classroom funding. Charter schools whose racial composition does not meet this requirement by greater than ten percent shall be subject to a penalty the following fiscal year in the amount equal to five percent of the school’s state aid to classroom funding. 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. In the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, that is serving educationally disadvantaged students, if the number of applicants exceeds the capacity of a program, class, grade level, or building, students may be accepted by weighted lot as allowed by ESSA with mission-aligned preference and the process clearly described in their charter and charter contract approved by their sponsor, and there is no appeal to the sponsor;

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

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