

NO. 50

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

THURSDAY, APRIL 23, 2026
(STATEWIDE SESSION)

Thursday, April 23, 2026
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by the SPEAKER as follows:

Our thought for today is from John 3:17: “For God did not send his son into the world to condemn the world, but to save the world through him.”

Let us pray. Our God and our Father, how blessed is the Nation whose God is the Lord. You are kind and gracious and Your love is for all to repent and place their faith in your preeminent son. There is no other name given among men by which we must be redeemed. O God You proved Your love for us in this: while we were still sinners, Christ died for us. May we say with the apostle Paul, that “You, who did not spare His own Son but gave Him up for us all, how will He not also, along with Him, freely give us all things?” O Lord You provided for mankind his greatest need—redemption. How will You not give us the lesser blessings which flow from Your throne room of grace that can never be depleted. We, Your appointed servants, stand in need of infinite grace to administer the governmental affairs of this State. We need wisdom, discernment, and divine knowledge to accomplish this task. We are weak and needy. You are The Almighty and we look to You for help. Now to Him who is able to do far more abundantly beyond all that we ask or think, according to the power that works within us, be glory honor and dominion. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. COBB-HUNTER moved that when the House adjourns, it adjourn in memory of Joseph Marion Corbett, which was agreed to.

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In Memory of Joseph Marion Corbett

The Members of the South Carolina House of Representatives were deeply saddened to learn of the death of Joseph Marion Corbett on March 15, 2026, and extends the deepest sympathy to his family and many friends.

Joe was a native of Neeses in Orangeburg County. Mr. Corbett was born on November 15, 1953, to parents Francis Fay (Tally) Corbett and Ophelia Tyler Corbett.

While Mr. Corbett had a lengthy career as a welder for companies such as Eastman Chemical Company, his passion was public service. He served as a firefighter with the Neeses Volunteer Fire Department for over 35 years. He enjoyed serving as the parade chairman from 1983-1991 for the Neeses Mushroom Festival. He service during the transition from the fire contract system to a Countywide Fire Service system resulted in Neeses obtaining a new fire station, fire truck, and firefighting equipment. He also served as a member of the Orangeburg County Fire Board.

His litter-collecting efforts as a member of the Neeses Adopt-A-Highway Group won several awards. For over 35 years, he served as a member of the Neeses Cemetery Committee and as a commissioner of the Zoning Board of Appeals.

Mr. Corbett was first elected to Neeses Town Council in 1987 and as mayor of Neeses on April 4, 1989. He faithfully served until 2022, in which he was instrumental in the construction of the town hall and fire station and the establishment of an Orangeburg County EMS sub-station.

When voters approved of Orangeburg County's One Cent Sales Tax, Mr. Corbett served as project overseer of a new town hall.

Joe was an avid South Carolina Gamecocks fan as a forty-six-year "Forever to Thee" Gamecock Club member. He was a life long member of Neeses Baptist Church.

But his greatest blessing was being "G-Daddy" to his 4 grandchildren, Madison Free, Ellis Brurok, Sidney Free, and Hank Brurok, and "Daddy" to his 2 daughters, Kara Corbett Brurok and Laura Corbett.

Rep. Gilda Cobb-Hunter

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REPORT OF STANDING COMMITTEE

Rep. HERBKERSMAN, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

S. 163 -- Senators Verdin and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 47 TO TITLE 34 SO AS TO PROHIBIT A GOVERNING AUTHORITY FROM ACCEPTING OR REQUIRING PAYMENT USING CENTRAL BANK DIGITAL CURRENCY OR PARTICIPATING IN A TEST OF CENTRAL BANK DIGITAL CURRENCY; TO PERMIT INDIVIDUALS OR BUSINESSES USING DIGITAL CURRENCY FOR TRANSACTIONS; TO PROVIDE THAT DIGITAL ASSETS MAY NOT BE SINGLED OUT FOR DISPARATE TAX TREATMENT; TO PROVIDE THAT DIGITAL CURRENCY TRANSACTION MAY BE TAXED IF THE TAXATION IS THE SAME AS IF THE TRANSACTION USED UNITED STATES LEGAL TENDER; TO PROVIDE THAT DIGITAL CURRENCY OPERATIONS MAY BE NOT BE SUBJECTED TO DISPARATE ZONING TREATMENT; TO PROVIDE THAT DIGITAL ASSET MINING BUSINESS OPERATIONS SHALL NOT PLACE ANY ADDITIONAL STRESS ON THE ELECTRICAL GRID FOR WHICH THEY ARE CONNECTED AND TO PROVIDE THAT DIGITAL MINING BUSINESSES MUST PROVIDE CERTAIN INFORMATION TO THE PUBLIC SERVICE COMMISSION UPON REQUEST; TO PROVIDE THAT THOSE ENGAGED IN DIGITAL MINING OPERATIONS DO NOT HAVE TO OBTAIN CERTAIN LICENSES AND THAT THOSE WHO PROVIDE CERTAIN SERVICES RELATED TO DIGITAL MINING OR STAKING ARE NOT OFFERING A SECURITY; TO PROVIDE THAT THE ATTORNEY GENERAL CAN PROSECUTE AN INDIVIDUAL WHO OR BUSINESS THAT FRAUDULENTLY CLAIM TO BE OFFERING DIGITAL ASSET MINING AS SERVICE OR STAKING AS A SERVICE; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 5575 -- Reps. Stavrinakis, Bernstein, Wetmore, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoun,

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Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO REMEMBER AND CELEBRATE THE LIFE OF EDWIN STRAUSS PEARLSTINE JR. OF CHARLESTON COUNTY AND TO HONOR HIS REMARKABLE COMMITMENT TO PHILANTHROPY AND COMMUNITY.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5576 -- Reps. Garvin, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks,

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Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO EXPRESS THE SINCERE SYMPATHY OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF MELODY ISAZESICA PEACTRISE EDWARDS PATTEN AND TO HONOR HER LIFE AND LEGACY WITH GRATITUDE FOR HER CONTRIBUTIONS TO HER COMMUNITY AND THIS STATE.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5577 -- Reps. Martin, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE JOSHUA PRINCE FOR WINNING THE 2026 ALL-SERVICE JROTC NATIONAL AIR RIFLE CHAMPIONSHIP.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5578 -- Reps. McDaniel and King: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR GREEN ENERGY BIOFUEL LLC FOR

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ITS EXCEPTIONAL CONTRIBUTIONS TO THE STATE OF SOUTH CAROLINA IN ADVANCING SUSTAINABLE WASTE MANAGEMENT, ECONOMIC DEVELOPMENT, AND ENVIRONMENTAL STEWARDSHIP, AND TO COMMEND THE COMPANY FOR ITS CONTINUED GROWTH AND LEADERSHIP IN THE RENEWABLE ENERGY SUPPLY CHAIN.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5579 -- Reprs. Kilmartin, Ballentine, Alexander, Anderson, Atkinson, Bailey, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR BELLE FOSTER, A FRESHMAN AT GRAY COLLEGIATE ACADEMY, FOR HER OUTSTANDING WORK AS MISS GRAY COLLEGIATE'S TEEN AND FOR HER INITIATIVE, AMERICAN HONEY: YOUR VOICE MATTERS.

The Resolution was adopted.

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HOUSE RESOLUTION

The following was introduced:

H. 5580 -- Reps. Govan, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNZE AND HONOR IMANI SARAI JEAN, A TWELVE-YEAR-OLD STUDENT FROM ORANGEBURG COUNTY, AND TO CONGRATULATE HER ON HER SUCCESS AS A MOTIVATIONAL SPEAKER, A PUBLISHED AUTHOR, AND ROLE MODEL TO HER PEERS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5581 -- Reps. G. M. Smith, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson,

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Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO EXPRESS PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JOYCE GARDNER MCDONALD, TO REMEMBER AND CELEBRATE HER LIFE, AND TO EXTEND DEEPEST SYMPATHY TO HER LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5582 -- Rep. McDaniel: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF CHARLTON HARDIN BLANKS OF CHESTER AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5583 -- Rep. Burns: A HOUSE RESOLUTION TO RECOGNIZE THE CONGREGATION, CHURCH STAFF, AND REVEREND DALE MCCOIG OF ENOREE BAPTIST CHURCH AND TO CONGRATULATE THEM AS THEY CELEBRATE ONE HUNDRED SEVENTY-FIVE YEARS OF MINISTRY AND SERVICE TO THEIR COMMUNITY.

The Resolution was adopted.

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CONCURRENT RESOLUTION

The following was introduced:

H. 5584 -- Reps. Magnuson, McCravy, Edgerton, Kilmartin, Harris, Lastinger, Frank, Beach, D. Mitchell, Burns, Chumley, Pace, Morgan, McCabe and White: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF JUNE 2026 AS "FAMILY MONTH" AND JOIN WITH THE CITIZENS OF SOUTH CAROLINA TO COMMEND THE NOBLE ENDEAVORS OF THOSE WHO SEEK TO PROTECT AND STRENGTHEN THE TRADITIONAL VALUES OF OUR STATE AND COUNTRY.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

CONCURRENT RESOLUTION

The following was introduced:

H. 5585 -- Reps. Caskey, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO HONOR AND CONGRATULATE MT. HEBRON UNITED METHODIST CHURCH OF WEST COLUMBIA ON THE OCCASION OF ITS 225TH ANNIVERSARY AND EXTEND HEARTFELT BEST WISHES FOR CONTINUED CHRISTIAN MINISTRY AND SERVICE IN THE FUTURE.

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The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The following was introduced:

H. 5586 -- Rep. Hosey: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 278 EAST FROM FEED LOT ROAD TO THE TOWN LIMIT OF FAIRFAX IN ALLENDALE COUNTY THE "HONORABLE DOROTHY S. RILEY HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 5569 -- Reps. Bamberg, Kirby, Alexander, Anderson, Bauer, Bernstein, Clyburn, Cobb-Hunter, Dillard, Garvin, Gilliard, Govan, Grant, Hart, Hayes, Henderson-Myers, Hosey, Howard, J. L. Johnson, Jones, King, Luck, McDaniel, J. Moore, Reese, Rivers, Rose, Rutherford, Scott, Spann-Wilder, Stavrinakis, Waters, Weeks, Wetmore, Williams, Pedalino, Hardee, Erickson, Sessions, Crawford, Atkinson, C. Mitchell, Guest, Yow, Brewer, Robbins, M. M. Smith, Huff, Ligon, Cromer, Chumley, Ford, Gilreath, Holman, Jordan, Lawson, Collins, Cox, Martin, Brittain, Pope, Hartnett, Teeple, Bailey, Gilliam, Gagnon, Gibson, Herbkersman, Hixon, Lowe, Moss and Wooten: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48-62-80 SO AS TO CREATE THE "SOUTH CAROLINA FARM AID AND RESILIENCY GRANT FUND" AND TO PROVIDE REQUIREMENTS REGARDING THIS FUND; TO REQUIRE THE OFFICE OF RESILIENCE TO ADMINISTER THE FUND AND, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, DEVELOP CRITERIA, PROCEDURES, AND AWARD GUIDELINES FOR ADMINISTERING THE GRANT PROGRAM; AND TO APPROPRIATE FIFTY MILLION DOLLARS TO THE FUND FROM THE CONTINGENCY RESERVE FUND.

Referred to Committee on Ways and Means

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H. 5570 -- Reps. Ford and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-525, RELATING TO HUNTING AND FISHING LICENSES ISSUED TO DISABLED RESIDENTS, SO AS TO PROVIDE LICENSE APPLICANTS MUST BE CERTIFIED BY CERTAIN GOVERNMENTAL AGENCIES AS BEING TOTALLY AND PERMANENTLY DISABLED; AND BY AMENDING SECTION 50-9-920, RELATING TO THE SALE OF CERTAIN HUNTING AND FISHING LICENSES, SO AS TO PROVIDE THAT REVENUES FROM THE SALE OF ANTLERED DEER TAGS SHALL BE USED TO ADMINISTER THE COYOTE AND HOG MANAGEMENT PROGRAM, AND TO PROVIDE AN ANNUAL REPORT MUST BE FILED WITH THE GENERAL ASSEMBLY REGARDING THE USE OF THESE FUNDS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5571 -- Reps. Duncan, Erickson, Bradley, Bowers and Whitmire: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-700 SO AS TO DEFINE TERMS RELATED TO AN EMPLOYEE OF A PUBLIC INSTITUTION OF HIGHER LEARNING AND AN EMPLOYEE'S BUSINESS, TO REQUIRE THAT EVERY PUBLIC INSTITUTION OF HIGHER LEARNING ESTABLISH AND MAINTAIN A SECURE ELECTRONIC REPORTING SYSTEM FOR EACH EMPLOYEE TO ANNUALLY DISCLOSE ANY BUSINESS WITH WHICH HE IS ASSOCIATED, AND TO REQUIRE THE INSTITUTION TO ADOPT POLICIES AND PROCEDURES NECESSARY TO IMPLEMENT AND ENFORCE THESE REQUIREMENTS.

Referred to Committee on Education and Public Works

H. 5572 -- Reps. Bustos, J. Moore, Landing and Teeple: A JOINT RESOLUTION TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES TO DEVELOP, IN COLLABORATION WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, COMPREHENSIVE PFAS GUIDELINES THAT, AT MINIMUM, ESTABLISH SCIENCE-BASED THRESHOLDS FOR SAFE AND DANGEROUS LEVELS OF PFAS COMPOUNDS IN DRINKING WATER, SURFACE

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WATER, GROUNDWATER, AND SOIL; AND FOR OTHER PURPOSES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5573 -- Reps. Long, Chumley, Edgerton, Magnuson, Lawson and Moss: A BILL TO AMEND ACT 813 OF 1946, AS AMENDED, RELATING TO THE CREATION OF THE SPARTANBURG MEMORIAL AUDITORIUM COMMISSION SO AS TO CHANGE THE COMPOSITION OF THE COMMISSION.

Referred to Spartanburg Delegation

H. 5574 -- Reps. Ford, Forrest, Haddon and Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF INDIVIDUAL ANTLERED DEER TAGS, SO AS TO UTILIZE THE REVENUE FOR THE COYOTE AND HOG MANAGEMENT PROGRAM.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Anderson	Atkinson
Bailey	Bannister	Bauer
Beach	Bernstein	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Caskey	Chapman	Chumley
Clyburn	Cobb-Hunter	Collins
Cox	Crawford	Cromer
Davis	Dillard	Duncan
Edgerton	Erickson	Ford
Forrest	Frank	Gagnon
Garvin	Gibson	Gilliam
Gilliard	Gilreath	Govan
Grant	Guest	Guffey
Haddon	Hager	Hardee
Harris	Hart	Hartnett
Hartz	Hayes	Henderson-Myers

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Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Howard	Huff	J. E. Johnson
J. L. Johnson	Jones	Jordan
Kilmartin	King	Kirby
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Luck	Magnuson	Martin
McCabe	McCrary	McDaniel
C. Mitchell	D. Mitchell	J. Moore
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pedalino	Pope
Rankin	Reese	Rivers
Robbins	Rose	Rutherford
Sanders	Schuessler	Scott
Sessions	G. M. Smith	M. M. Smith
Stavrinakis	Taylor	Teeple
Terribile	Vaughan	Waters
Weeks	Wetmore	White
Whitmire	Wickensimer	Williams
Willis	Wooten	Yow

Total Present--117

LEAVE OF ABSENCE

The SPEAKER granted Rep. SPANN-WILDER a leave of absence for the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. MONTGOMERY a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. PACE a leave of absence for the day due to family medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. BAMBERG a leave of absence for the day.

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LEAVE OF ABSENCE

The SPEAKER granted Rep. GATCH a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. MCGINNIS a leave of absence for the day.

SPECIAL PRESENTATION

Rep. WOOTEN presented to the House the River Bluff High School Dance Team.

SPECIAL PRESENTATION

Rep. DAVIS presented to the House the Berkeley High School "Lady Stags" AAAAA, Division 2, Girls Basketball State Champions.

SPECIAL PRESENTATION

Rep. HIXON presented to the House the North Augusta High "Lady Yellow Jackets" AAAA Girls Basketball State Champions.

SPECIAL PRESENTATION

Rep. HIXON presented to the House the North Augusta High School "Yellow Jackets" AAAA Boys Basketball State Champions.

SPECIAL PRESENTATION

Rep. ERICKSON presented to the House the 2026 Teachers of the Year.

DOCTOR OF THE DAY

Announcement was made that Dr. Thomas Wallace of Lexington was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED

In accordance with House Rule 5.2 below:

“5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on

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second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

CO-SPONSOR(S) ADDED

Bill Number: H. 4270
Date: ADD:
04/23/26 RIVERS, SCOTT and GOVAN

CO-SPONSOR(S) ADDED

Bill Number: H. 4464
Date: ADD:
04/23/26 HENDERSON-MYERS

CO-SPONSOR(S) ADDED

Bill Number: H. 4476
Date: ADD:
04/23/26 RIVERS

CO-SPONSOR(S) ADDED

Bill Number: H. 4477
Date: ADD:
04/23/26 GOVAN and HART

CO-SPONSOR(S) ADDED

Bill Number: H. 4671
Date: ADD:
04/23/26 DUNCAN

CO-SPONSOR(S) ADDED

Bill Number: H. 4717
Date: ADD:
04/23/26 CROMER and GILREATH

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CO-SPONSOR(S) ADDED

Bill Number: H. 5122
Date: ADD:
04/23/26 DAVIS

CO-SPONSOR(S) ADDED

Bill Number: H. 5201
Date: ADD:
04/23/26 GOVAN

CO-SPONSOR(S) ADDED

Bill Number: H. 5288
Date: ADD:
04/23/26 KIRBY

CO-SPONSOR(S) ADDED

Bill Number: H. 5483
Date: ADD:
04/23/26 D. MITCHELL

CO-SPONSOR(S) ADDED

Bill Number: H. 5538
Date: ADD:
04/23/26 GOVAN and GIBSON

SENT TO THE SENATE

The following Bill was taken up, read the third time, and ordered sent to the Senate:

H. 3047 -- Reps. Moss, Haddon and Bauer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-11-705 SO AS TO CREATE THE OFFENSE OF INTENTIONALLY RELEASING, ORGANIZING THE RELEASE OF, OR INTENTIONALLY CAUSING THE RELEASE OF BALLOONS INFLATED WITH GAS THAT IS LIGHTER THAN AIR, AND TO PROVIDE EXCEPTIONS; BY AMENDING SECTION 16-11-700, RELATING TO THE DUMPING OF LITTER ON PRIVATE OR PUBLIC PROPERTY, EXCEPTIONS, AND PENALTIES, SO AS TO INCLUDE BALLOONS IN THE LITTER STATUTE; AND BY AMENDING SECTION 16-11-710, RELATING TO THE

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ACCEPTANCE OF A CASH BOND IN LIEU OF AN IMMEDIATE COURT APPEARANCE IN LITTER CONTROL PROSECUTIONS, SO AS TO INCLUDE A VIOLATION OF THE BALLOON STATUTE WHEN A CASH BOND IS ALLOWED.

H. 5201--ORDERED TO THIRD READING

Debate was resumed on the following Bill, the pending question being the consideration of the Bill:

H. 5201 -- Reps. Pedalino, Teeple, Erickson and Govan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SAFE SCHOOLS ACT OF 2026" BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59, SO AS TO ESTABLISH A MULTI JURISDICTIONAL SCHOOL SAFETY TASK FORCE, TO REQUIRE SCHOOL DISTRICTS TO DEVELOP MULTIHAZARD EMERGENCY OPERATION PLANS, TO PROVIDE FOR CERTIFIED SCHOOL SAFETY ASSESSMENTS AND REQUIRED LIVE DRILLS, AND TO PROVIDE OVERSIGHT AND TECHNICAL ASSISTANCE BY SLED, AMONG OTHER THINGS.

Rep. PEDALINO spoke in favor of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

Atkinson	Bailey	Bauer
Beach	Bernstein	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Chapman	Chumley	Cobb-Hunter
Collins	Cox	Crawford
Cromer	Davis	Dillard
Erickson	Ford	Forrest
Frank	Gagnon	Garvin
Gibson	Gilliam	Gilliard
Gilreath	Govan	Guest
Guffey	Haddon	Hager
Hardee	Harris	Hart
Hartnett	Hartz	Hayes
Herbkersman	Hiott	Hixon
Holman	Hosey	Huff

[HJ]

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J. E. Johnson	Jordan	Kilmartin
King	Kirby	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Luck
Martin	McCabe	McCray
McDaniel	C. Mitchell	D. Mitchell
J. Moore	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pedalino
Pope	Rankin	Reese
Robbins	Rose	Rutherford
Sanders	Schuessler	Scott
G. M. Smith	M. M. Smith	Stavrinakis
Teeple	Terrible	Vaughan
Waters	Weeks	Wetmore
White	Whitmire	Wickensimer
Williams	Willis	Yow

Total--99

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

**H. 5201--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. PEDALINO, with unanimous consent, it was ordered that H. 5201 be read the third time tomorrow.

H. 5506--ORDERED TO THIRD READING

The following Bill was taken up:

H. 5506 -- Reps. Jordan, Williams, Atkinson, Kirby and Lowe: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 55-11-620, RELATING TO THE CREATION OF THE PEE DEE REGIONAL AIRPORT AUTHORITY, ITS MEMBERS, THEIR TERMS, AUTHORITY, VACANCIES, AND COMPENSATION, SO AS TO PROVIDE THE MEMBERS OF THE PEE DEE REGIONAL AIRPORT AUTHORITY SHALL BE

[HJ]

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APPOINTED BY THE GOVERNOR UPON THE
RECOMMENDATIONS OF THEIR RESPECTIVE COUNTY
LEGISLATIVE DELEGATIONS.

Rep. LOWE explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

Alexander	Anderson	Atkinson
Bailey	Bauer	Beach
Bernstein	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chapman	Chumley	Clyburn
Cobb-Hunter	Collins	Cox
Crawford	Cromer	Davis
Dillard	Duncan	Edgerton
Forrest	Frank	Gagnon
Garvin	Gibson	Gilliam
Gilliard	Gilreath	Govan
Guest	Guffey	Haddon
Hager	Hardee	Harris
Hart	Hartnett	Hartz
Hayes	Henderson-Myers	Herbkersman
Hewitt	Hiott	Hixon
Holman	Hosey	Huff
J. E. Johnson	Jones	Jordan
Kilmartin	Kirby	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Luck
Magnuson	Martin	McCabe
McCrary	C. Mitchell	D. Mitchell
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pope	Rankin
Reese	Rivers	Robbins
Rose	Sanders	Schuessler
Scott	G. M. Smith	M. M. Smith
Stavrinakis	Taylor	Teeple

[HJ]

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Terrible	Vaughan	Waters
Weeks	Wetmore	White
Whitmire	Wickensimer	Williams
Willis	Wooten	Yow

Total--105

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

**H. 5506--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. LOWE, with unanimous consent, it was ordered that H. 5506 be read the third time tomorrow.

H. 5093--ORDERED TO THIRD READING

The following Bill was taken up:

H. 5093 -- Reps. Caskey, Bannister, Long, Lawson, C. Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-90, RELATING TO THE DEFINITION OF GROSS PROCEEDS OF SALES, SO AS TO EXCLUDE AMOUNTS PAID BY STATE AND LOCAL GOVERNMENTS FOR THE EMERGENCY SERVICES IP NETWORK.

Rep. LONG explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

Alexander	Anderson	Atkinson
Bailey	Bannister	Bauer
Beach	Bernstein	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Caskey	Chapman	Chumley

[HJ]

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Clyburn	Cobb-Hunter	Collins
Cox	Crawford	Cromer
Davis	Dillard	Duncan
Edgerton	Erickson	Ford
Forrest	Frank	Gagnon
Garvin	Gibson	Gilliam
Gilliard	Gilreath	Govan
Grant	Guest	Guffey
Haddon	Hager	Hardee
Harris	Hart	Hartnett
Hartz	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Huff	J. E. Johnson	Jones
Jordan	Kilmartin	Kirby
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Luck	Magnuson	Martin
McCabe	McCrary	C. Mitchell
D. Mitchell	J. Moore	T. Moore
Morgan	Moss	Neese
B. Newton	W. Newton	Oremus
Pedalino	Pope	Rankin
Reese	Rivers	Robbins
Rose	Rutherford	Sanders
Schuessler	Scott	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Terrible	Vaughan
Waters	Weeks	Wetmore
White	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

Total--112

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

[HJ]

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**H. 5093--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. LONG, with unanimous consent, it was ordered that H. 5093 be read the third time tomorrow.

**H. 5208--REQUEST FOR DEBATE AND ORDERED TO
THIRD READING**

The following Bill was taken up:

H. 5208 -- Reps. B. Newton and Moss: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM SALES TAX, SO AS TO PROVIDE THAT CERTAIN UNPREPARED FOODS, THAT MAY BE PURCHASED WITH FOOD COUPONS WHICH ARE EXEMPT FROM TAXES, ARE NOT LIMITED TO CERTAIN FEDERAL REGULATIONS.

Rep. LONG explained the Bill.

Rep. CROMER requested debate on the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

Alexander	Anderson	Atkinson
Bailey	Bannister	Bauer
Beach	Bernstein	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Caskey	Chapman	Chumley
Clyburn	Cobb-Hunter	Collins
Cox	Crawford	Cromer
Davis	Dillard	Duncan
Edgerton	Erickson	Ford
Forrest	Frank	Gagnon
Garvin	Gilliam	Gilliard
Gilreath	Govan	Grant
Guest	Guffey	Haddon
Hager	Hart	Hartnett
Hartz	Hayes	Henderson-Myers

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Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Huff	J. E. Johnson	Jones
Jordan	Kilmartin	King
Kirby	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Luck	Magnuson
Martin	McCabe	McCrary
C. Mitchell	D. Mitchell	J. Moore
T. Moore	Morgan	Moss
Neese	B. Newton	Oremus
Pedalino	Pope	Rankin
Reese	Rivers	Robbins
Rose	Rutherford	Sanders
Schuessler	Scott	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Terrible	Vaughan
Waters	Weeks	Wetmore
White	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

Total--109

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

**H. 5208--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. LONG, with unanimous consent, it was ordered that H. 5208 be read the third time tomorrow.

LEAVE OF ABSENCE

The SPEAKER granted Rep. GARVIN a temporary leave of absence.

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H. 4576--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4576 -- Reps. Bannister and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-20-10, RELATING TO STATE OPTIONAL RETIREMENT PROGRAM DEFINITIONS, SO AS TO INCLUDE SPECIAL PURPOSE DISTRICTS IN THE DEFINITION OF "EMPLOYER."

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4576 (LC-4576.SA0003H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 9-20-10(1)(e) and inserting:

~~(e) a special purpose district, as defined in Section 6-11-1610, that participates as an employer in the South Carolina Retirement System.~~ or commission of public works that has made an election to participate in the State Optional Retirement Program pursuant to Section 9-20-15.

Amend the bill further, SECTION 1, by striking Section 9-20-10(2)(f) and inserting:

~~(f) an employee, hired after June 30, 2027, by an employer as defined in Section 9-20-10(1)(e).~~ an employee hired by an employer as defined in Section 9-20-10(1)(e) after the employer's effective date of participation in the State Optional Retirement Program pursuant to Section 9-20-15.

However, an employee who exercises an option to not participate in the South Carolina Retirement System under Section 9-1-550 is not eligible to participate in the State Optional Retirement Program.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Chapter 20, Title 9 of the S.C. Code is amended by adding:

Section 9-20-15. A special purpose district, as defined in Section 6-11-1610, or a commission of public works, established pursuant to Article 3, Chapter 31 of Title 5, that participates as an employer in the South Carolina Retirement System, in its discretion, also may become a participating employer in the State Optional Retirement Program by applying to the board to participate in the program and by complying with the requirements and regulations of the board. The application must be filed at least six months prior to the requested effective date of participation, which must be July 1, 2027, or any subsequent July first,

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next following receipt by the board of such application.

SECTION X. Section 9-1-1085 of the S.C. Code is amended by adding:

(E) In lieu of the deductions from compensation required by Sections 9-1-1020 and 9-1-1160, an employer may elect, no later than July first, to pick up all or a portion of the employee contributions required by this section for the following fiscal year without a reduction or offset from its employees' compensation. Employee contributions picked up without such reduction or offset from the employee's compensation must be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code but must be credited as employee contributions for the purposes of the system. An employer making the election provided by this subsection is considered to have taken formal action to provide that the contributions on behalf of its employees, although designated as employee contributions, must be paid by the employer in lieu of employee contributions. The employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The employee, however, may not be given any option of choosing to receive the contributed amount of the pick ups directly instead of having them paid by the employer to the retirement system. An employer's election to pick up contributions without a reduction or offset from its employees' compensation pursuant to this subsection may not be changed during the fiscal year but may be changed for future fiscal years.

SECTION X. Section 9-11-225 of the S.C. Code is amended by adding:

(E) In lieu of the deductions from compensation required by Section 9-11-210, an employer may elect, no later than July first, to pick up all or a portion of the employee contributions required by this section for the following fiscal year without a reduction or offset from its employees' compensation. Employee contributions picked up without such reduction or offset from the employee's compensation must be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code but must be credited as employee contributions for the purposes of the system. An employer making the election provided by this subsection is considered to have taken formal action to provide that the contributions on behalf of its employees, although designated as employee contributions, must be paid by the employer in lieu of employee contributions. The employer shall pay these employee contributions

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from the same source of funds which is used in paying earnings to the employee. The employee, however, may not be given any option of choosing to receive the contributed amount of the pick ups directly instead of having them paid by the employer to the retirement system. An employer's election to pick up contributions without a reduction or offset from its employees' compensation pursuant to this subsection may not be changed during the fiscal year but may be changed for future fiscal years.

SECTION X. Section 9-1-10(8) of the S.C. Code is amended by adding:

(c) Employee contributions picked up by an employer pursuant to Section 9-1-1085(E) without a reduction or offset from the member's compensation are not earnable compensation for the purposes of the system.

SECTION X. Section 9-11-10(12) of the S.C. Code is amended to read:

(12) "Compensation" means the total remuneration paid to a police officer for service rendered to an employer for his full normal working time; when compensation includes maintenance, fees and other things of value, the board shall fix the value of that part of the compensation not paid in money directly by the employer. Employee contributions picked up by an employer pursuant to Section 9-11-225(E) without a reduction or offset from the member's compensation are not compensation for the purposes of the system.

SECTION X. Section 9-1-10(1) of the S.C. Code is amended to read:

(1) "Accumulated contribution" means the sum of all the amounts either deducted from the compensation of a member or paid by the employer in lieu of employee contributions pursuant to Section 9-1-1085(E) and credited to the ~~members~~ member's individual account in the employee annuity savings fund, together with regular interest on the account, as provided in Article 9 of this chapter.

SECTION X. Section 9-11-10 (2) and (6) of the S.C. Code is amended to read:

(2) "Accumulated contributions" means the sum of all the amounts either deducted from the compensation of a member or paid by the employer in lieu of employee contributions pursuant to Section 9-11-225(E) and credited to the member's individual account in the employee annuity savings fund, together with regular interest on the account, as provided in this chapter.

(6) "Aggregate contributions" means the sum of all the amounts either deducted from the compensation of a member or paid by the

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[employer in lieu of employee contributions pursuant to Section 9-11-225\(E\)](#) and credited to the member's individual account in the system, including any amounts transferred from another fund to the system as provided in Section 9-11-210(6).

SECTION X. Section 9-11-260(2) of the S.C. Code is amended to read:

(2) The members' account shall be the account in which shall be held the contributions deducted from the compensation of members [and amounts paid by the employer in lieu of employee contributions pursuant to Section 9-11-225\(E\)](#), together with the interest credited thereon. Upon the retirement of a member, or upon the death of a member if an allowance is payable to his beneficiary pursuant to Section 9-11-130, the amount of his accumulated contributions shall be transferred to the accumulation account.

SECTION X. Section 9-1-1020, the fourth undesignated paragraph, of the S.C. Code is amended to read:

Section 9-1-1020. Each ~~department and political subdivision~~[employer](#) shall pick up the employee contributions required by this section for all compensation paid on or after July 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under [Section 414\(h\)\(2\)](#) of the United States Internal Revenue Code. For this purpose, each ~~department and political subdivision~~[employer](#) is deemed to have taken formal action on or before January 1, 2009, to provide that the contributions on behalf of its employees, although designated as ~~employer-employee~~ contributions, shall be paid by the employer in lieu of employee contributions. The ~~department and political subdivision~~[employer](#) shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The ~~department and political subdivision~~[employer](#) may pick up these contributions by a reduction in the ~~cash salary of the employee.~~ [compensation of the employee or, if the employer makes an election authorized pursuant to Section 9-1-1085\(E\), it may pay the amount designated as an employee contribution without a reduction or offset from the employee's compensation.](#)

SECTION X. Section 9-1-1160(B) of the S.C. Code is amended to read:

(B) Each ~~department and political subdivision~~[employer](#) shall pick up the employee contributions required by this section for all compensation paid on or after July 1, 1982, and the contributions picked up must be treated as employer contributions in determining federal tax treatment under [Section 414\(h\)\(2\)](#) of the United States Internal Revenue

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Code. ~~Each department and political subdivision shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service, or the federal courts, rule, pursuant to Section 414(h) of the United States Internal Revenue Code, that these contributions are not included as gross income of the employee until such time as they are distributed or made available. For this purpose, each employer is considered to have taken formal action to provide that the contributions on behalf of its employees, although designated as employee contributions, must be paid by the employer in lieu of employee contributions.~~ The ~~department and political subdivision~~ employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The ~~department and political subdivision~~ employer may pick up these contributions by a reduction in the ~~cash salary~~ compensation of the employee or, if the employer makes an election authorized pursuant to Section 9-1-1085(E), it may pay the amount designated as an employee contribution without a reduction or offset from the employee's compensation. Employee contributions picked up must be ~~treated administered~~ for all purposes of this section in the same manner and to the extent as employee contributions made before the date picked up.

SECTION X. Section 9-11-210(11) of the S.C. Code is amended to read:

(11) Each ~~department and political subdivision~~ employer shall pick up the employee contributions required by this section for all compensation paid on or after July 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code. For this purpose, each ~~department and political subdivision~~ employer is deemed to have taken formal action on or before January 1, 2009, to provide that the contributions on behalf of its employees, although designated as ~~employer-employee~~ contributions, shall be paid by the employer in lieu of employee contributions. The ~~department and political subdivision~~ employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The ~~department and political subdivision~~ employer may pick up these contributions by a reduction in the ~~cash salary~~ compensation of the employee or, if the employer makes an election authorized pursuant to Section 9-11-225(E), it may pay the amount designated as an employee contribution without a reduction or offset from the employee's compensation. The employee, however, must not be given ~~the any~~ option of choosing to receive the contributed

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amount of the pickups directly instead of having them paid by the employer to the retirement system. Employee contributions picked up shall be ~~treated~~ administered for all purposes of this section in the same manner and to the extent as employee contributions made prior to the date picked up.

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.
The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:
Yeas 106; Nays 0

Those who voted in the affirmative are:

Alexander	Anderson	Atkinson
Bailey	Bannister	Bauer
Beach	Bernstein	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Caskey	Chapman	Chumley
Clyburn	Cobb-Hunter	Collins
Cox	Crawford	Cromer
Davis	Dillard	Edgerton
Erickson	Ford	Forrest
Frank	Gagnon	Gibson
Gilliam	Gilliard	Gilreath
Govan	Grant	Guest
Haddon	Hager	Hardee
Harris	Hart	Hartnett
Hartz	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Huff	J. E. Johnson	Jones
Jordan	Kilmartin	King
Kirby	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Luck	Magnuson
Martin	McCravy	C. Mitchell

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J. Moore	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pedalino
Pope	Rankin	Reese
Rivers	Robbins	Rose
Rutherford	Sanders	Schuessler
Scott	G. M. Smith	M. M. Smith
Stavrinakis	Taylor	Teeple
Terribile	Vaughan	Waters
Wetmore	White	Wickensimer
Williams	Willis	Wooten
Yow		

Total--106

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 4576--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. COBB-HUNTER, with unanimous consent, it was ordered that H. 4576 be read the third time tomorrow.

H. 4589--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4589 -- Rep. Gilliam: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-10-470, RELATING TO COUNTIES IN WHICH THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX MAY BE IMPOSED, SO AS TO PROVIDE ADDITIONAL AUTHORIZATIONS.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4589 (LC-4589.SA0002H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 4-10-470(G)(1)(b) and inserting:

[HJ]

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(b) the county collected less than ~~fifty~~seventy thousand dollars in state accommodations taxes as imposed pursuant to Section 12-36-920(A) in the most recent fiscal year for which full collection figures are available.

Renumber sections to conform.

Amend title to conform.

Rep. COLLINS explained the amendment.

The amendment was then adopted.

Reps. GATCH, BREWER, FORD, HOLMAN, PEDALINO, ROBBINS, and M. M. SMITH proposed the following Amendment No. 2 to H. 4589 (LC-4589.SA0005H), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 4-10-470, by adding a subsection to read:

(H)(1) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county which does not meet the collection requirements of subsection (A) so long as the county in which the tax is to be imposed:

(a) has two school districts which encompasses the entire county area in which the tax is to be imposed; and

(b) imposes no taxes pursuant to this chapter at the time of the referendum.

(2) Notwithstanding any other provision of this article, if the Education Capital Improvements Sales and Use Tax is imposed pursuant to this subsection, then:

(a) ten percent of the proceeds must be used to provide property tax relief by using the proceeds to offset the existing debt service millage levy on general obligation bonds pursuant to Section 4-10-445; and

(b) the tax revenue distributed to each district must be in the proportion agreed to and reflected in the resolution required pursuant to Section 4-10-425.

(3) The resolution required pursuant to Section 4-10-425 must be agreed to by a majority vote of the board of trustees of each school district located in the county.

(4) Once a county meets the provisions of item (1) and imposes the Education Capital Improvements Sales and Use Tax, it thereafter remains eligible to impose this tax pursuant to this subsection.

Renumber sections to conform.

Amend title to conform.

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Rep. COLLINS explained the amendment.
The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:
Yeas 81; Nays 18

Those who voted in the affirmative are:

Alexander	Anderson	Atkinson
Bailey	Bannister	Bowers
Bradley	Brewer	Brittain
Bustos	Caskey	Chapman
Cobb-Hunter	Collins	Cox
Crawford	Cromer	Davis
Dillard	Forrest	Gagnon
Gilliam	Gilliard	Govan
Grant	Guest	Haddon
Hardee	Harris	Hart
Hartnett	Hartz	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Hosey
J. E. Johnson	Jones	Jordan
King	Kirby	Lawson
Ligon	Long	Lowe
Luck	Martin	McDaniel
C. Mitchell	D. Mitchell	J. Moore
T. Moore	Moss	Neese
B. Newton	W. Newton	Oremus
Pope	Reese	Rivers
Robbins	Rose	Rutherford
Schuessler	Scott	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Vaughan	Waters
Wetmore	Wickensimer	Williams
Willis	Wooten	Yow

Total--81

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Those who voted in the negative are:

Beach	Burns	Chumley
Edgerton	Frank	Gibson
Gilreath	Hager	Holman
Huff	Kilmartin	Lastinger
McCabe	McCrary	Morgan
Pedalino	Terribile	White

Total--18

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I inadvertently voted against H. 4589. I intend to vote in favor of the Bill. I'm strongly in favor of this Bill.

Rep. Harriet Holman

STATEMENT FOR JOURNAL

I was temporarily out of the Chamber on constituent business during the vote on H. 4589. If I had been present, I would have voted in favor of the Bill.

Rep. Adam Duncan

**H. 4589--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. COLLINS, with unanimous consent, it was ordered that H. 4589 be read the third time tomorrow.

H. 4477--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4477 -- Reps. Landing, Cobb-Hunter, Rivers, Williams, Luck, King, Gilliard, Waters, Henderson-Myers, Collins, Schuessler, Herbkersman, M. M. Smith, Govan and Hart: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HEIRS' PROPERTY TAX RELIEF ACT" BY AMENDING SECTION 12-37-3150, RELATING TO DETERMINING WHEN AN ASSESSIBLE TRANSFER OF INTEREST OCCURS, SO AS TO EXCLUDE TRANSFERS MADE AMONG FAMILY MEMBERS TO CLEAR THE TITLE OF HEIRS' PROPERTY.

[HJ]

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The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4477 (LC-4477.DG0001H), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. This act may be cited as the “Heirs’ Property Tax Relief Act”.

SECTION 2. Chapter 1, Title 4 of the S.C. Code is amended by adding:

Section 4-1-190. (A) A county may not treat a qualifying transfer of heirs’ property, as defined in this section, as a transfer requiring reassessment of property to fair market value pursuant to Section 12-37-3150.

(B) For purposes of this section:

(1) “Heirs’ property” means real property owned by two or more individuals as tenants in common, which was inherited from a relative and for which no formal probate or recorded conveyance transferred clear title to the current owners.

(2) “Qualified family member” means a person related to a prior owner by blood, marriage, or adoption including, but not limited to, a spouse, child, grandchild, sibling, niece, nephew, aunt, uncle, cousin, or those identified as heir owners by a court of competent jurisdiction.

(3) “Qualifying transfer” means a conveyance, via judicial action, or recorded instrument undertaken solely for the purpose of clearing or consolidating title to heirs’ property among qualified family members, provided that both the grantor and grantee owned an undivided interest in the property prior to the transfer, through a:

- (a) quiet title action order;
- (b) partition in kind order; or
- (c) master-in-equity.

(C) If heirs’ property is partitioned pursuant to a qualifying transfer:

(1) each resulting partitioned parcel must retain its assessed value as a pro rata share of the existing or original parcel and be taxed at its corresponding proportional amount and property classification; and

(2) each partitioned parcel maintains its eligibility for any statutory caps or limitations on assessed value increases, including the fifteen percent reassessment limitation.

(D) The limitation provided by this section applies only if the qualified family members submit an application to the county assessor, on a form developed by the South Carolina Department of Revenue,

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including an affidavit certifying under penalty of perjury that:

- (1) the property qualifies as heirs' property;
- (2) the transfer was made pursuant to a judicial order described in subsection (B)(3);
- (3) the transfer is between qualified family members; and
- (4) the transfer is for the purpose of clearing title.

(E) Once title is cleared, the property is no longer considered heirs' property for purposes of this section and is not eligible for the limitation provided herein, as verified by tax map number or other parcel identifier at the time of the qualifying transfer.

(F) This section does not apply to:

- (1) transfers not part of a judicial action described in subsection (B)(3); or
- (2) transfers to a person who is not a qualified family member.

SECTION 3. This act takes effect upon approval by the Governor and applies to property tax years beginning after 2025.

Renumber sections to conform.

Amend title to conform.

Rep. COLLINS explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Bannister	Bauer	Beach
Bernstein	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chapman	Chumley	Cobb-Hunter
Collins	Cox	Crawford
Cromer	Davis	Dillard
Duncan	Edgerton	Erickson
Ford	Forrest	Frank
Gagnon	Gibson	Gilliam
Gilliard	Gilreath	Govan
Grant	Guest	Haddon

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Hager	Hardee	Harris
Hart	Hartnett	Hartz
Hayes	Henderson-Myers	Herbkersman
Hewitt	Hiott	Hixon
Holman	Hosey	Howard
Huff	J. E. Johnson	Jones
Jordan	Kilmartin	King
Kirby	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Luck	Magnuson
Martin	McCabe	McCrary
McDaniel	C. Mitchell	D. Mitchell
J. Moore	Moss	Neese
B. Newton	W. Newton	Oremus
Pedalino	Pope	Rankin
Reese	Rivers	Robbins
Rose	Rutherford	Sanders
Schuessler	Scott	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Terrible	Vaughan
Waters	Weeks	Wetmore
White	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

Total--109

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 4477--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. COLLINS, with unanimous consent, it was ordered that H. 4477 be read the third time tomorrow.

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H. 5537--ORDERED TO THIRD READING

The following Joint Resolution was taken up:

H. 5537 -- Rep. Hayes: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF ADMINISTRATION, THE STATE FISCAL ACCOUNTABILITY AUTHORITY, OR THE APPROPRIATE AGENCY, TO TRANSFER THE NATIONAL GUARD ARMORY IN DILLON COUNTY, SOUTH CAROLINA, TO THE CITY OF DILLON.

Rep. HAYES explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Bannister	Bauer	Beach
Bernstein	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chapman	Chumley	Clyburn
Cobb-Hunter	Collins	Cox
Crawford	Cromer	Davis
Dillard	Duncan	Edgerton
Erickson	Ford	Forrest
Frank	Gagnon	Gibson
Gilliam	Gilliard	Gilreath
Govan	Grant	Guest
Guffey	Haddon	Hager
Harris	Hart	Hartnett
Hartz	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Howard	Huff	J. E. Johnson
J. L. Johnson	Jordan	Kilmartin
King	Kirby	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Luck
Magnuson	Martin	McCrary
McDaniel	C. Mitchell	D. Mitchell

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J. Moore	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pedalino
Pope	Rankin	Reese
Rivers	Robbins	Rose
Rutherford	Sanders	Schuessler
Scott	G. M. Smith	M. M. Smith
Stavrinakis	Taylor	Teeple
Terribile	Vaughan	Waters
Weeks	Wetmore	White
Whitmire	Wickensimer	Williams
Willis	Wooten	Yow

Total--111

Those who voted in the negative are:

Total--0

So, the Joint Resolution was read the second time and ordered to third reading.

**H. 5537--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. HAYES, with unanimous consent, it was ordered that H. 5537 be read the third time tomorrow.

S. 895--ORDERED TO THIRD READING

The following Bill was taken up:

S. 895 -- Senators Verdin, Alexander and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO STATE HEALTH FACILITY LICENSURE ACT DEFINITIONS, SO AS TO ADD TO THE DEFINITION OF "HOSPITAL" ALL HOSPITALS THAT CONVERT TO RURAL EMERGENCY HOSPITALS.

Rep. B. NEWTON explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

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Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Bannister	Bauer	Beach
Bernstein	Bowers	Bradley
Brewer	Brittain	Burns
Calhoon	Caskey	Chapman
Chumley	Clyburn	Cobb-Hunter
Collins	Cox	Crawford
Cromer	Davis	Dillard
Duncan	Edgerton	Erickson
Ford	Forrest	Frank
Gagnon	Gibson	Gilliam
Gilliard	Gilreath	Govan
Grant	Guest	Guffey
Haddon	Hager	Harris
Hart	Hartnett	Hartz
Hayes	Henderson-Myers	Herbkersman
Hewitt	Hiott	Hixon
Holman	Hosey	Howard
Huff	J. E. Johnson	J. L. Johnson
Jordan	Kilmartin	King
Kirby	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Luck	Magnuson
Martin	McCabe	McCrary
McDaniel	C. Mitchell	J. Moore
T. Moore	Moss	Neese
B. Newton	W. Newton	Oremus
Pedalino	Pope	Rankin
Reese	Rivers	Robbins
Rose	Rutherford	Sanders
Schuessler	Scott	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Terrible	Vaughan
Waters	Weeks	Wetmore
White	Whitmire	Wickensimer
Willis	Wooten	Yow

Total--108

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Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

S. 895--ORDERED TO BE READ THIRD TIME TOMORROW

On motion of Rep. B. NEWTON, with unanimous consent, it was ordered that S. 895 be read the third time tomorrow.

S. 454--INTERRUPTED DEBATE

The following Bill was taken up:

S. 454 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-40-40, RELATING TO DEFINITIONS PERTAINING TO CHARTER SCHOOLS, SO AS TO CHANGE REFERENCES FROM "SPONSOR" TO "AUTHORIZER" AND TO PROVIDE OTHER DEFINITIONS; BY AMENDING SECTION 59-40-50, RELATING TO EXEMPTIONS, SO AS TO REQUIRE A CHARTER SCHOOL TO POST THEIR ANNUAL AUDIT ON THEIR WEBSITE AND TO NOTIFY AND PROVIDE A COPY OF ANY EDUCATION MANAGEMENT CONTRACTS TO THE AUTHORIZER; BY AMENDING SECTION 59-40-55, RELATING TO AUTHORIZER POWERS AND DUTIES AND THE RETENTION OF FUNDS, SO AS TO REQUIRE THE AUTHORIZER TO ADOPT AND IMPLEMENT POLICIES, PROCEDURES, AND PRACTICES THAT ENSURE GOOD GOVERNANCE AND ACCOUNTABILITY; BY AMENDING SECTION 59-40-60, RELATING TO CHARTER APPLICATIONS AND COMMITTEES, SO AS TO EXPAND THE CHARTER SCHOOL APPLICATION TO INCLUDE ANY PROPOSED CHARTER OR EDUCATION MANAGEMENT CONTRACTS CONTEMPLATED BY THE CHARTER SCHOOL; BY AMENDING SECTION 59-40-70, RELATING TO APPLICATION REQUIREMENTS AND PROCEDURES, SO AS TO SET A TIME FRAME TO HOLD A PUBLIC HEARING ON THE APPLICATION FOR A CHARTER SCHOOL; BY AMENDING SECTION 59-40-75, RELATING TO THE REMOVAL OF AN AUTHORIZER OR MEMBER OF A DISTRICT OR GOVERNING BOARD, SO AS TO REQUIRE THE GOVERNOR TO VACATE THE SEAT OF A MEMBER OF AN AUTHORIZER OR CHARTER

[HJ]

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SCHOOL GOVERNING BOARD WHO IS INDICTED FOR A CRIME; AND TO ALLOW THE GOVERNOR TO REMOVE A MEMBER FOR CHRONIC UNEXCUSED ABSENTEEISM, MEDICAL INCOMPETENCY, OR MEDICAL INCAPACITY; BY AMENDING SECTION 59-40-90, RELATING TO APPEALS TO THE ADMINISTRATIVE LAW COURT, SO AS TO ALLOW AN APPEAL FOR ANY FINAL DECISION MADE PURSUANT TO THIS CHAPTER BE MADE TO THE ADMINISTRATIVE LAW COURT; BY AMENDING SECTION 59-40-115, RELATING TO TERMINATION OF A CONTRACT WITH AN AUTHORIZER, SO AS TO ALLOW A CHARTER SCHOOL TO TERMINATE ITS CHARTER AND CONTRACT WITH AN AUTHORIZER UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 59-40-150, RELATING TO THE DUTIES OF THE DEPARTMENT OF EDUCATION, SO AS TO ESTABLISH THE DUTIES OF THE DEPARTMENT OF EDUCATION TO SERVE AS THE STATE EDUCATION AGENCY FOR EACH AUTHORIZER AND ANNUALLY REVIEW THE POLICIES, PROCEDURES, AND PERFORMANCE OF EACH AUTHORIZER FOR COMPLIANCE; AND BY AMENDING SECTION 59-40-180, RELATING TO REGULATIONS AND GUIDELINES, SO AS TO CLARIFY THAT GUIDELINES WILL BE APPLICABLE TO NEW AUTHORIZERS AND CHARTER SCHOOLS.

The Committee on Education and Public Works proposed the following Amendment No. 1 to S. 454 (LC-454.WAB0001H):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-40-40(4) and inserting:

(4) “~~Sponsor~~Authorizer” means ~~the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, as provided by law, a public institution of higher learning or a nonprofit association directly affiliated with a public institution of higher learning as defined in Section 59-103-5, or an independent institution of higher learning or a nonprofit association directly affiliated with an independent institution of higher learning as defined in Section 59-113-50,~~a local or statewide authorizer from which the charter school applicant requested its charter and which granted approval for the charter school’s existence. ~~Only those public or independent institutions of higher learning, as defined in this subsection, who register and apply with the South Carolina Department of Education may serve as charter school sponsorsauthorizers, and the department~~

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~~Department of Education shall maintain a directory of those institutions.~~

The ~~sponsor-authorizer~~ of a charter school is the charter school's Local Education Agency (LEA), and a charter school is a school within that LEA. The ~~sponsor-authorizer~~ retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law.

Amend the bill further, SECTION 1, by striking Section 59-40-40(6) and (7) and inserting:

(6) "Noncertified teacher" means an individual considered appropriately qualified for the subject matter taught and who has completed at least one year of study at an accredited college or university and meets the qualifications outlined in Section 59-25-115. An individual whose ~~South Carolina~~ educator certificate has been suspended or revoked shall not be employed as a noncertified teacher during the term of suspension or revocation.

(7) "Charter committee" means the governing body of a charter school formed by the applicant to govern through the application process and until the election of a board of directors is held. After the charter application is approved by the authorizer~~election~~, the board of directors of the corporation must be organized as the governing body and the charter committee ~~is~~shall be dissolved within six months of the school opening for students to attend. The election of the board of directors must be held by November first of the year in which the school opens for students. Failure to hold the election by this date shall result in an immediate revocation of the charter.

Amend the bill further, SECTION 1, by striking Section 59-40-40(13) and inserting:

(13) "Virtual charter school" means a charter school whereby students are taught primarily ~~through~~ online methods, provided, however, that at least twenty-five percent of the instruction in core areas must be provided pursuant to South Carolina Regulation 43-601. Any student enrolled in a virtual charter school shall be a resident of a South Carolina school district as provided for in Sections 59-63-30, 59-63-31, 59-63-32, and 59-63-33.

(14) "Higher education authorizer" means a public institution of higher learning as defined in Section 59-103-5 or an independent institution of higher learning as defined in Section 59-113-50 that has been approved to act as an authorizer through an application developed by the South Carolina Board of Education and promulgated by regulation. A higher education authorizer must be in good standing with

its accrediting body and must choose to authorize schools.

(15) “Statewide authorizer” means the South Carolina Public Charter School District and higher education authorizers whose geographical boundaries for purposes of student enrollment are those of the state of South Carolina.

(16) “Local Authorizer” means the local school board of trustees in which the charter school is to be located and which authorizes such charter school as provided by law.

Amend the bill further, SECTION 2, by striking Section 59-40-50(B) and inserting:

(B) A charter school ~~must~~:

(1) must adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools operating in the same school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning ~~sponsor~~ authorizer, the local school district in which the charter school is located;

(2) must meet, but may exceed, the same minimum student attendance requirements as are applied to public schools;

(3) must adhere to the same financial laws and regulations, financial audits, audit procedures, and audit and procurement requirements as are applied to public schools, obtain approval for a charter amendment from its authorizer prior to entering any agreement to borrow money secured by school property, funds, or other assets, and post its annual budget, to include its operating budget, and audit on its website with other financial information required to be posted by law or regulation. A charter school’s financial statement audit is due to its authorizer no earlier than November first or the next business day, unless the department grants an extension or establishes a grace period for the authorizer;

(4) must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register:

(a) must be prominently posted on the district’s internet website and made available for public viewing and downloading;

(b) must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure;

(c) must be searchable and updated at least once a month;

(d) must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee; and

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_____ (iii) a statement providing a detailed description of the expenditure; and

_____ (b) must not include:

_____ (i) an entry for salary, wages, or other compensation paid to individual employees; and

_____ (ii) any information that can be used to identify an individual employee;

_____ (5) must maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the school and by a management organization contract by the school, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid; however, no personal credit cards may be used by an employee or committee member for purchase related directly to the school or its operations;

~~(4)~~(6) must be considered a school district for purposes of tort liability under South Carolina law, except that the tort immunity does not include acts of intentional or wilful racial discrimination by the governing body or employees of the charter school. Employees of charter schools must be relieved of personal liability for any tort or contract related to their school to the same extent that employees of traditional public schools in their school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning ~~sponsor~~authorizer, the local school district in which the charter school is located are relieved;

~~(5)~~(7) may, in its discretion, hire noncertified teachers in a ratio of up to twenty-five percent of its entire teacher staff; however, if it is a converted charter school, it shall hire in its discretion noncertified teachers in a ratio of up to ten percent of its entire teacher staff. However, in either a new or converted charter school, a teacher teaching in the core academic areas as defined by ~~the federal law No Child Left Behind law~~ must be certified in those areas or possess a baccalaureate or graduate degree in the subject he or she is hired to teach. Part-time noncertified teachers are considered pro rata in calculating this percentage based on the hours which they are expected to teach. Any teacher, regardless of certification status, who resigns, is suspended, or is terminated amid allegations of professional misconduct must be reported to the department by the sponsor;

_____ (8) must perform Department of Social Services Child Abuse and

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Neglect Registry criminal history record checks as applicable to all public schools for all school personnel, governing board of directors, volunteers, and other individuals who regularly come into contact with students, as defined in Section 59-19-117;

~~(6)~~(9) must hire or contract for, in its discretion, administrative staff, including a school leader, to oversee the daily operation of the school. The principal or school leader, regardless of title, At least one of the administrative staff must be certified or experienced in the field of school administration and must be physically present onsite each day the school is in operation. A substitute certified administrator must be physically present on-site in the event the principal or school leader is absent for any reason;

~~(7)~~(10) must 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) or other subsequent federal law. 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 student's 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~~ authorizer and as allowed by ESSA or other federal law. ~~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~~ authorizer. In the

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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 or other federal law with mission-aligned preference and the process clearly described in their charter and charter contract approved by their ~~sponsor~~authorizer, and there is no appeal to the ~~sponsor~~authorizer;

~~(8)(11) 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; a charter school may give enrollment priority to 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 returning students excludes those students from entering into a lottery. A charter school also may give priority 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. 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. 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 priority 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 priority is in addition to the other priorities provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each priority;~~(a) must 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

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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 preference 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) 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 ten percent of the school's total enrollment except for schools meeting the provisions of subitem (f). Dependents of active-duty military members are subject to the enrollment provisions of Section 59-63-33-;

(d) may enroll 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) may, in the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, give mission-aligned preference ~~may be given~~ to educationally disadvantaged students as specifically defined in their charter and charter contract approved by their authorizer and as allowed by ESSA-;

(f) may, ~~if in addition,~~ a charter school is 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 priority 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 priority is in addition to the other priorities provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each priority;

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~~(9)~~(12) must consist of a board of directors of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws. Members of a board of directors may serve a term of two years, and may serve additional terms. The charter school's bylaws shall require staggered terms for board members. ~~A choice of the membership of the board~~An election for two or more board positions must take place every two years. Fifty percent of the members of the board as specified by the bylaws must be individuals who have a background in K-12 education or in business, and the bylaws of the charter school also must provide for the manner of selection of these members. In addition, at least fifty percent of the members of the board as specified by the bylaws must be elected by the employees and the parents or guardians of students enrolled in the charter ~~school~~schools governed by the board. Parents or guardians of each student shall designate one parent or guardian to cast votes on behalf of the student for each election. The parent or guardian shall have one vote per open board seat in the election for each student enrolled in the charter school. Employees of the charter school shall have one vote for each open board seat. Employees who also have at least one child enrolled in the school retain their one vote and may also be designated to cast votes on their children's behalf in the same manner as other parents. All members must be residents of the State of South Carolina. A person who has been convicted of a felony must not be elected to a board of directors. If the board of directors consists of an odd number of members, the extra member must be an individual who has a background in K-12 education or in business. Notice of the election must be posted on its website at least thirty days in advance of the election;

~~(10)~~(13) must be subject to the Freedom of Information Act, including the charter school and its governing body. A board of directors of a charter school shall notify its ~~sponsor~~authorizer of any regular meeting of the board at least forty-eight hours prior to the date on which it is to occur;

~~(11)~~(14) must be subject to the ethics and government accountability requirements for public members and public employees as contained in Chapter 13, Title 8. For purposes of this subsection, members of the charter school boards are considered public members and employees of the charter school board, including employees of management organizations assigned to charter schools, are considered public employees. The charter contract in accordance with Section 59-40-60(B) must contain a statement of assurance of ethical compliance on behalf of the school. ~~and~~

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~~(12)~~(15) must notify and provide a copy of any executed or amended management organization contracts to the authorizer. Contracts must also be posted in a prominent location on its website.:

(16) in the case of schools authorized by a local authorizer, must collect, maintain, and make available to the local authorizer the following information concerning the operation and management of the charter school:

(a) a list of currently serving members of the board of directors of the charter school, including name, address, and term of office; copies of policies approved by the board of directors; board meeting agendas and minutes; a copy of the audited financial statements of the charter school; and a copy of the budget approved by the board of directors and of any amendments to the budget;

(b) annual financial reports submitted to the local authorizer;

(c) curriculum documents and materials;

(d) proof of insurance as required by the contract;

(e) copies of facility leases or deeds, or both, and of any equipment leases;

(f) all health and safety reports and certificates, including those relating to fire safety, environmental matters, asbestos inspection, boiler inspection, and food service; and

(g) any management letters issued as part of the annual financial audit;

(17) must, for charter schools authorized by a local authorizer, require the school to submit its proposed budget to the local district board of trustees of the local authorizer for approval; and

(18) must prominently post on the school's website and make available for public viewing and downloading the most recent versions of the school's bylaws and board policies, including, but not limited to, to the policies and procedures required pursuant to Sections 59-40-60(F)(13) and (14).

Amend the bill further, SECTION 3, by striking Section 59-40-55(A) and inserting:

(A) In order to promote the quality of charter school outcomes and oversight, the ~~charter school sponsor authorizer shall adopt national industry standards of quality charter schools and shall authorize and implement practices~~ State Department of Education shall establish and implement policies, procedures, and practices to ensure quality authorizing, good governance, and accountability that clearly define the roles and responsibilities of the authorizer consistent with state law ~~are consistent with the authorizer's powers and duties as an LEA and as~~

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~~provided in this chapter. consistent with those standards.~~

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(1), (2), (3), and (4) and inserting:

(1) approve charter applications pursuant to Section 59-40-70 that meet the requirements specified in Sections 59-40-50 and 59-40-60 except that higher education authorizers may choose only to approve those charter applications that meet the requirements of this chapter and align with the mission and strategic plan of the higher education authorizer and the institution of higher education. A local authorizer is not required to approve a charter application;

(2) decline to approve charter applications according to Section 59-40-70(C) or an application submitted by a charter school whose applicant is also a member of the State Board of Education, the Education Oversight Committee, or a local school district board of trustees;

(3) negotiate and execute sound charter contracts with each approved charter school including, but not limited to, specific outcome-based expectations concerning academics, operations, governance, and finance based on the school's charter;

(4) monitor, in accordance with charter contract terms, the performance and legal/fiscal compliance of charter schools with charter-specific state law, Department of Education policies, procedures, and practices and policies adopted by the authorizer's governing board including, but not limited to, include collecting and analyzing data to support ongoing evaluation according to the charter contract;

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(6) and inserting:

(6) collect, in accordance with Section 59-40-140(H), an annual report from each of its ~~sponsored-authorized~~ charter schools and submit ~~the reports to the Department of Education~~ the report on the academic and financial performance of each of its authorized charter schools and authorizers performance to the State Board of Education in format proscribed by the department before January thirtieth;

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(11) and (12) and inserting:

(11) permanently close any charter school at the conclusion of the school year after receiving the lowest performance level rating as defined by the state and federal accountability system-systems for three consecutive years in accordance with Section 59-40-110(E); however, the first year of a school's operation shall be excluded for purposes of this section;

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(12) within thirty days of submission or execution to the authorizer, post in a prominent location on its website all charter school applications, renewal applications, and any management organization contracts associated with the charter schools;

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(16) and (17) and inserting:

(16) be subject to Section 11-35-5340 of the South Carolina Consolidated Procurement Code or implements a procurement code which, in the written opinion of the Division of Procurement Services of the State Fiscal Accountability Authority, is substantially similar to the provisions and purposes of the South Carolina Consolidated Procurement Code; and

(17) be subject to audits by the Legislative Audit Council. For the purpose of carrying out its audit duties, the Legislative Audit Council shall have access to the records and facilities of each authorizer during the authorizer's normal operating hours, and each authorizer must produce records requested by the Legislative Audit Council. The provisions contained in Chapter 15, Title 2, related to the Legislative Audit Council shall apply to audits conducted pursuant to this section;

(18) review and monitor the implementation of enrollment procedures submitted by the charter schools pursuant to Section 59-40-55(B)(10) to ensure compliance with the admission requirements established pursuant to Sections 59-40-50(B)(10) and (11);

(19) be subject to the South Carolina Freedom of Information Act; and,

(20) not receive commissions, rebates, or financial incentives related to insurance products purchased by charter schools.

Amend the bill further, SECTION 3, by striking Section 59-40-55(C)(1) and inserting:

(C)(1) ~~The South Carolina Public Charter School District may retain no more than two percent of the total state appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools.~~ A statewide authorizer shall only retain or contract to retain two percent of the total state allocation distributed to charter schools, as appropriated annually through the state appropriations process, for each charter school it authorizes for the purpose of carrying out its oversight and administrative responsibilities. With approval by the Department of Education, an authorizer may offer additional services related to charter school operations to charter schools it sponsors authorizes, however the charter school shall be under no obligation to purchase those services from the authorizer. The department must approve the rates charged by

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the authorizer for any services the authorizer offers to charter schools and may revoke the authorizer's authority to offer or charge fees for such services at any time. A charter school may not be penalized or have its charter revoked based upon their failure to purchase offered services from the authorizer. A charter authorizer offering such services shall post a list of those services and the cost of the service in a prominent place on the authorizer's website. The sponsor's administrative fee amount retained by the authorizer does not include costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor/authorizer. The sponsor's fee is not applicable to federal money or grants received by the charter school. The amount authorizers may claim for administration of federal funded programs or grants is subject to the terms and conditions of the federal program or grant. The sponsor authorizer shall use its funding provided pursuant to this section exclusively for the purpose of fulfilling sponsor-authorizer obligations in accordance with this chapter.

Amend the bill further, SECTION 3, by striking Section 59-40-55(C)(2) and inserting:

(2) (a) If the Department of Education determines an authorizer has violated this provision, a written notice of the alleged violation shall be provided to the authorizer. The authorizer shall have thirty calendar days from receipt of the notice to submit documentation and any other relevant evidence demonstrating the authorizer is in compliance with this provision. Upon a determination by the Department of Education that a violation has occurred, the State Superintendent of Education may:

~~(1)~~(i) order reimbursement of improperly charged amounts to the charter schools;

~~(2)~~(ii) revoke the authorizer's authority to charter or authorize schools, and all schools may apply to transfer to a different authorizer using to the process established by the Department of Education pursuant to Section 59-40-55(D); or

~~(3)~~(iii) order other appropriate relief.

(b) The authorizer may file an appeal with the State Board of Education within thirty days of the decision by the State Superintendent of Education to revoke an authorizer's authority to authorize schools. After an appeal is filed, the State Board of Education must hold a public hearing regarding the appeal within fourteen days. All appeals from the State Board of Education's decisions to terminate a public or independent institution of higher learning authorizer registration shall be made to the Administrative Law Court. The authorizer shall not demand or withhold any unspent appropriated funds held by or owed to a charter

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school that is transferring under the provisions of this section and may not charge fees associated with the school moving to another authorizer.

(c) A charter school authorizer, or an entity affiliated with, or owned or created by, an authorizer, is prohibited from:

(i) contracting with schools or otherwise selling services to schools over which the authorizer has direct oversight, such as financial services;

(ii) using its authority or position as authorizer to influence, induce, or attempt to influence or induce, a charter school to contract for additional services provided by the authorizer;

(iii) using authority or position as an authorizer to unfairly compete with any private entity or enterprise offering similar services to charter schools;

(iv) using state funds, including any funds retained under Section 59-40-55(C)(1) to fund, market, or promote any additional contracted services offered to charter schools in exchange for a fee;

(v) contracting with a charter school to provide services necessary to remedy any alleged noncompliance with the terms of the charter contract or applicable law;

(vi) utilizing state funds, including any funds retained under Section 59-40-55(C)(1), for any purpose not directly related to fulfilling its obligations as an authorizer under this Chapter and pursuant to any other state law or regulation;

(vii) receiving direct or indirect compensation from any contract entered into by a school it authorizes; however, nothing in this section shall prohibit a local authorizer from leasing a building, or providing food service or transportation, to schools it sponsors; and

(viii) conditioning approval, renewal, or evaluation outcomes on the purchase of any goods or services.

(d) Violation by an authorizer of any of the prohibitions in Section 55-49-55(C)(1) or (C)(3) shall constitute an unfair and deceptive trade practice under the South Carolina Unfair and Deceptive Trade Practices Act in Chapter 5, Article 1, of Title 39. The Department of Education shall terminate approval of any authorizer that it found by either the department or a court to have violated the requirements of this section or the requirements of Chapter 13 of Title 8.

(D) The board of trustees of a local authorizer shall:

(a) review the proposed annual budget submitted by the charter school for approval or amendment based on the financial needs of the school; and

(b) review the annual audited financial statements and all other

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[financial records of the schools it authorizes.](#)

Amend the bill further, SECTION 3, by striking Section 59-40-55(D) and inserting:

~~(D)~~(E) The Department of Education shall conduct annual reviews aligned to the current state school district accreditation timeline, to monitor and evaluate the performance of all charter school authorizers, informed by the annual report provided for in this section. The review process must include an examination of how authorizers meet standards and practices, an evaluation of each authorizer's charter school's performance, and review of each authorizer's record of renewal, revocation, and authorization decisions. In addition, the department shall establish a process for receiving and reviewing complaints regarding charter schools and authorizers. These reports shall be considered in its annual reviews. The Department of Education shall issue notices of concern, in writing, to the authorizer that must include descriptions of all performance concerns and establish a timeline by which the authorizer must correct any issues or deficiencies. In the case of a public or independent institution of higher learning authorizer repeatedly failing to meet one or more of the requirements contained in subsection (B) over a period of three years, the Department of Education may terminate a charter school authorizer's registration. The State Board of Education shall allow a public or independent institution of higher learning authorizer the opportunity to have a hearing before registration termination. All appeals from the State Board of Education's decisions to terminate a public or independent institution of higher learning authorizer registration shall be made to the Administrative Law Court. If a public or independent institution of higher learning authorizer's registration is terminated, the Department of Education shall develop a streamlined transfer application for charter schools to apply to a new authorizer for the remainder of the charter school's contract term; however, if no new authorizer agrees to the transfer request, the charter school must close. The Department of Education shall create an authorizer closure protocol to be fully implemented within 180 days of the closure of the public or independent institution of higher learning affiliated with an authorizer, a timeline, and application process for the transfer of any charter schools by a new authorizer. Operating charter schools shall not be required to resubmit a full application unless the new authorizer specifically identifies an area of concern. New charter schools under contract may be required to submit a full application by the new authorizer.

Amend the bill further, SECTION 4, by striking Section 59-40-

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60(F)(3) and inserting:

(3) the measurable goals, objectives, and academic performance standards to be achieved by the charter school, and a description of the charter school's admission policies and procedures;

Amend the bill further, SECTION 4, by striking Section 59-40-60(F)(5) and inserting:

(5) a description of the charter school's educational program, including how it will meet or exceed the academic performance standards and expectations, including academic standards adopted by the State Board of Education and how the instructional design, learning environment, class size and structure, school calendar, scheduling flexibility, use of virtual instruction, curriculum, and teaching methods enable each pupil to achieve these standards;

Amend the bill further, SECTION 4, by striking Section 59-40-60(F)(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17) and inserting:

(7) evidence that the plan for the charter school is economically sound, a proposed budget to start the charter school and one for the entire contractual term of the charter, a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the ~~sponsor~~authorizer, is to be conducted;

(8) a description of the governance and operation of the charter school, including a detailed school start-up plan, resumes and background information on the charter committee members, the capacity and experience of the school leadership and management team, any involvement with the replication of existing successful public charter schools, ~~any proposed management company or educational service provider responsibilities,~~ any proposed management organization, and the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

(9) a description of how the charter school plans to ~~ensure that the enrollment of the school is similar to the racial composition of the local school district in which the charter school is to be located or the targeted student population of the local school district that the charter school proposes to serve and provide assurance that the school does not conflict with any school district desegregation plan or order in effect for the school district in which the charter school is to be located~~conduct community outreach to ensure that all members of the community are aware of the school and have an opportunity to enroll;

(10) a description of ~~how the charter school plans to meet the~~

~~transportation needs of its pupils~~ transportation services to be provided, if any;

(11) a description of the school location by address, TMS number, or, at a minimum, zip code, the school building, other school facilities, and equipment and how they shall be obtained;

(12) an explanation of the employment relationship that shall exist between the proposed charter school or its management organization and ~~its employees~~ the administration, faculty, and staff of the charter school, including a staffing chart aligned with the budget and student enrollment projections, and descriptions of evaluation procedures, ~~and evidence that the terms and conditions of employment have been addressed with affected employees;~~

(13) a description of a reasonable grievance and termination procedure for teachers employed by the school or the school's management organization, as required by this chapter, including notice and a hearing before the governing body of the charter school. The application must state whether or not the provisions of Article 5, Chapter 25, Title 59 apply to the employment and dismissal of teachers at the charter school;

(14) a description of student rights and responsibilities, including attendance, behavior and discipline standards, and a reasonable hearing procedure, including notice and a hearing before the board of directors of the charter school before expulsion;

(15) an assumption of liability by the charter school for the activities of the charter school and an agreement that the charter school must indemnify and hold harmless the ~~sponsor~~ authorizer, its servants, agents, and employees, from any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from injury to persons or property or otherwise which arises out of the act, failure to act, employment practices, or negligence of the charter school, its agents and employees, in connection with or arising out of the activity of the charter school; ~~and~~

(16) a description of the types and amounts of insurance coverage to be obtained by the charter school; ~~and~~

(17) a copy of any proposed management organization contracts contemplated by the charter school. The contract must include a term sheet that sets forth the length of the contract, the roles and responsibilities of the governing board of the charter school, the staff of the charter school, the staff of the management organization, the scope of services and resources to be provided by the management organization, the performance evaluation measures and timelines, the

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compensation structure, including clear identification of all fees to be paid to the management organization, the methods of contract oversight and enforcement, the conditions of renewal and termination of the contract and assurances that the governing board of the charter school, at all times, maintains independent fiduciary oversight and authority over the school budget and ultimate responsibility for the school's performance. The contract shall not allow profit-sharing with the authorizer or any affiliated entity;

_____ (18) evidence the applicant has filed the appropriate documents to be organized as a nonprofit corporation under South Carolina law;

_____ (19) a statement of assurances for the applicant to execute affirming the applicant understands and agrees to perform the essential responsibilities and obligations of a charter school; and

_____ (20) in the case of a proposed charter school using a virtual learning model as its primary mode of delivering instruction, the application must include information regarding the following requirements to be performed by the governing board:

_____ (a) The requirement that the governing board offer a student orientation and notify the parent or guardian of each enrolled student of the requirement to participate, and that each student complete the orientation before participating in any instructional activity.

_____ (b) The requirement that the governing board adopt a policy addressing a student's failure to participate in instructional activities. The policy must provide that a student is subject to consequences, which may include disenrollment, if both of the following conditions are met:

_____ (i) after the student's parent or guardian receives written notice, the student fails to comply with the policy within a reasonable period specified by the school; and

_____ (ii) intervention strategies outlined in the policy fail to result in the student's consistent participation in instructional activities.

_____ (c) The requirement that the policy adopted pursuant to subitem (b) provide that, if a student is disenrolled pursuant to this policy, the school shall:

_____ (i) notify the parent or guardian in writing of the obligation to enroll the student in a school in accordance with state law;

_____ (ii) initiate the transfer of the student to the district of residence;

_____ (iii) request that the parent or guardian provide the name of the school, and, if applicable, the district in which the student will enroll; and

_____ (iv) coordinate directly with the receiving school or district

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to transfer student records and any other documentation necessary to support appropriate educational placement.

(d) For purposes of this item, “instructional activities” means classroom-based or non-classroom-based activities that a student is expected to complete, participate in, or attend during a school day, including, but not limited to:

(i) logging into online curriculum or programs;

(ii) completing offline activities;

(iii) completing assignments associated with a program, curriculum, or course;

(iv) testing;

(v) participating in face-to-face meetings with school staff or service providers;

(vi) participating in telephone or video conferences with school staff or service providers; and

(vii) engaging in other documented communications with school staff or service providers related to curriculum or programs.

Amend the bill further, SECTION 4, by striking Section 59-40-60(H) and inserting:

(H) Prior to November 1, 2026, the Department of Education shall develop a separate application for replication to encourage creation of additional charter schools that fulfill the purpose and mission of this chapter. The application for replication must focus on submission of data and information to demonstrate the prior record of the existing school and how such record will be repeated at the replicated school. No school that has received an overall rating of less than “Average” on the South Carolina School Report Card at any time during the preceding three years shall be eligible to apply for replication. An existing charter school that desires to expand its location beyond its current location or an adjacent property must apply for replication.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 59-40-65 of the S.C. Code is amended to read:

Section 59-40-65. (A) As used in this section:

(1) “Online, virtual, or computer instruction” means delivery of academic instruction over the internet using electronic devices to students that are not required to be at a specific physical location to receive the instruction.

(2) “Synchronous instruction” means virtual instruction in which the instructor is able to interact with students in real time, and during a scheduled time period when the instructor and student both must be

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online for the student to be counted present.

(3) “Asynchronous instruction” means virtual instruction in which the instructor is not able to interact with students in real time, and may include recorded lessons, lectures, and other on-demand instruction when the teacher and student are not required to be online at the same specified time.

(4) “Virtual school” means a charter school that provides twenty percent or more of instruction to students by virtual instruction.

(5) “Virtually-instructed student” means any student that receives twenty percent or more of instruction by virtual instruction, regardless of whether the student attends a virtual school.

(B) If the governing body of a charter school offers as part of its curriculum a program of ~~online or computer~~virtual instruction, this information shall be included in the application and the governing body shall be required to:

(1) provide each student enrolled in the program with a course or courses of online or computer instruction approved by the charter school’s sponsor that must meet or exceed the South Carolina content and grade-specific standards. Students enrolled in the program of online or computer instruction must receive all instructional materials required for the student’s program;

(2) ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules, and policies of the charter school;

(3) ensure that each course offered through the program is taught by a teacher meeting the requirements of Section 59-40-50;

(4) ~~ensure that a parent or legal guardian of each student~~verifiesverify the number of hours of educational activities completed by the student each school year;

(5) adopt a plan by which it will provide:

(a) frequent, ongoing monitoring to ensure and verify that each student is participating in the program, including proctored assessment(s) ~~per~~each semester in core subjects graded or evaluated by the teacher, and at least bi-weekly parent-teacher conferences in person or by telephone;

(b) regular instructional opportunities in real time that are directly related to the school’s curricular objectives, including, but not limited to, meetings with teachers and educational field trips and outings;

(c) verification of ongoing student attendance in the program;

(d) verification of ongoing student progress and performance in each course as documented by ongoing assessments and examples of

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student coursework;

(6) administer to all students in a proctored setting all applicable assessments as required by the South Carolina Education Accountability Act.

(B) Nothing in this section shall prohibit a charter school that provides a program of online or computer instruction from reimbursing families of enrolled students for costs associated with their Internet connection for use in the program.

(C) A charter school shall provide no more than seventy-five percent of a student's core academic instruction in kindergarten through twelfth grade via an online or computer instruction program. The twenty-five percent of the student's core academic instruction may be met through the regular instructional opportunities outlined in subitem (A)(5)(b).

(D) Charter school students may enroll in the Department of Education's virtual education program pursuant to program requirements.

(E) Private or homeschool students choosing to take courses from a virtual charter school may not be provided instructional materials, or any other materials associated with receiving instruction through a program of online or computer instruction at the state's expense.

(F) Only students enrolled in the charter school as a full-time student shall be reported in the charter school's average daily membership to the State Department of Education for the purposes of receiving state or federal funds. Private and homeschool students may not be included in the student weighted pupil units or average daily membership reported to the State Department of Education for the purposes of receiving state or federal funds.

(G) A virtual school shall ensure the following:

(1) Students have daily access to certified teachers during the entire instructional day for live teaching, tutoring, conferencing, and intervention;

(2) Students are provided regularly scheduled synchronous instructional opportunities appropriate to grade level and course needs each instructional day;

(3) Student attendance and participation may be demonstrated through a combination of participation in live sessions, completion of assigned coursework, communication with teachers, measurable academic progress, assessments, or other documented engagement measures; and

(4) Asynchronous instruction may include recorded lessons,

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adaptive learning platforms, guided independent work, digital curriculum, and teacher-assigned learning tasks.

SECTION X. Section 59-40-70 of the S.C. Code is amended to read:

Section 59-40-70. (A)(1) An applicant shall submit a letter of intent at least ninety days before submitting an application ~~to the board of trustees or area commission from which it is seeking sponsorship and a copy to the South Carolina Department of Education~~ and within the same school year to which it intends to apply. A copy of the letter also must be submitted to the Department of Education.

(2) An applicant shall submit the application to the board of trustees or area commission from which it is seeking ~~sponsorship~~ authorization and one copy to the ~~South Carolina~~ Department of Education. In the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the applicant shall provide notice of the application to the local school board of trustees in which the charter school will be located for informational purposes only. The ~~school district or the public or independent institution of higher learning~~ authorizer from which the applicant is seeking ~~sponsorship~~ approval may request clarifying information from the applicant. The ~~State~~ Department of Education shall provide guidance on compliance to both ~~sponsors~~ authorizer and applicants.

(3) The applicant shall notify the local delegation of a county in which a proposed charter school is to be located upon submission of a charter school application and also shall provide a copy of the charter school application upon request by a member of the local delegation.

(4) The Department of Education shall post for each application cycle a list of all applicants including the name of the proposed charter school, the name of the proposed sponsor, and the area in which the proposed charter school will be located.

(B) ~~(1) The board of trustees or area commission~~ applicant shall present its application at a public hearing and the authorizer from which the applicant is seeking ~~sponsorship~~ authorization shall rule on the application for a charter school in a public hearing, upon reasonable public notice, ~~within~~ no more than ninety days after receiving the application. If there is no ruling within ninety days, the application is considered conditionally approved pending correction by the applicant of any identified deficiencies in the application and submitted to the authorizer within thirty days from conditional approval. ~~Once~~ If the application ~~has been~~ is approved by the ~~board of trustees or area commission~~ authorizer, the charter school may open at the beginning of

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the following year upon completion of a planning year. However, before a charter school may open, the charter school must meet the pre-opening conditions included in the charter contract and the State-Department of Education shall verify the accuracy of the financial data for the school within forty-five days after approval.

(2) At least ten business days prior to an applicant's public meeting, the authorizer must provide to the applicant written notice of their public meeting, which must contain the date, location and time of the meeting. At least five business days prior to the public meeting, the authorizer must provide the applicant with a written evaluation report using the rubric aligned with the department application and any published sponsor evaluation criteria.

(3) At least two business days prior to an applicant's public meeting, the applicant must provide the authorizer with any rebuttal material the applicant intends to present at the meeting.

(C) A board of trustees or area commission shall deny an application only 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, or if, based on the totality of information provided by the applicant, the board of trustees or area commission determines that the applicant has failed to demonstrate a substantial likelihood that it has the capacity to establish a viable school based on national industry standards of quality charter school authorization.~~ It shall provide, within ten days, 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.

(D) In the event that the racial composition of an applicant's or charter school's enrollment differs from the enrollment of the local school district in which the charter school is to be located or the targeted student population of the local school district by more than twenty percent, despite its best efforts, the board of trustees or area commission from which the applicant is seeking sponsorship shall consider the applicant's or the charter school's recruitment efforts and racial composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. A finding by the board of trustees or area commission that the applicant or charter school is operating in a racially discriminatory manner justifies the denial of a charter school application or the revocation of a charter as

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provided in this section or in Section 59-40-110, as may be applicable. A finding by the board of trustees or area commission that the applicant is not operating in a racially discriminatory manner justifies approval of the charter without regard to the racial percentage requirement if the application is acceptable in all other aspects.

(E) If the board of trustees or area commission from which the applicant is seeking sponsorship denies a charter school application, the charter applicant may appeal the denial to the Administrative Law Court pursuant to Section 59-40-90.

(F) If the board of trustees or area commission approves the application, it becomes the charter school's sponsor and shall sign the approved application. The sponsor shall submit a copy of the charter contract to the State Board of Education.

~~—(G) If a local school board of trustees has information that an approved application by the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor adversely affects the other students in its district, as defined in 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. The Administrative Law Court, within forty five days, may affirm or reverse the application for action by the South Carolina Public Charter School District or the public or independent institution of higher learning in accordance with an order of the state board.~~

Amend the bill further, by deleting SECTION 5 from the bill.

Amend the bill further, SECTION 6, by striking Section 59-40-75(D)(1) and (2) and inserting:

(D)(1) An individual is prohibited from serving as a member of the governing board or employee of either a charter school or charter school authorizer if the individual ~~or~~, an immediate family member, ~~or the individual's spouse~~ is a full or part owner or principal with an entity with whom the charter school or authorizer contracts, directly or indirectly, for professional services, management organization services, goods, or facilities or is an employee of the charter school authorizer.

(2) An individual is prohibited from serving as a member of the governing board of either a charter school or charter school authorizer if the individual, ~~or an immediate family member, or the individual's spouse~~ is a full or part owner, principal owner, or employee of a management organization.

(3) An individual is prohibited from serving as a board member of a charter school or a charter school foundation if the individual or an

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immediate family member is a board member of the charter school's authorizer or the institution of higher learning.

(4) Members of the General Assembly and immediate family members are prohibited from serving as a board member for either an authorizer or a charter school and may not have any ownership in an entity that is established to operate or lease property to a charter school.

Amend the bill further, SECTION 6, by striking Section 59-40-75(E)(1) and inserting:

(E)(1) An individual is prohibited from employment by an authorizer of a charter school, if the individual, ~~or an immediate family member, or the individual's spouse~~ is employed in a position to exercise direct financial decision-making authority with a charter school authorized by the authorizer.

Amend the bill further, SECTION 6, by striking Section 59-40-75(F) and inserting:

(F) An individual may not serve simultaneously as a member of more than one governing board of either a charter school or a charter school authorizer after December 31, 2026.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 59-40-110 of the S.C. Code is amended to read:

Section 59-40-110. (A) A charter must be approved or renewed for a period of at least five, but no more than ten school years; however, the charter only may be revoked or not renewed under the provisions of subsection ~~(E)~~(F) of this section. The sponsor annually shall evaluate the conditions outlined in subsection ~~(E)~~(F). The annual evaluation results must be used in making a determination for nonrenewal or revocation.

(B) Prior to the beginning of the second to last year of operation of a charter school, the sponsor shall issue a charter school performance report and charter renewal application guidance to the school and the charter school board. The performance report shall summarize the performance record to date of the charter school, based on the data required by this chapter and the charter contract and taking into consideration the percentage of at-risk students enrolled in the school, and shall provide notice of any weaknesses or concerns perceived by the sponsor concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified. The charter school shall have forty-five days to respond to the performance report and submit any corrections or clarifications to the report.

(C) Prior to the beginning of the last year of operation of a charter school, the charter school may apply for renewal of the contract with the

sponsor. The renewal application guidance shall, at a minimum, provide an opportunity for the charter school to:

(1) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(2) describe improvements undertaken or planned for the school;
and

(3) detail the plan for the next charter term for the school.

(D) The renewal application guidance shall include or refer explicitly to the criteria that will guide the renewal decisions of the sponsor.

~~(B)~~(E) A charter renewal application must ~~be submitted to the school's sponsor one hundred twenty calendar days before the end of the school year for the term of the charter contract, and it must~~ contain:

(1) a report on the progress of the charter school in achieving the goals, objectives, pupil achievement standards, and other terms of the initially approved charter application;

(2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that allows comparison of these costs to other schools or other comparable organizations, in a format required by the State Board of Education; and

(3) any proposed material changes to the current charter or charter school contract to be implemented in the next ten-year charter term.

~~(E)~~(F) A charter ~~must~~may be revoked or not renewed by the sponsor if it, using publicly accessible data that is available to the school, determines that the charter school:

(1) committed a material violation of the conditions, standards, performance expectations, or procedures provided for in the charter application or charter school contract, or both, and the charter school failed to cure the violation after written notice and a reasonable opportunity to cure;

(2) failed to meet the academic performance standards and expectations as defined in the charter application or charter school contract, or both;

(3) failed to maintain its books and records according to generally accepted accounting principles or failed to create an appropriate system of internal control, or both; or

(4) materially violated any provision of law from which the charter school was not specifically exempted and failed to cure the violation after written notice and a reasonable opportunity to cure.

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~~(D)~~(G) A sponsor summarily may revoke any charter school that is determined by the sponsor to pose an imminent threat of harm to the health or safety of students, or both, based on documented and clear and convincing data.

~~(E)~~(H) Any charter school shall automatically and permanently close at the conclusion of the school year in which the school first becomes subject to automatic closure for receiving the lowest performance level rating as defined by the ~~federal~~state accountability system for three consecutive years beginning with student achievement data from the 2013-2014 school year. The determination of closure is considered final. Automatic closure shall not apply to any charter school serving fifty percent or more students with disabilities or any charter school designated as an Alternative Education Campus (AEC) by its sponsor as outlined in Section 59-40-111.

~~(F)~~(I) A sponsor must adopt a publicly accessible and transparent process should it intend to non-renew or terminate a charter school. At a minimum, the sponsor must:

(1) at least ~~sixty~~nintey days before not renewing or terminating a charter school, the sponsor shall notify in writing the charter school's governing body of the proposed action. The notification shall state the grounds for the proposed action in reasonable detail.~~Termination must follow the procedure provided for in this section.~~

(2) provide the charter school with fifteen calendar days from the school's receipt of the notice in which to prepare a response, which shall include any supporting documentation, in the school's discretion;

(3) provide the charter school with an opportunity to submit documents and give testimony in a public hearing challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose between fifteen and thirty calendar days after the school submits its response pursuant to item (2), and at such hearing, school must be permitted to record the proceedings and be allowed access to legal representation to call witnesses; and

(4) within five calendar days of the public hearing, require a final determination to be made and conveyed in writing to the charter school.

~~(G)~~(J) The existence of another charter granting authority must not be grounds for the nonrenewal or revocation of a charter. Grounds for nonrenewal or revocation must be only those specified of this section.

~~—(H) The charter school's governing body may request in writing a hearing before the sponsor within fourteen days of receiving notice of nonrenewal or termination of the charter. Failure by the school's governing body to make a written request for a hearing within fourteen~~

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~~days must be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to the school's governing body of the hearing date. The sponsor shall conduct a hearing before taking final action. The sponsor shall take final action to renew or not renew a charter by the last day of classes in the last school year for which the charter school is authorized.~~

(I) A charter school seeking renewal may submit a renewal application to another charter granting authority if the charter school has not committed a material violation of the provisions specified in this section and the sponsor refuses to renew the charter. In such cases the charter school shall continue to receive local funding pursuant to Section 59-40-140(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.

(J) A decision to revoke or not to renew a charter school may be appealed to the Administrative Law Court pursuant to the provisions of Section 59-40-90. Upon appeal to the Administrative Law Court, there is no automatic stay of the revocation or nonrenewal decision. Pending resolution of the appeal, the charter school also may move before the Administrative Law Court for imposition of a stay of the revocation or nonrenewal on the grounds that an unusual hardship to the charter school, its teachers and students, or both, will result from the execution of the sponsor's decision.

(K) Prior to any public charter school closure, the sponsor shall develop a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and net assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the sponsor. In the event of a public charter school closure for any reason, the sponsor shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

SECTION X. Section 59-40-111 of the S.C. Code is amended to read:

Section 59-40-111. (A) For purposes of this chapter, an Alternative Education Campus (AEC) is any charter school with an explicit mission and purpose as outlined in its charter to serve an enrolled student population with:

(1) severe limitations that preclude appropriate administration of

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the assessments administered pursuant to federal and state requirements;

(2) fifty percent or more of students having Individualized Education Programs (IEPs) in accordance with federal regulations or a demonstrated need for specific services or specialized instruction as defined in Section 59-40-50, and the school shall provide the needed evidence-based specialized instruction, interventions, services, support, and accommodations based on the needs of the students; or

(3) eighty-five percent or more of enrolled students meeting the definition of a “high-risk” student including students who:

(a) have been adjudicated as juvenile delinquents or who are awaiting disposition of charges that may result in adjudication;

(b) have dropped out of school or who have not been continuously enrolled and regularly attending any school for at least one semester before enrolling in this school;

(c) have been expelled from school or who have engaged in behavior that would justify expulsion;

(d) have documented histories of personal drug or alcohol use or who have parents or guardians with documented dependencies on drugs or alcohol;

(e) have documented histories of personal street gang involvement or who have immediate family members with documented histories of street gang involvement;

(f) have documented histories of child abuse or neglect;

(g) have parents or guardians in prison or on parole or probation;

(h) have documented histories of domestic violence in the immediate family;

(i) have documented histories of repeated school suspensions;

(j) are under the age of twenty years who are parents or pregnant women;

(k) are homeless, as defined in the McKinney-Vento Homeless Assistance Act; or

(l) have a documented history of a serious psychiatric or behavioral disorder including, but not limited to, an eating disorder or a history of suicidal or self-injurious behaviors.

(B) Such schools must be classified as AECs by their sponsor.

(C) A high-poverty rating alone shall not qualify any charter school for status as an AEC.

(D) Charter school applicants seeking such a designation shall provide sufficient information in their charter application to allow the authorizer to make a determination as to whether that classification

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applies.

(E) Charter schools already in operation may seek AEC classification by petitioning their sponsor. A charter school that has received the lowest performance level rating as defined by the federal accountability system in any of the three previous school years is ineligible to seek AEC classification.

(F) Charter schools receiving an AEC designation either before or after opening, shall be held to applicable state and federal accountability standards along with the academic performance standards and expectations established by written agreement between the sponsor and the school that takes into account the school's specialized mission and student population with comparisons to any available nationally normed data with similar subsets of students and is included in their annual report in accordance with Section 59-40-140(H) and is included in the school report card compiled by the Education Oversight Committee.

(G) An authorizer shall review a charter school's AEC designation for compliance with subsection (A)(1) through (A)(3) annually before January first and report its findings to the Department of Education before February first. If a charter school does not meet the requirements, its AEC designation shall be designated "Under Review" for the following school year and the school shall submit a compliance improvement plan to its authorizer. If the charter school does not meet the requirements for two consecutive school years, its AEC designation shall be revoked for the next two consecutive school years. A school may reapply for an AEC designation if the school demonstrates compliance with subsection (A)(1) through (A)(3).

Amend the bill further, SECTION 8, by striking Section 59-40-115(B) and inserting:

(B) In order for a charter school to transfer its charter to another authorizer, its decision to do so must be voted upon during an open session of a public meeting of the charter school board in accordance with the South Carolina Freedom of Information Act and it must obtain the approval of its current authorizer and the proposed new authorizer pursuant to procedures in this section.

(1) A charter school shall submit a written request to the current authorizer and the proposed receiving authorizer to transfer its charter to a different authorizer before September first. The request must include documentation of the charter school board's affirmative vote to initiate the transfer process. The transfer must be effective on July first of the following year.

(2) The proposed new authorizer shall issue a written final

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decision approving or denying the request to transfer before October thirty-first. The request to transfer may be denied by the proposed new authorizer for any reason; however, if the proposed authorizer determines the charter school's request to transfer is, to avoid accountability, prohibited by law or untimely, then the transfer must be denied. A copy of the final decision must be served on the charter school applying to transfer, the current authorizer, and the Department of Education before November fifth. The decision of the proposed new authorizer to deny the request is not appealable.

(3) If the proposed new authorizer approves the request to transfer, then the current authorizer shall issue a final decision approving or denying the request to transfer before December thirty-first. The authorizer must permit the charter school to submit materials or information to support its transfer request, all of which must be submitted at least five business days before the board meeting. A charter school who makes a written request at least five business days before the board meeting must be given an opportunity to appear and present information regarding their request. If an authorizer fails to comply with items (1) through (4), then the Department of Education may compel the authorizer to comply by withholding the authorizer's fees related to the charter school seeking to transfer until the authorizer complies.

(4) Items (1) through (3) must be conducted in the year in which the request was submitted following proper notice, public discussion, and a vote by the board during a public open session meeting held in accordance with the Freedom of Information Act.

(5) The current authorizer must deny a request to transfer to the proposed new authorizer if the current authorizer determines the charter school's request to transfer is to avoid accountability, prohibited by law, untimely, or other good cause to deny the transfer exists.

(6) Good cause to deny the charter school's transfer request includes, but is not limited to:

(a) violations of the charter, contract, or applicable law, that have not been resolved by the charter school;

(b) receipt of the lowest performance level rating under the state or federal accountability system during the past two academic years by the charter school seeking to transfer;

(c) more than one transfer request by the charter school within a ten-year period; or

(d) the charter school has operated less than two years with the current authorizer.

(7) The final decision of the current authorizer is appealable to

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the Administrative Law Court.

(8) A charter school renewal application shall not be subject to the provisions of this section and is deemed not to be a transfer request.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 59-40-120 of the S.C. Code is amended to read:

Section 59-40-120. Upon dissolution of a charter school, its assets may not inure to the benefit of any private person. Any assets obtained through restricted agreements with a donor through awards, grants, or gifts must be returned to that entity. All other assets become property of the ~~sponsor~~ State of South Carolina.

SECTION X. Section 59-40-140 of the S.C. Code is amended to read:

Section 59-40-140. (A) ~~A local school board of trustees sponsor~~ For schools authorized for the first time by a local authorizer after July 1, 2027, the local authorizer shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues, less transfers into the general fund, including use of fund balance, less the previous year's payments made to all charter schools authorized by the local authorizer, divided by the previous year's weighted students, not including weighted students of all charter schools authorized by the local authorizer, then increased by the Education Finance Act inflation factor, pursuant to Section 59-20-40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district.

(B) For existing schools authorized by a local authorizer, the local school board of trustees shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues divided by the previous year's weighted students then increased by the Education Finance Act inflation factor, pursuant to Section 59-20-40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district.

(C) For all locally sponsored schools, the amounts in subsections (A) and (B) ~~These amounts~~ must be verified by the State Department of Education before the first disbursement of funds. All state and local funding must be distributed by the local school district to the charter

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school monthly beginning July first following approval of the charter school application and must continue to be disbursed to the charter school for the duration of its charter and for the duration of any subsequent renewals. After verification of student attendance on the fifth day of school at the beginning of each school year, the State Department of Education shall distribute funds to school districts with charter schools: (1) having approved incremental growth and expansion as provided in their charter application; or (2) for opening of new charter schools in the current fiscal year. These funds must be released to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts shall provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Necessary adjustments due to enrollment changes must be made pursuant to the Education Finance Act.

~~(B)~~(D) The South Carolina Public Charter School District or public or independent institution of higher learning sponsor shall receive and distribute state funds to the charter school as provided by the General Assembly. Authorizers shall report annually before July first the method by which funds are provided to each school it authorizes.

~~(C)~~(E) During the year of the charter school's operation, as received, and to the extent allowed by federal law, a sponsor shall distribute to the charter school federal funds which are allocated to the sponsor on the basis of the number of special characteristics of the students attending the charter school. These amounts must be verified by the State Department of Education before the first disbursement of funds.

~~(D)~~(F) Notwithstanding subsection ~~(C)~~(E), the proportionate share of state and federal resources generated by students or staff serving them must be directed to the sponsor. After receipt of federal or state categorical aid funds, sponsors shall, within ten business days, supply to the charter school the proportional share of each categorical fund for which the charter school qualifies. If the sponsor fails to do so, the Department of Education may fine the sponsor an amount equivalent to the withheld amounts. Fines imposed must be remitted to the charter school from which the amounts were withheld.

~~(E)~~(G) All services centrally or otherwise provided by the sponsor including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries, and warehousing are subject to negotiation between a charter school and the sponsor and must be outlined in the contract required pursuant to Section 59-40-70(F), except as otherwise provided or required by law.

~~(F)~~(H) All awards, grants, or gifts collected by a charter school must

be retained by the charter school.

~~(G)~~(I) The governing body of a charter school or an authorizer ~~may be authorized to~~ accept gifts, donations, or grants of any kind made to the charter school or authorizer and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. A gift or donation must not be required for admission. However, a gift, donation, or grant must not be accepted by the governing board of either a charter school or the authorizer if subject to a condition contrary to law or contrary to the terms of the contract between the charter school and the governing body. All gifts, donations, or grants ~~must be reported to the sponsor in their annual audit report as required in Section 59-40-50(B)(3)~~ to a charter school authorizer shall be coded pursuant to the Financial Accounting Handbook provided by the department or as otherwise directed by the department.

~~(H)~~(J) A charter school shall report to its sponsor and the Department of Education any change to information provided under its application. In addition, a charter school shall report at least annually to its sponsor and the sponsor shall compile those reports into a single document which must be submitted to the department. The Department of Education shall develop a template to be used by charter schools for this annual report. The report shall provide all information required by the sponsor or the department and shall include, at a minimum:

- (1) the number of students enrolled in the charter school from year to year;
- (2) the success of students in achieving the specific educational goals for which the charter school was established;
- (3) an analysis of achievement gaps among major groupings of students in both proficiency and growth;
- (4) the identity and certification status of the teaching staff;
- (5) the financial performance and sustainability of the sponsor's charter schools; and
- (6) board performance and stewardship including compliance with applicable laws.

~~(H)~~(K) The sponsor shall provide technical assistance to persons and groups preparing or revising charter applications at no expense.

~~(H)~~(L) Charter schools may acquire by gift, devise, purchase, lease, sublease, installment purchase agreement, land contract, option, or by any other means provided by law or otherwise, and hold and own in its own name buildings or other property for school purposes and interests in it which are necessary or convenient to fulfill its purposes. Charter schools may not hold property for any other purpose.

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~~(K)~~(M) Charter schools are exempt from state and local taxation, except the sales tax, on their earnings and property whether owned or leased. Instruments of conveyance to or from a charter school are exempt from all types of taxation of local or state taxes and transfer fees.

(N) Charter schools may contract with a management organization for financial, accounting, and treasury services including balanced budget credits or budget deficit protection credits applied to the school's operating budget. A management organization may recover these credits only within the fiscal year when the credits are issued. At the conclusion of a fiscal year, any remaining balanced budget credits or budget deficit protection credits are not recoverable by the management organization and shall not be recorded as a liability in a charter school's financial audit.

~~(H)~~(O) Notwithstanding the above provisions of this section, this subsection applies to converted charter schools that converted into a charter school after the effective date of this act. For purposes of computing the funding for any year to be provided a converted charter school under the provisions of this section, the computations required shall be made as provided in this section based on the previous year's revenues, expenditures, and other applicable factors pertaining to that particular converted charter school, and also then shall be made as provided in this section for the year immediately preceding the previous year based on the revenues, expenditures, and other applicable factors for that year pertaining to that particular converted charter school. The funding of the converted charter school for the initial year shall be the average of the weighted per pupil unit funding computed for these two prior years, and funding for the converted charter school after the initial year shall be provided by the school district in the same manner as regular public schools in the district.

Amend the bill further, by deleting SECTIONS 9 and 10 from the bill.

Amend the bill further, SECTION 11, by striking Section 59-40-150(B), (C), and (D) and inserting:

(B) The Department of Education shall develop the charter school application, compliance guidance, and evaluation rubric for all charter applicant groups to submit to an authorizer for charter approval. The Department of Education shall provide guidance and technical assistance regarding charter applications and the application process to authorizers and applicant groups.

(C) The Department of Education shall annually make revisions, with stakeholder feedback to the application and publish it to its website before November first annually.

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~~(B)~~(D) At least annually, the ~~department~~Department of Education shall provide upon request a directory of all charter schools authorized under this chapter with information concerning the educational goals of each charter school, the success of each charter school in meeting its educational goals, and procedures to apply for admission to each charter school.

~~(E)~~(E) The Department of Education shall fulfill all duties of the State Education Agency (SEA) for each authorizer and shall provide technical assistance, oversight, and guidance to authorizers for compliance with LEA responsibilities to the same extent as other LEAs in this State. Sanctions issued by the Department of Education against an authorizer may be appealed to the Administrative Law Court and must be stayed pending resolution of the appeal.

~~(F)~~(F) The Department of Education shall annually review the policies, procedures, and performance of each authorizer for compliance with the provisions of this chapter, state regulations, and other state and federal law.

(G) Prior to January 1, 2027, the Department of Education shall develop an application to become an authorizer, which must include:

- (1) an executive summary, not to exceed two pages;
- (2) the mission statement of the authorizer, which must be consistent with the principles of the General Assembly's purposes pursuant to Section 59-40-20;
- (3) the measurable goals, objectives, and academic performance standards to be achieved by the charter schools to be authorized;
- (4) evidence of need for the authorizer in light of the needs of the State;
- (5) a description of the authorizer's plan and capacity to serve as the LEA for the number of charter schools proposed to be served;
- (6) a description of the authorizer's plan for annually evaluating the charter schools it authorizes;
- (7) evidence that the financial plan for the authorizer is economically sound, including a proposed start-up budget, and a proposed five-year and ten-year budget;
- (8) a description of the governance and operation of the authorizer, including a detailed school start-up plan and resumes and background information of those executing the start-up plan;
- (9) a description of the building, facilities, and equipment and how they shall be obtained;
- (10) a description of the relationship that shall exist between the authorizer and its employees, including a staffing chart aligned with the

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budget and student enrollment projections, descriptions of evaluation procedures, and evidence that the terms and conditions of employment have been addressed with affected employees;

_____ (11) a description of the relationship between the authorizer and the institution of higher education, including how missions are aligned and how resources will be shared;

_____ (12) the academic, governance, and financial performance of the institution of higher education, including its accreditation status; and

_____ (13) a statement of assurances for the authorizer to execute affirming the authorizer understands and agrees to perform the essential responsibilities and obligations of an authorizer and LEA.

_____ (H) No later than February 1, 2027, the Department of Education shall develop and implement a process to accept and evaluate applications for institutions of higher education that were not authorizers before January 1, 2026. All higher education authorizers operating prior to January 1, 2026 shall not be required to submit an application but must sign the statement of assurances affirming the authorizer understands and agrees to perform the essential responsibilities and obligations of an authorizer and LEA. The Department of Education shall consider the information submitted in the application to decide whether an application may be approved, denied, or approved with conditions based on the demonstrated capacity of the applicant to fulfill the obligations of an authorizer under this chapter. The Department of Education may deny an application if the preponderance of available evidence supports a finding by the department that approving the application will encourage the transfer of poor performing charter schools to the new authorizer for purposes of escaping, delaying, or reducing accountability.

_____ (H) The Department of Education shall compile and make public a report summarizing charter school authorizer performance and compliance to include, but not limited to, the academic and financial performance of the schools it authorizes.

Amend the bill further, SECTION 12, by striking Section 59-40-155(A), (B), (C), (D), and (E) and inserting:

(A) Within one year of taking office, all persons elected or appointed as members of a charter school board of trustees or a charter school authorizer board of trustees after July 1, ~~2006~~2026, shall complete successfully an orientation program. The training must include specific instruction on board member duties for compliance with chapter, to include ~~in the powers, duties, and responsibilities of a board member including, but not limited to, topics on~~ policy development, personnel, instructional programs, school finance, school law, state

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ethics laws, the South Carolina Freedom of Information Act, and community relations. The orientation must be provided at no charge by the ~~State~~ Department of Education or an association entity approved by the department.

~~(B) The Department of Education shall develop an application and approval process to allow authorizers the ability to implement board training programs that meet the requirements provided for in Section 59-40-155(A).~~ (1) Annually, all persons elected or appointed as members of a charter school board of directors shall participate in at least three hours of advanced board governance training on the powers, duties, and responsibilities of a charter school governing board including leader evaluation, education service provider evaluation, policy implementation, strategic planning, academic data analysis, compliance, financial best practices, school safety, South Carolina Nonprofit Code, or other topics specific to the needs and mission of the school.

(2) Training may be delivered by the State Department of Education or the approved entity.

~~(B)(C)~~ Within ninety days of employment, ~~an administrator~~ the school leader employed by the charter school who does not possess any previous charter school leadership experience, ~~who is not certified~~, shall complete successfully an orientation program in the powers, duties, and responsibilities of a charter school administrator including, but not limited to, topics on personnel, instructional programs, school finance, school law including charter school law, board relations, South Carolina ethics, conflicts of interest, and community relations. The orientation must be provided at no charge by the ~~State~~ Department of Education or an association approved by the department.

~~(D) Authorizers may require members of a charter school board of trustees to complete governance training programs as specified and agreed upon in a charter school contract.~~

~~(E) In addition to the orientation program provided by the Department of Education, each authorizer shall develop and implement an annual training program specifically designed for members of charter school governing boards. After the first year of taking office, a charter school board member must attend the annual training provided by the authorizer. The training program shall include information on laws, regulations, and fiduciary responsibilities that uniquely apply to charter schools and charter school authorizers. The Department of Education shall develop procedures for ensuring compliance with this section by both charter school board members and authorizers.~~

Amend the bill further, SECTION 13, by striking Section 59-40-180

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and inserting:

Section 59-40-180. The State Board of Education shall promulgate regulations and develop guidelines necessary to implement the provisions of this chapter, including standards to determine compliance with this chapter and an application process for ~~new authorizers and charter schools~~ to include a timeline for submission of applications that will allow for final decisions, ~~including Administrative Law Court appeal, by December first of the year preceding the charter school's opening~~ to be issued consistent with budget and funding needs. ~~An authorizer registered pursuant to this chapter, prior to the enactment of this act,~~before January 1, 2026, is not considered a new authorizer subject to the application process provided in this chapter. Higher education authorizers registered prior to enactment of this section shall submit documentation as required to the Department of Education to ensure that it is in compliance with any requirements that shall be applied to new authorizers.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 59-40-230(A)(1)(d)(ii) of the S.C. Code is amended to read:

- (ii) South Carolina ~~Chamber of~~Manufacturers and Commerce;
- Renumber sections to conform.
Amend title to conform.

Rep. ERICKSON explained the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of Amendment No. 1.

RECURRENCE TO THE MORNING HOUR

Rep. ERICKSON moved that the House recur to the morning hour, which was agreed to.

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**S. 454--REQUEST FOR DEBATE, POINT OF ORDER, RULE
5.10 WAIVED PURSUANT TO RULE 5.15, REQUESTS FOR
DEBATE**

Debate was resumed on the following Bill, the pending question being the consideration of Amendment No. 1:

S. 454 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-40-40, RELATING TO DEFINITIONS PERTAINING TO CHARTER SCHOOLS, SO AS TO CHANGE REFERENCES FROM "SPONSOR" TO "AUTHORIZER" AND TO PROVIDE OTHER DEFINITIONS; BY AMENDING SECTION 59-40-50, RELATING TO EXEMPTIONS, SO AS TO REQUIRE A CHARTER SCHOOL TO POST THEIR ANNUAL AUDIT ON THEIR WEBSITE AND TO NOTIFY AND PROVIDE A COPY OF ANY EDUCATION MANAGEMENT CONTRACTS TO THE AUTHORIZER; BY AMENDING SECTION 59-40-55, RELATING TO AUTHORIZER POWERS AND DUTIES AND THE RETENTION OF FUNDS, SO AS TO REQUIRE THE AUTHORIZER TO ADOPT AND IMPLEMENT POLICIES, PROCEDURES, AND PRACTICES THAT ENSURE GOOD GOVERNANCE AND ACCOUNTABILITY; BY AMENDING SECTION 59-40-60, RELATING TO CHARTER APPLICATIONS AND COMMITTEES, SO AS TO EXPAND THE CHARTER SCHOOL APPLICATION TO INCLUDE ANY PROPOSED CHARTER OR EDUCATION MANAGEMENT CONTRACTS CONTEMPLATED BY THE CHARTER SCHOOL; BY AMENDING SECTION 59-40-70, RELATING TO APPLICATION REQUIREMENTS AND PROCEDURES, SO AS TO SET A TIME FRAME TO HOLD A PUBLIC HEARING ON THE APPLICATION FOR A CHARTER SCHOOL; BY AMENDING SECTION 59-40-75, RELATING TO THE REMOVAL OF AN AUTHORIZER OR MEMBER OF A DISTRICT OR GOVERNING BOARD, SO AS TO REQUIRE THE GOVERNOR TO VACATE THE SEAT OF A MEMBER OF AN AUTHORIZER OR CHARTER SCHOOL GOVERNING BOARD WHO IS INDICTED FOR A CRIME; AND TO ALLOW THE GOVERNOR TO REMOVE A MEMBER FOR CHRONIC UNEXCUSED ABSENTEEISM, MEDICAL INCOMPETENCY, OR MEDICAL INCAPACITY; BY AMENDING SECTION 59-40-90, RELATING TO APPEALS TO THE ADMINISTRATIVE LAW COURT, SO AS TO ALLOW AN APPEAL FOR ANY FINAL DECISION MADE PURSUANT TO

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THIS CHAPTER BE MADE TO THE ADMINISTRATIVE LAW COURT; BY AMENDING SECTION 59-40-115, RELATING TO TERMINATION OF A CONTRACT WITH AN AUTHORIZER, SO AS TO ALLOW A CHARTER SCHOOL TO TERMINATE ITS CHARTER AND CONTRACT WITH AN AUTHORIZER UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 59-40-150, RELATING TO THE DUTIES OF THE DEPARTMENT OF EDUCATION, SO AS TO ESTABLISH THE DUTIES OF THE DEPARTMENT OF EDUCATION TO SERVE AS THE STATE EDUCATION AGENCY FOR EACH AUTHORIZER AND ANNUALLY REVIEW THE POLICIES, PROCEDURES, AND PERFORMANCE OF EACH AUTHORIZER FOR COMPLIANCE; AND BY AMENDING SECTION 59-40-180, RELATING TO REGULATIONS AND GUIDELINES, SO AS TO CLARIFY THAT GUIDELINES WILL BE APPLICABLE TO NEW AUTHORIZERS AND CHARTER SCHOOLS.

The Committee on Education and Public Works proposed the following Amendment No. 1 to S. 454 (LC-454.WAB0001H):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-40-40(4) and inserting:

(4) “~~Sponsor~~Authorizer” means ~~the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, as provided by law, a public institution of higher learning or a nonprofit association directly affiliated with a public institution of higher learning as defined in Section 59-103-5, or an independent institution of higher learning or a nonprofit association directly affiliated with an independent institution of higher learning as defined in Section 59-113-50;~~ a local or statewide authorizer from which the charter school applicant requested its charter and which granted approval for the charter school’s existence. ~~Only those public or independent institutions of higher learning, as defined in this subsection, who register and apply with the South Carolina Department of Education may serve as charter school sponsorsauthorizers, and the department Department of Education shall maintain a directory of those institutions.~~ The ~~sponsor~~authorizer of a charter school is the charter school’s Local Education Agency (LEA), and a charter school is a school within that LEA. The ~~sponsor~~authorizer retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law.

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Amend the bill further, SECTION 1, by striking Section 59-40-40(6) and (7) and inserting:

(6) “Noncertified teacher” means an individual considered appropriately qualified for the subject matter taught and who has completed at least one year of study at an accredited college or university and meets the qualifications outlined in Section 59-25-115. An individual whose ~~South Carolina~~ educator certificate has been suspended or revoked shall not be employed as a noncertified teacher during the term of suspension or revocation.

(7) “Charter committee” means the governing body of a charter school formed by the applicant to govern through the application process and until the election of a board of directors is held. After the charter application is approved by the authorizer~~election~~, the board of directors of the corporation must be organized as the governing body and the charter committee ~~is~~shall be dissolved within six months of the school opening for students to attend. The election of the board of directors must be held by November first of the year in which the school opens for students. Failure to hold the election by this date shall result in an immediate revocation of the charter.

Amend the bill further, SECTION 1, by striking Section 59-40-40(13) and inserting:

(13) “Virtual charter school” means a charter school whereby students are taught primarily ~~through~~ online methods, provided, however, that at least twenty-five percent of the instruction in core areas must be provided pursuant to South Carolina Regulation 43-601. Any student enrolled in a virtual charter school shall be a resident of a South Carolina school district as provided for in Sections 59-63-30, 59-63-31, 59-63-32, and 59-63-33.

(14) “Higher education authorizer” means a public institution of higher learning as defined in Section 59-103-5 or an independent institution of higher learning as defined in Section 59-113-50 that has been approved to act as an authorizer through an application developed by the South Carolina Board of Education and promulgated by regulation. A higher education authorizer must be in good standing with its accrediting body and must choose to authorize schools.

(15) “Statewide authorizer” means the South Carolina Public Charter School District and higher education authorizers whose geographical boundaries for purposes of student enrollment are those of the state of South Carolina.

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(16) “Local Authorizer” means the local school board of trustees in which the charter school is to be located and which authorizes such charter school as provided by law.

Amend the bill further, SECTION 2, by striking Section 59-40-50(B) and inserting:

(B) A charter school ~~must~~:

(1) must adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools operating in the same school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning ~~sponsor~~ authorizer, the local school district in which the charter school is located;

(2) must meet, but may exceed, the same minimum student attendance requirements as are applied to public schools;

(3) must adhere to the same financial laws and regulations, financial audits, audit procedures, and audit and procurement requirements as are applied to public schools, obtain approval for a charter amendment from its authorizer prior to entering any agreement to borrow money secured by school property, funds, or other assets, and post its annual budget, to include its operating budget, and audit on its website with other financial information required to be posted by law or regulation. A charter school’s financial statement audit is due to its authorizer no earlier than November first or the next business day, unless the department grants an extension or establishes a grace period for the authorizer;

(4) must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register:

(a) must be prominently posted on the district’s internet website and made available for public viewing and downloading;

(b) must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure;

(c) must be searchable and updated at least once a month;

(d) must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee; and

(iii) a statement providing a detailed description of the expenditure; and

(b) must not include:

(i) an entry for salary, wages, or other compensation paid to individual employees; and

(ii) any information that can be used to identify an individual employee;

(5) must maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the school and by a management organization contract by the school, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid; however, no personal credit cards may be used by an employee or committee member for purchase related directly to the school or its operations;

~~(4)~~(6) must be considered a school district for purposes of tort liability under South Carolina law, except that the tort immunity does not include acts of intentional or wilful racial discrimination by the governing body or employees of the charter school. Employees of charter schools must be relieved of personal liability for any tort or contract related to their school to the same extent that employees of traditional public schools in their school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning ~~sponsor~~ authorizer, the local school district in which the charter school is located are relieved;

~~(5)~~(7) may, in its discretion, hire noncertified teachers in a ratio of up to twenty-five percent of its entire teacher staff; however, if it is a converted charter school, it shall hire in its discretion noncertified teachers in a ratio of up to ten percent of its entire teacher staff. However, in either a new or converted charter school, a teacher teaching in the core academic areas as defined by ~~the federal law~~ No Child Left Behind law must be certified in those areas or possess a baccalaureate or graduate degree in the subject he or she is hired to teach. Part-time noncertified teachers are considered pro rata in calculating this percentage based on the hours which they are expected to teach. Any teacher, regardless of certification status, who resigns, is suspended, or is terminated amid allegations of professional misconduct must be reported to the department by the sponsor;

(8) must perform Department of Social Services Child Abuse and Neglect Registry criminal history record checks as applicable to all public schools for all school personnel, governing board of directors, volunteers, and other individuals who regularly come into contact with students, as defined in Section 59-19-117;

~~(6)~~(9) must hire or contract for, in its discretion, administrative

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staff, including a school leader, to oversee the daily operation of the school. The principal or school leader, regardless of title, At least one of the administrative staff must be certified or experienced in the field of school administration and must be physically present onsite each day the school is in operation. A substitute certified administrator must be physically present on-site in the event the principal or school leader is absent for any reason;

~~(7)~~(10) must 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) or other subsequent federal law. 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 student's 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~~ authorizer and as allowed by ESSA or other federal law. ~~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 proposed 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~~ authorizer. 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 or other federal law with

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mission-aligned preference and the process clearly described in their charter and charter contract approved by their ~~sponsor~~authorizer, and there is no appeal to the ~~sponsor~~authorizer;

~~(8)(11) 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; a charter school may give enrollment priority to 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 returning students excludes those students from entering into a lottery. A charter school also may give priority 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. 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. 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 priority 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 priority is in addition to the other priorities provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each priority;~~(a) must 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 preference to any of the following by enrolling the student without requiring participation in

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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) 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 ten percent of the school's total enrollment except for schools meeting the provisions of subitem (f). Dependents of active-duty military members are subject to the enrollment provisions of Section 59-63-33.;

(d) may enroll 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) may, in the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, give mission-aligned preference ~~may be given~~ to educationally disadvantaged students as specifically defined in their charter and charter contract approved by their authorizer and as allowed by ESSA.;

(f) may, ~~if in addition,~~ a charter school is 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 priority 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 priority is in addition to the other priorities provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each priority;

~~(9)~~(12) must consist of a board of directors of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws. Members of a board of directors may serve a term of two years, and may serve additional terms. The charter school's bylaws shall require staggered terms for board members. ~~A choice of the~~

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~~membership of the board~~An election for two or more board positions must take place every two years. Fifty percent of the members of the board as specified by the bylaws must be individuals who have a background in K-12 education or in business, and the bylaws of the charter school also must provide for the manner of selection of these members. In addition, at least fifty percent of the members of the board as specified by the bylaws must be elected by the employees and the parents or guardians of students enrolled in the ~~charter schools~~schools governed by the board. Parents or guardians of each student shall designate one parent or guardian to cast votes on behalf of the student for each election. The parent or guardian shall have one vote per open board seat in the election for each student enrolled in the charter school. Employees of the charter school shall have one vote for each open board seat. Employees who also have at least one child enrolled in the school retain their one vote and may also be designated to cast votes on their children's behalf in the same manner as other parents. All members must be residents of the State of South Carolina. A person who has been convicted of a felony must not be elected to a board of directors. If the board of directors consists of an odd number of members, the extra member must be an individual who has a background in K-12 education or in business. Notice of the election must be posted on its website at least thirty days in advance of the election;

~~(10)~~(13) must be subject to the Freedom of Information Act, including the charter school and its governing body. A board of directors of a charter school shall notify its ~~sponsor~~authorizer of any regular meeting of the board at least forty-eight hours prior to the date on which it is to occur;

~~(11)~~(14) must be subject to the ethics and government accountability requirements for public members and public employees as contained in Chapter 13, Title 8. For purposes of this subsection, members of the charter school boards are considered public members and employees of the charter school board, including employees of management organizations assigned to charter schools, are considered public employees. The charter contract in accordance with Section 59-40-60(B) must contain a statement of assurance of ethical compliance on behalf of the school;~~;~~~~and~~

~~(12)~~(15) must notify and provide a copy of any executed or amended management organization contracts to the authorizer. Contracts must also be posted in a prominent location on its website;

(16) in the case of schools authorized by a local authorizer, must collect, maintain, and make available to the local authorizer the

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following information concerning the operation and management of the charter school:

(a) a list of currently serving members of the board of directors of the charter school, including name, address, and term of office; copies of policies approved by the board of directors; board meeting agendas and minutes; a copy of the audited financial statements of the charter school; and a copy of the budget approved by the board of directors and of any amendments to the budget;

(b) annual financial reports submitted to the local authorizer;

(c) curriculum documents and materials;

(d) proof of insurance as required by the contract;

(e) copies of facility leases or deeds, or both, and of any equipment leases;

(f) all health and safety reports and certificates, including those relating to fire safety, environmental matters, asbestos inspection, boiler inspection, and food service; and

(g) any management letters issued as part of the annual financial audit;

(17) must, for charter schools authorized by a local authorizer, require the school to submit its proposed budget to the local district board of trustees of the local authorizer for approval; and

(18) must prominently post on the school's website and make available for public viewing and downloading the most recent versions of the school's bylaws and board policies, including, but not limited to, to the policies and procedures required pursuant to Sections 59-40-60(F)(13) and (14).

Amend the bill further, SECTION 3, by striking Section 59-40-55(A) and inserting:

(A) In order to promote the quality of charter school outcomes and oversight, the ~~charter school sponsor authorizer shall adopt national industry standards of quality charter schools and shall authorize and implement practices~~ State Department of Education shall establish and implement policies, procedures, and practices to ensure quality authorizing, good governance, and accountability that clearly define the roles and responsibilities of the authorizer consistent with state law ~~are consistent with the authorizer's powers and duties as an LEA and as provided in this chapter. consistent with those standards.~~

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(1), (2), (3), and (4) and inserting:

(1) approve charter applications pursuant to Section 59-40-70 that meet the requirements specified in Sections 59-40-50 and 59-40-60

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except that higher education authorizers may choose only to approve those charter applications that meet the requirements of this chapter and align with the mission and strategic plan of the higher education authorizer and the institution of higher education. A local authorizer is not required to approve a charter application;

(2) decline to approve charter applications according to Section 59-40-70(C) or an application submitted by a charter school whose applicant is also a member of the State Board of Education, the Education Oversight Committee, or a local school district board of trustees;

(3) negotiate and execute sound charter contracts with each approved charter school including, but not limited to, specific outcome-based expectations concerning academics, operations, governance, and finance based on the school's charter;

(4) monitor, in accordance with charter contract terms, the performance and legal/fiscal compliance of charter schools with charter-specific state law, Department of Education policies, procedures, and practices and policies adopted by the authorizer's governing board including, but not limited to, include collecting and analyzing data to support ongoing evaluation according to the charter contract;

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(6) and inserting:

(6) collect, in accordance with Section 59-40-140(H), an annual report from each of its ~~sponsored~~ authorized charter schools and submit ~~the reports to the Department of Education~~ the report on the academic and financial performance of each of its authorized charter schools and authorizers performance to the State Board of Education in format proscribed by the department before January thirtieth;

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(11) and (12) and inserting:

(11) permanently close any charter school at the conclusion of the school year after receiving the lowest performance level rating as defined by the state and federal accountability system ~~systems~~ for three consecutive years in accordance with Section 59-40-110(E); however, the first year of a school's operation shall be excluded for purposes of this section;

(12) within thirty days of submission or execution to the authorizer, post in a prominent location on its website all charter school applications, renewal applications, and any management organization contracts associated with the charter schools;

Amend the bill further, SECTION 3, by striking Section 59-40-

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55(B)(16) and (17) and inserting:

(16) be subject to Section 11-35-5340 of the South Carolina Consolidated Procurement Code or implements a procurement code which, in the written opinion of the Division of Procurement Services of the State Fiscal Accountability Authority, is substantially similar to the provisions and purposes of the South Carolina Consolidated Procurement Code; ~~and~~

(17) be subject to audits by the Legislative Audit Council. For the purpose of carrying out its audit duties, the Legislative Audit Council shall have access to the records and facilities of each authorizer during the authorizer's normal operating hours, and each authorizer must produce records requested by the Legislative Audit Council. The provisions contained in Chapter 15, Title 2, related to the Legislative Audit Council shall apply to audits conducted pursuant to this section;

(18) review and monitor the implementation of enrollment procedures submitted by the charter schools pursuant to Section 59-40-55(B)(10) to ensure compliance with the admission requirements established pursuant to Sections 59-40-50(B)(10) and (11);

(19) be subject to the South Carolina Freedom of Information Act; and,

(20) not receive commissions, rebates, or financial incentives related to insurance products purchased by charter schools.

Amend the bill further, SECTION 3, by striking Section 59-40-55(C)(1) and inserting:

(C)(1) ~~The South Carolina Public Charter School District may retain no more than two percent of the total state appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools.~~ A statewide authorizer shall only retain or contract to retain two percent of the total state allocation distributed to charter schools, as appropriated annually through the state appropriations process, for each charter school it authorizes for the purpose of carrying out its oversight and administrative responsibilities. With approval by the Department of Education, an authorizer may offer additional services related to charter school operations to charter schools it sponsors/authorizes, however the charter school shall be under no obligation to purchase those services from the authorizer. The department must approve the rates charged by the authorizer for any services the authorizer offers to charter schools and may revoke the authorizer's authority to offer or charge fees for such services at any time. A charter school may not be penalized or have its charter revoked based upon their failure to purchase offered services from the authorizer. A charter authorizer offering such services shall post

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a list of those services and the cost of the service in a prominent place on the authorizer's website. The ~~sponsor's administrative fee amount retained by the authorizer~~ does not include costs incurred in delivering services that a charter school may purchase at its discretion from the ~~sponsor/authorizer~~. The ~~sponsor's fee is not applicable to federal money or grants received by the charter school~~. The amount authorizers may claim for administration of federal funded programs or grants is subject to the terms and conditions of the federal program or grant. The ~~sponsor authorizer~~ shall use its funding provided pursuant to this section exclusively for the purpose of fulfilling ~~sponsor-authorizer~~ obligations in accordance with this chapter.

Amend the bill further, SECTION 3, by striking Section 59-40-55(C)(2) and inserting:

(2) (a) If the Department of Education determines an authorizer has violated this provision, a written notice of the alleged violation shall be provided to the authorizer. The authorizer shall have thirty calendar days from receipt of the notice to submit documentation and any other relevant evidence demonstrating the authorizer is in compliance with this provision. Upon a determination by the Department of Education that a violation has occurred, the State Superintendent of Education may:

~~(1)~~(i) order reimbursement of improperly charged amounts to the charter schools;

~~(2)~~(ii) revoke the authorizer's authority to charter or authorize schools, and all schools may apply to transfer to a different authorizer using to the process established by the Department of Education pursuant to Section 59-40-55(D); or

~~(3)~~(iii) order other appropriate relief.

(b) The authorizer may file an appeal with the State Board of Education within thirty days of the decision by the State Superintendent of Education to revoke an authorizer's authority to authorize schools. After an appeal is filed, the State Board of Education must hold a public hearing regarding the appeal within fourteen days. All appeals from the State Board of Education's decisions to terminate a public or independent institution of higher learning authorizer registration shall be made to the Administrative Law Court. The authorizer shall not demand or withhold any unspent appropriated funds held by or owed to a charter school that is transferring under the provisions of this section and may not charge fees associated with the school moving to another authorizer.

(c) A charter school authorizer, or an entity affiliated with, or owned or created by, an authorizer, is prohibited from:

(i) contracting with schools or otherwise selling services to

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schools over which the authorizer has direct oversight, such as financial services;

(ii) using its authority or position as authorizer to influence, induce, or attempt to influence or induce, a charter school to contract for additional services provided by the authorizer;

(iii) using authority or position as an authorizer to unfairly compete with any private entity or enterprise offering similar services to charter schools;

(iv) using state funds, including any funds retained under Section 59-40-55(C)(1) to fund, market, or promote any additional contracted services offered to charter schools in exchange for a fee;

(v) contracting with a charter school to provide services necessary to remedy any alleged noncompliance with the terms of the charter contract or applicable law;

(vi) utilizing state funds, including any funds retained under Section 59-40-55(C)(1), for any purpose not directly related to fulfilling its obligations as an authorizer under this Chapter and pursuant to any other state law or regulation;

(vii) receiving direct or indirect compensation from any contract entered into by a school it authorizes; however, nothing in this section shall prohibit a local authorizer from leasing a building, or providing food service or transportation, to schools it sponsors; and

(viii) conditioning approval, renewal, or evaluation outcomes on the purchase of any goods or services.

(d) Violation by an authorizer of any of the prohibitions in Section 55-49-55(C)(1) or (C)(3) shall constitute an unfair and deceptive trade practice under the South Carolina Unfair and Deceptive Trade Practices Act in Chapter 5, Article 1, of Title 39. The Department of Education shall terminate approval of any authorizer that it found by either the department or a court to have violated the requirements of this section or the requirements of Chapter 13 of Title 8.

(D) The board of trustees of a local authorizer shall:

(a) review the proposed annual budget submitted by the charter school for approval or amendment based on the financial needs of the school; and

(b) review the annual audited financial statements and all other financial records of the schools it authorizes.

Amend the bill further, SECTION 3, by striking Section 59-40-55(D) and inserting:

~~(D)~~(E) The Department of Education shall conduct annual reviews aligned to the current state school district accreditation timeline, to

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monitor and evaluate the performance of all charter school authorizers, informed by the annual report provided for in this section. The review process must include an examination of how authorizers meet standards and practices, an evaluation of each authorizer's charter school's performance, and review of each authorizer's record of renewal, revocation, and authorization decisions. In addition, the department shall establish a process for receiving and reviewing complaints regarding charter schools and authorizers. These reports shall be considered in its annual reviews. The Department of Education shall issue notices of concern, in writing, to the authorizer that must include descriptions of all performance concerns and establish a timeline by which the authorizer must correct any issues or deficiencies. In the case of a public or independent institution of higher learning authorizer repeatedly failing to meet one or more of the requirements contained in subsection (B) over a period of three years, the Department of Education may terminate a charter school authorizer's registration. The State Board of Education shall allow a public or independent institution of higher learning authorizer the opportunity to have a hearing before registration termination. All appeals from the State Board of Education's decisions to terminate a public or independent institution of higher learning authorizer registration shall be made to the Administrative Law Court. If a public or independent institution of higher learning authorizer's registration is terminated, the Department of Education shall develop a streamlined transfer application for charter schools to apply to a new authorizer for the remainder of the charter school's contract term; however, if no new authorizer agrees to the transfer request, the charter school must close. The Department of Education shall create an authorizer closure protocol to be fully implemented within 180 days of the closure of the public or independent institution of higher learning affiliated with an authorizer, a timeline, and application process for the transfer of any charter schools by a new authorizer. Operating charter schools shall not be required to resubmit a full application unless the new authorizer specifically identifies an area of concern. New charter schools under contract may be required to submit a full application by the new authorizer.

Amend the bill further, SECTION 4, by striking Section 59-40-60(F)(3) and inserting:

(3) the measurable goals, objectives, and academic performance standards to be achieved by the charter school, and a description of the charter school's admission policies and procedures;

Amend the bill further, SECTION 4, by striking Section 59-40-

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60(F)(5) and inserting:

(5) a description of the charter school's educational program, including how it will meet or exceed the academic performance standards and expectations, including academic standards adopted by the State Board of Education and how the instructional design, learning environment, class size and structure, [school calendar](#), [scheduling flexibility](#), [use of virtual instruction](#), curriculum, and teaching methods enable each pupil to achieve these standards;

Amend the bill further, SECTION 4, by striking Section 59-40-60(F)(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17) and inserting:

(7) evidence that the plan for the charter school is economically sound, a proposed budget [to start the charter school and one](#) for the [entire contractual](#) term of the charter, a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the ~~sponsor~~[authorizer](#), is to be conducted;

(8) a description of the governance and operation of the charter school, including a detailed school start-up plan, resumes and background information on the charter committee members, the capacity and experience of the school leadership and management team, any involvement with the replication of existing successful public charter schools, ~~any proposed management company or educational service provider responsibilities~~, [any proposed management organization](#), and the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

(9) a description of how the charter school plans to ~~ensure that the enrollment of the school is similar to the racial composition of the local school district in which the charter school is to be located or the targeted student population of the local school district that the charter school proposes to serve and provide assurance that the school does not conflict with any school district desegregation plan or order in effect for the school district in which the charter school is to be located~~[conduct community outreach to ensure that all members of the community are aware of the school and have an opportunity to enroll](#);

(10) a description of ~~how the charter school plans to meet the transportation needs of its pupils~~[transportation services to be provided, if any](#);

(11) a description of the [school location by address, TMS number, or, at a minimum, zip code, the school building, other school facilities, and equipment and how they shall be obtained](#);

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(12) an explanation of the employment relationship that shall exist between the proposed charter school or its management organization and ~~its employees~~ the administration, faculty, and staff of the charter school, including a staffing chart aligned with the budget and student enrollment projections, and descriptions of evaluation procedures, ~~and evidence that the terms and conditions of employment have been addressed with affected employees;~~

(13) a description of a reasonable grievance and termination procedure for teachers employed by the school or the school's management organization, as required by this chapter, including notice and a hearing before the governing body of the charter school. The application must state whether or not the provisions of Article 5, Chapter 25, Title 59 apply to the employment and dismissal of teachers at the charter school;

(14) a description of student rights and responsibilities, including attendance, behavior and discipline standards, and a reasonable hearing procedure, including notice and a hearing before the board of directors of the charter school before expulsion;

(15) an assumption of liability by the charter school for the activities of the charter school and an agreement that the charter school must indemnify and hold harmless the ~~sponsor~~ authorizer, its servants, agents, and employees, from any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from injury to persons or property or otherwise which arises out of the act, failure to act, employment practices, or negligence of the charter school, its agents and employees, in connection with or arising out of the activity of the charter school; ~~and~~

(16) a description of the types and amounts of insurance coverage to be obtained by the charter school; ~~and~~

(17) a copy of any proposed management organization contracts contemplated by the charter school. The contract must include a term sheet that sets forth the length of the contract, the roles and responsibilities of the governing board of the charter school, the staff of the charter school, the staff of the management organization, the scope of services and resources to be provided by the management organization, the performance evaluation measures and timelines, the compensation structure, including clear identification of all fees to be paid to the management organization, the methods of contract oversight and enforcement, the conditions of renewal and termination of the contract and assurances that the governing board of the charter school, at all times, maintains independent fiduciary oversight and authority

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over the school budget and ultimate responsibility for the school's performance. The contract shall not allow profit-sharing with the authorizer or any affiliated entity;

_____ (18) evidence the applicant has filed the appropriate documents to be organized as a nonprofit corporation under South Carolina law;

_____ (19) a statement of assurances for the applicant to execute affirming the applicant understands and agrees to perform the essential responsibilities and obligations of a charter school; and

_____ (20) in the case of a proposed charter school using a virtual learning model as its primary mode of delivering instruction, the application must include information regarding the following requirements to be performed by the governing board:

_____ (a) The requirement that the governing board offer a student orientation and notify the parent or guardian of each enrolled student of the requirement to participate, and that each student complete the orientation before participating in any instructional activity.

_____ (b) The requirement that the governing board adopt a policy addressing a student's failure to participate in instructional activities. The policy must provide that a student is subject to consequences, which may include disenrollment, if both of the following conditions are met:

_____ (i) after the student's parent or guardian receives written notice, the student fails to comply with the policy within a reasonable period specified by the school; and

_____ (ii) intervention strategies outlined in the policy fail to result in the student's consistent participation in instructional activities.

_____ (c) The requirement that the policy adopted pursuant to subitem (b) provide that, if a student is disenrolled pursuant to this policy, the school shall:

_____ (i) notify the parent or guardian in writing of the obligation to enroll the student in a school in accordance with state law;

_____ (ii) initiate the transfer of the student to the district of residence;

_____ (iii) request that the parent or guardian provide the name of the school, and, if applicable, the district in which the student will enroll; and

_____ (iv) coordinate directly with the receiving school or district to transfer student records and any other documentation necessary to support appropriate educational placement.

_____ (d) For purposes of this item, "instructional activities" means classroom-based or non-classroom-based activities that a student is expected to complete, participate in, or attend during a school day,

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including, but not limited to:

- (i) logging into online curriculum or programs;
- (ii) completing offline activities;
- (iii) completing assignments associated with a program, curriculum, or course;
- (iv) testing;
- (v) participating in face-to-face meetings with school staff or service providers;
- (vi) participating in telephone or video conferences with school staff or service providers; and
- (vii) engaging in other documented communications with school staff or service providers related to curriculum or programs.

Amend the bill further, SECTION 4, by striking Section 59-40-60(H) and inserting:

(H) Prior to November 1, 2026, the Department of Education shall develop a separate application for replication to encourage creation of additional charter schools that fulfill the purpose and mission of this chapter. The application for replication must focus on submission of data and information to demonstrate the prior record of the existing school and how such record will be repeated at the replicated school. No school that has received an overall rating of less than “Average” on the South Carolina School Report Card at any time during the preceding three years shall be eligible to apply for replication. An existing charter school that desires to expand its location beyond its current location or an adjacent property must apply for replication.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 59-40-65 of the S.C. Code is amended to read:

Section 59-40-65. (A) As used in this section:

(1) “Online, virtual, or computer instruction” means delivery of academic instruction over the internet using electronic devices to students that are not required to be at a specific physical location to receive the instruction.

(2) “Synchronous instruction” means virtual instruction in which the instructor is able to interact with students in real time, and during a scheduled time period when the instructor and student both must be online for the student to be counted present.

(3) “Asynchronous instruction” means virtual instruction in which the instructor is not able to interact with students in real time, and may include recorded lessons, lectures, and other on-demand instruction when the teacher and student are not required to be online at the same

specified time.

(4) “Virtual school” means a charter school that provides twenty percent or more of instruction to students by virtual instruction.

(5) “Virtually-instructed student” means any student that receives twenty percent or more of instruction by virtual instruction, regardless of whether the student attends a virtual school.

(B) If the governing body of a charter school offers as part of its curriculum a program of ~~online or computer~~virtual instruction, this information shall be included in the application and the governing body shall be required to:

(1) provide each student enrolled in the program with a course or courses of online or computer instruction approved by the charter school’s sponsor that must meet or exceed the South Carolina content and grade-specific standards. Students enrolled in the program of online or computer instruction must receive all instructional materials required for the student’s program;

(2) ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules, and policies of the charter school;

(3) ensure that each course offered through the program is taught by a teacher meeting the requirements of Section 59-40-50;

(4) ~~ensure that a parent or legal guardian of each student verifies~~verify the number of hours of educational activities completed by the student each school year;

(5) adopt a plan by which it will provide:

(a) frequent, ongoing monitoring to ensure and verify that each student is participating in the program, including proctored assessment(s) ~~per~~each semester in core subjects graded or evaluated by the teacher, and at least bi-weekly parent-teacher conferences in person or by telephone;

(b) regular instructional opportunities in real time that are directly related to the school’s curricular objectives, including, but not limited to, meetings with teachers and educational field trips and outings;

(c) verification of ongoing student attendance in the program;

(d) verification of ongoing student progress and performance in each course as documented by ongoing assessments and examples of student coursework;

(6) administer to all students in a proctored setting all applicable assessments as required by the South Carolina Education Accountability Act.

(B) Nothing in this section shall prohibit a charter school that

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provides a program of online or computer instruction from reimbursing families of enrolled students for costs associated with their Internet connection for use in the program.

(C) A charter school shall provide no more than seventy-five percent of a student's core academic instruction in kindergarten through twelfth grade via an online or computer instruction program. The twenty-five percent of the student's core academic instruction may be met through the regular instructional opportunities outlined in subitem (A)(5)(b).

(D) Charter school students may enroll in the Department of Education's virtual education program pursuant to program requirements.

(E) Private or homeschool students choosing to take courses from a virtual charter school may not be provided instructional materials, or any other materials associated with receiving instruction through a program of online or computer instruction at the state's expense.

(F) Only students enrolled in the charter school as a full-time student shall be reported in the charter school's average daily membership to the State Department of Education for the purposes of receiving state or federal funds. Private and homeschool students may not be included in the student weighted pupil units or average daily membership reported to the State Department of Education for the purposes of receiving state or federal funds.

(G) A virtual school shall ensure the following:

(1) Students have daily access to certified teachers during the entire instructional day for live teaching, tutoring, conferencing, and intervention;

(2) Students are provided regularly scheduled synchronous instructional opportunities appropriate to grade level and course needs each instructional day;

(3) Student attendance and participation may be demonstrated through a combination of participation in live sessions, completion of assigned coursework, communication with teachers, measurable academic progress, assessments, or other documented engagement measures; and

(4) Asynchronous instruction may include recorded lessons, adaptive learning platforms, guided independent work, digital curriculum, and teacher-assigned learning tasks.

SECTION X. Section 59-40-70 of the S.C. Code is amended to read:

Section 59-40-70. (A)(1) An applicant shall submit a letter of intent at least ninety days before submitting an application ~~to the board~~

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~~of trustees or area commission from which it is seeking sponsorship and a copy to the South Carolina Department of Education~~ and within the same school year to which it intends to apply. A copy of the letter also must be submitted to the Department of Education.

(2) An applicant shall submit the application to the board of trustees or area commission from which it is seeking sponsorship authorization and one copy to the ~~South Carolina~~ Department of Education. In the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the applicant shall provide notice of the application to the local school board of trustees in which the charter school will be located for informational purposes only. The ~~school district or the public or independent institution of higher learning~~ authorizer from which the applicant is seeking sponsorship approval may request clarifying information from the applicant. The ~~State~~ Department of Education shall provide guidance on compliance to both ~~sponsors~~ authorizer and applicants.

(3) The applicant shall notify the local delegation of a county in which a proposed charter school is to be located upon submission of a charter school application and also shall provide a copy of the charter school application upon request by a member of the local delegation.

(4) The Department of Education shall post for each application cycle a list of all applicants including the name of the proposed charter school, the name of the proposed sponsor, and the area in which the proposed charter school will be located.

(B) (1) The ~~board of trustees or area commission~~ applicant shall present its application at a public hearing and the authorizer from which the applicant is seeking sponsorship authorization shall rule on the application for a charter school in a public hearing, upon reasonable public notice, ~~within~~ no more than ninety days after receiving the application. If there is no ruling within ninety days, the application is considered conditionally approved pending correction by the applicant of any identified deficiencies in the application and submitted to the authorizer within thirty days from conditional approval. ~~Once~~ If the application ~~has been~~ is approved by the ~~board of trustees or area commission~~ authorizer, the charter school may open at the beginning of the following year upon completion of a planning year. However, before a charter school may open, the charter school must meet the pre-opening conditions included in the charter contract and the ~~State~~ Department of Education shall verify the accuracy of the financial data for the school within forty-five days after approval.

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(2) At least ten business days prior to an applicant's public meeting, the authorizer must provide to the applicant written notice of their public meeting, which must contain the date, location and time of the meeting. At least five business days prior to the public meeting, the authorizer must provide the applicant with a written evaluation report using the rubric aligned with the department application and any published sponsor evaluation criteria.

(3) At least two business days prior to an applicant's public meeting, the applicant must provide the authorizer with any rebuttal material the applicant intends to present at the meeting.

(C) A board of trustees or area commission shall deny an application only 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, or if, based on the totality of information provided by the applicant, the board of trustees or area commission determines that the applicant has failed to demonstrate a substantial likelihood that it has the capacity to establish a viable school based on national industry standards of quality charter school authorization.~~ It shall provide, within ten days, 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.

(D) In the event that the racial composition of an applicant's or charter school's enrollment differs from the enrollment of the local school district in which the charter school is to be located or the targeted student population of the local school district by more than twenty percent, despite its best efforts, the board of trustees or area commission from which the applicant is seeking sponsorship shall consider the applicant's or the charter school's recruitment efforts and racial composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. A finding by the board of trustees or area commission that the applicant or charter school is operating in a racially discriminatory manner justifies the denial of a charter school application or the revocation of a charter as provided in this section or in Section 59-40-110, as may be applicable. A finding by the board of trustees or area commission that the applicant is not operating in a racially discriminatory manner justifies approval of the charter without regard to the racial percentage requirement if the application is acceptable in all other aspects.

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(E) If the board of trustees or area commission from which the applicant is seeking sponsorship denies a charter school application, the charter applicant may appeal the denial to the Administrative Law Court pursuant to Section 59-40-90.

(F) If the board of trustees or area commission approves the application, it becomes the charter school's sponsor and shall sign the approved application. The sponsor shall submit a copy of the charter contract to the State Board of Education.

~~—(G) If a local school board of trustees has information that an approved application by the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor adversely affects the other students in its district, as defined in 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. The Administrative Law Court, within forty five days, may affirm or reverse the application for action by the South Carolina Public Charter School District or the public or independent institution of higher learning in accordance with an order of the state board.~~

Amend the bill further, by deleting SECTION 5 from the bill.

Amend the bill further, SECTION 6, by striking Section 59-40-75(D)(1) and (2) and inserting:

(D)(1) An individual is prohibited from serving as a member of the governing board or employee of either a charter school or charter school authorizer if the individual ~~or~~ an immediate family member, ~~or the individual's spouse~~ is a full or part owner or principal with an entity with whom the charter school or authorizer contracts, directly or indirectly, for professional services, management organization services, goods, or facilities or is an employee of the charter school authorizer.

(2) An individual is prohibited from serving as a member of the governing board of either a charter school or charter school authorizer if the individual, ~~or an immediate family member, or the individual's spouse~~ is a full or part owner, principal owner, or employee of a management organization.

(3) An individual is prohibited from serving as a board member of a charter school or a charter school foundation if the individual or an immediate family member is a board member of the charter school's authorizer or the institution of higher learning.

(4) Members of the General Assembly and immediate family members are prohibited from serving as a board member for either an authorizer or a charter school and may not have any ownership in an

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entity that is established to operate or lease property to a charter school.

Amend the bill further, SECTION 6, by striking Section 59-40-75(E)(1) and inserting:

(E)(1) An individual is prohibited from employment by an authorizer of a charter school, if the individual, or an immediate family member, or the individual's spouse is employed in a position to exercise direct financial decision-making authority with a charter school authorized by the authorizer.

Amend the bill further, SECTION 6, by striking Section 59-40-75(F) and inserting:

(F) An individual may not serve simultaneously as a member of more than one governing board of either a charter school or a charter school authorizer after December 31, 2026.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 59-40-110 of the S.C. Code is amended to read:

Section 59-40-110. (A) A charter must be approved or renewed for a period of at least five, but no more than ten school years; however, the charter only may be revoked or not renewed under the provisions of subsection ~~(E)~~(F) of this section. The sponsor annually shall evaluate the conditions outlined in subsection ~~(E)~~(F). The annual evaluation results must be used in making a determination for nonrenewal or revocation.

(B) Prior to the beginning of the second to last year of operation of a charter school, the sponsor shall issue a charter school performance report and charter renewal application guidance to the school and the charter school board. The performance report shall summarize the performance record to date of the charter school, based on the data required by this chapter and the charter contract and taking into consideration the percentage of at-risk students enrolled in the school, and shall provide notice of any weaknesses or concerns perceived by the sponsor concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified. The charter school shall have forty-five days to respond to the performance report and submit any corrections or clarifications to the report.

(C) Prior to the beginning of the last year of operation of a charter school, the charter school may apply for renewal of the contract with the sponsor. The renewal application guidance shall, at a minimum, provide an opportunity for the charter school to:

(1) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(2) describe improvements undertaken or planned for the school;

and

(3) detail the plan for the next charter term for the school.

(D) The renewal application guidance shall include or refer explicitly to the criteria that will guide the renewal decisions of the sponsor.

~~(B)~~(E) A charter renewal application must ~~be submitted to the school's sponsor one hundred twenty calendar days before the end of the school year for the term of the charter contract, and it must~~ contain:

(1) a report on the progress of the charter school in achieving the goals, objectives, pupil achievement standards, and other terms of the initially approved charter application;

(2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that allows comparison of these costs to other schools or other comparable organizations, in a format required by the State Board of Education; and

(3) any proposed material changes to the current charter or charter school contract to be implemented in the next ten-year charter term.

~~(C)~~(F) A charter ~~must~~may be revoked or not renewed by the sponsor if it, using publicly accessible data that is available to the school, determines that the charter school:

(1) committed a material violation of the conditions, standards, performance expectations, or procedures provided for in the charter application or charter school contract, or both, and the charter school failed to cure the violation after written notice and a reasonable opportunity to cure;

(2) failed to meet the academic performance standards and expectations as defined in the charter application or charter school contract, or both;

(3) failed to maintain its books and records according to generally accepted accounting principles or failed to create an appropriate system of internal control, or both; or

(4) materially violated any provision of law from which the charter school was not specifically exempted and failed to cure the violation after written notice and a reasonable opportunity to cure.

~~(D)~~(G) A sponsor summarily may revoke any charter school that is determined by the sponsor to pose an imminent threat of harm to the health or safety of students, or both, based on documented and clear and convincing data.

~~(E)~~(H) Any charter school shall automatically and permanently

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close at the conclusion of the school year in which the school first becomes subject to automatic closure for receiving the lowest performance level rating as defined by the ~~federal~~state accountability system for three consecutive years beginning with student achievement data from the 2013-2014 school year. The determination of closure is considered final. Automatic closure shall not apply to any charter school serving fifty percent or more students with disabilities or any charter school designated as an Alternative Education Campus (AEC) by its sponsor as outlined in Section 59-40-111.

~~(F)~~(I) A sponsor must adopt a publicly accessible and transparent process should it intend to non-renew or terminate a charter school. At a minimum, the sponsor must:

_____ (1) at least ~~sixty~~nintey days before not renewing or terminating a charter school, the sponsor shall notify in writing the charter school's governing body of the proposed action. The notification shall state the grounds for the proposed action in reasonable detail. ~~Termination must follow the procedure provided for in this section.;~~

_____ (2) provide the charter school with fifteen calendar days from the school's receipt of the notice in which to prepare a response, which shall include any supporting documentation, in the school's discretion;

_____ (3) provide the charter school with an opportunity to submit documents and give testimony in a public hearing challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose between fifteen and thirty calendar days after the school submits its response pursuant to item (2), and at such hearing, school must be permitted to record the proceedings and be allowed access to legal representation to call witnesses; and

_____ (4) within five calendar days of the public hearing, require a final determination to be made and conveyed in writing to the charter school.

~~(G)~~(J) The existence of another charter granting authority must not be grounds for the nonrenewal or revocation of a charter. Grounds for nonrenewal or revocation must be only those specified of this section.

~~—(H) The charter school's governing body may request in writing a hearing before the sponsor within fourteen days of receiving notice of nonrenewal or termination of the charter. Failure by the school's governing body to make a written request for a hearing within fourteen days must be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to the school's governing body of the hearing date. The sponsor shall conduct a hearing before taking final action. The sponsor shall take final action to renew or not renew a charter by the last day of~~

~~classes in the last school year for which the charter school is authorized.~~

(I) A charter school seeking renewal may submit a renewal application to another charter granting authority if the charter school has not committed a material violation of the provisions specified in this section and the sponsor refuses to renew the charter. In such cases the charter school shall continue to receive local funding pursuant to Section 59-40-140(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.

(J) A decision to revoke or not to renew a charter school may be appealed to the Administrative Law Court pursuant to the provisions of Section 59-40-90. Upon appeal to the Administrative Law Court, there is no automatic stay of the revocation or nonrenewal decision. Pending resolution of the appeal, the charter school also may move before the Administrative Law Court for imposition of a stay of the revocation or nonrenewal on the grounds that an unusual hardship to the charter school, its teachers and students, or both, will result from the execution of the sponsor's decision.

(K) Prior to any public charter school closure, the sponsor shall develop a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and net assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the sponsor. In the event of a public charter school closure for any reason, the sponsor shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

SECTION X. Section 59-40-111 of the S.C. Code is amended to read:

Section 59-40-111. (A) For purposes of this chapter, an Alternative Education Campus (AEC) is any charter school with an explicit mission and purpose as outlined in its charter to serve an enrolled student population with:

(1) severe limitations that preclude appropriate administration of the assessments administered pursuant to federal and state requirements;

(2) fifty percent or more of students having Individualized Education Programs (IEPs) in accordance with federal regulations or a demonstrated need for specific services or specialized instruction as defined in Section 59-40-50, and the school shall provide the needed

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evidence-based specialized instruction, interventions, services, support, and accommodations based on the needs of the students; or

(3) eighty-five percent or more of enrolled students meeting the definition of a “high-risk” student including students who:

(a) have been adjudicated as juvenile delinquents or who are awaiting disposition of charges that may result in adjudication;

(b) have dropped out of school or who have not been continuously enrolled and regularly attending any school for at least one semester before enrolling in this school;

(c) have been expelled from school or who have engaged in behavior that would justify expulsion;

(d) have documented histories of personal drug or alcohol use or who have parents or guardians with documented dependencies on drugs or alcohol;

(e) have documented histories of personal street gang involvement or who have immediate family members with documented histories of street gang involvement;

(f) have documented histories of child abuse or neglect;

(g) have parents or guardians in prison or on parole or probation;

(h) have documented histories of domestic violence in the immediate family;

(i) have documented histories of repeated school suspensions;

(j) are under the age of twenty years who are parents or pregnant women;

(k) are homeless, as defined in the McKinney-Vento Homeless Assistance Act; or

(l) have a documented history of a serious psychiatric or behavioral disorder including, but not limited to, an eating disorder or a history of suicidal or self-injurious behaviors.

(B) Such schools must be classified as AECs by their sponsor.

(C) A high-poverty rating alone shall not qualify any charter school for status as an AEC.

(D) Charter school applicants seeking such a designation shall provide sufficient information in their charter application to allow the authorizer to make a determination as to whether that classification applies.

(E) Charter schools already in operation may seek AEC classification by petitioning their sponsor. [A charter school that has received the lowest performance level rating as defined by the federal accountability system in any of the three previous school years is](#)

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ineligible to seek AEC classification.

(F) Charter schools receiving an AEC designation either before or after opening, shall be held to applicable state and federal accountability standards along with the academic performance standards and expectations established by written agreement between the sponsor and the school that takes into account the school's specialized mission and student population with comparisons to any available nationally normed data with similar subsets of students and is included in their annual report in accordance with Section 59-40-140(H) and is included in the school report card compiled by the Education Oversight Committee.

(G) An authorizer shall review a charter school's AEC designation for compliance with subsection (A)(1) through (A)(3) annually before January first and report its findings to the Department of Education before February first. If a charter school does not meet the requirements, its AEC designation shall be designated "Under Review" for the following school year and the school shall submit a compliance improvement plan to its authorizer. If the charter school does not meet the requirements for two consecutive school years, its AEC designation shall be revoked for the next two consecutive school years. A school may reapply for an AEC designation if the school demonstrates compliance with subsection (A)(1) through (A)(3).

Amend the bill further, SECTION 8, by striking Section 59-40-115(B) and inserting:

(B) In order for a charter school to transfer its charter to another authorizer, its decision to do so must be voted upon during an open session of a public meeting of the charter school board in accordance with the South Carolina Freedom of Information Act and it must obtain the approval of its current authorizer and the proposed new authorizer pursuant to procedures in this section.

(1) A charter school shall submit a written request to the current authorizer and the proposed receiving authorizer to transfer its charter to a different authorizer before September first. The request must include documentation of the charter school board's affirmative vote to initiate the transfer process. The transfer must be effective on July first of the following year.

(2) The proposed new authorizer shall issue a written final decision approving or denying the request to transfer before October thirty-first. The request to transfer may be denied by the proposed new authorizer for any reason; however, if the proposed authorizer determines the charter school's request to transfer is, to avoid accountability, prohibited by law or untimely, then the transfer must be

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denied. A copy of the final decision must be served on the charter school applying to transfer, the current authorizer, and the Department of Education before November fifth. The decision of the proposed new authorizer to deny the request is not appealable.

(3) If the proposed new authorizer approves the request to transfer, then the current authorizer shall issue a final decision approving or denying the request to transfer before December thirty-first. The authorizer must permit the charter school to submit materials or information to support its transfer request, all of which must be submitted at least five business days before the board meeting. A charter school who makes a written request at least five business days before the board meeting must be given an opportunity to appear and present information regarding their request. If an authorizer fails to comply with items (1) through (4), then the Department of Education may compel the authorizer to comply by withholding the authorizer's fees related to the charter school seeking to transfer until the authorizer complies.

(4) Items (1) through (3) must be conducted in the year in which the request was submitted following proper notice, public discussion, and a vote by the board during a public open session meeting held in accordance with the Freedom of Information Act.

(5) The current authorizer must deny a request to transfer to the proposed new authorizer if the current authorizer determines the charter school's request to transfer is to avoid accountability, prohibited by law, untimely, or other good cause to deny the transfer exists.

(6) Good cause to deny the charter school's transfer request includes, but is not limited to:

(a) violations of the charter, contract, or applicable law, that have not been resolved by the charter school;

(b) receipt of the lowest performance level rating under the state or federal accountability system during the past two academic years by the charter school seeking to transfer;

(c) more than one transfer request by the charter school within a ten-year period; or

(d) the charter school has operated less than two years with the current authorizer.

(7) The final decision of the current authorizer is appealable to the Administrative Law Court.

(8) A charter school renewal application shall not be subject to the provisions of this section and is deemed not to be a transfer request.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

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SECTION X. Section 59-40-120 of the S.C. Code is amended to read:

Section 59-40-120. Upon dissolution of a charter school, its assets may not inure to the benefit of any private person. Any assets obtained through restricted agreements with a donor through awards, grants, or gifts must be returned to that entity. All other assets become property of the ~~sponsor~~ [State of South Carolina](#).

SECTION X. Section 59-40-140 of the S.C. Code is amended to read:

Section 59-40-140. (A) ~~A local school board of trustees sponsor~~ [For schools authorized for the first time by a local authorizer after July 1, 2027, the local authorizer](#) shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues, [less transfers into the general fund, including use of fund balance, less the previous year's payments made to all charter schools authorized by the local authorizer](#), divided by the previous year's weighted students, [not including weighted students of all charter schools authorized by the local authorizer](#), then increased by the Education Finance Act inflation factor, pursuant to Section 59-20-40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district.

[\(B\) For existing schools authorized by a local authorizer, the local school board of trustees shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues divided by the previous year's weighted students then increased by the Education Finance Act inflation factor, pursuant to Section 59-20-40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district.](#)

[\(C\) For all locally sponsored schools, the amounts in subsections \(A\) and \(B\)](#) ~~These amounts~~ must be verified by the State Department of Education before the first disbursement of funds. All state and local funding must be distributed by the local school district to the charter school monthly beginning July first following approval of the charter school application and must continue to be disbursed to the charter school for the duration of its charter and for the duration of any subsequent renewals. After verification of student attendance on the fifth day of school at the beginning of each school year, the State Department

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of Education shall distribute funds to school districts with charter schools: (1) having approved incremental growth and expansion as provided in their charter application; or (2) for opening of new charter schools in the current fiscal year. These funds must be released to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts shall provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Necessary adjustments due to enrollment changes must be made pursuant to the Education Finance Act.

~~(B)~~(D) The South Carolina Public Charter School District or public or independent institution of higher learning sponsor shall receive and distribute state funds to the charter school as provided by the General Assembly. Authorizers shall report annually before July first the method by which funds are provided to each school it authorizes.

~~(C)~~(E) During the year of the charter school's operation, as received, and to the extent allowed by federal law, a sponsor shall distribute to the charter school federal funds which are allocated to the sponsor on the basis of the number of special characteristics of the students attending the charter school. These amounts must be verified by the State Department of Education before the first disbursement of funds.

~~(D)~~(F) Notwithstanding subsection ~~(C)~~(E), the proportionate share of state and federal resources generated by students or staff serving them must be directed to the sponsor. After receipt of federal or state categorical aid funds, sponsors shall, within ten business days, supply to the charter school the proportional share of each categorical fund for which the charter school qualifies. If the sponsor fails to do so, the Department of Education may fine the sponsor an amount equivalent to the withheld amounts. Fines imposed must be remitted to the charter school from which the amounts were withheld.

~~(E)~~(G) All services centrally or otherwise provided by the sponsor including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries, and warehousing are subject to negotiation between a charter school and the sponsor and must be outlined in the contract required pursuant to Section 59-40-70(F), except as otherwise provided or required by law.

~~(F)~~(H) All awards, grants, or gifts collected by a charter school must be retained by the charter school.

~~(G)~~(I) The governing body of a charter school or an authorizer ~~may is authorized to~~ accept gifts, donations, or grants of any kind made to the charter school or authorizer and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the

donor. A gift or donation must not be required for admission. However, a gift, donation, or grant must not be accepted by the governing board of either a charter school or the authorizer if subject to a condition contrary to law or contrary to the terms of the contract between the charter school and the governing body. All gifts, donations, or grants ~~must be reported to the sponsor in their annual audit report as required in Section 59-40-50(B)(3)~~ to a charter school authorizer shall be coded pursuant to the Financial Accounting Handbook provided by the department or as otherwise directed by the department.

~~(H)~~(J) A charter school shall report to its sponsor and the Department of Education any change to information provided under its application. In addition, a charter school shall report at least annually to its sponsor and the sponsor shall compile those reports into a single document which must be submitted to the department. The Department of Education shall develop a template to be used by charter schools for this annual report. The report shall provide all information required by the sponsor or the department and shall include, at a minimum:

- (1) the number of students enrolled in the charter school from year to year;
- (2) the success of students in achieving the specific educational goals for which the charter school was established;
- (3) an analysis of achievement gaps among major groupings of students in both proficiency and growth;
- (4) the identity and certification status of the teaching staff;
- (5) the financial performance and sustainability of the sponsor's charter schools; and
- (6) board performance and stewardship including compliance with applicable laws.

~~(H)~~(K) The sponsor shall provide technical assistance to persons and groups preparing or revising charter applications at no expense.

~~(H)~~(L) Charter schools may acquire by gift, devise, purchase, lease, sublease, installment purchase agreement, land contract, option, or by any other means provided by law or otherwise, and hold and own in its own name buildings or other property for school purposes and interests in it which are necessary or convenient to fulfill its purposes. Charter schools may not hold property for any other purpose.

~~(K)~~(M) Charter schools are exempt from state and local taxation, except the sales tax, on their earnings and property whether owned or leased. Instruments of conveyance to or from a charter school are exempt from all types of taxation of local or state taxes and transfer fees.

(N) Charter schools may contract with a management organization

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for financial, accounting, and treasury services including balanced budget credits or budget deficit protection credits applied to the school's operating budget. A management organization may recover these credits only within the fiscal year when the credits are issued. At the conclusion of a fiscal year, any remaining balanced budget credits or budget deficit protection credits are not recoverable by the management organization and shall not be recorded as a liability in a charter school's financial audit.

~~(E)~~(O) Notwithstanding the above provisions of this section, this subsection applies to converted charter schools that converted into a charter school after the effective date of this act. For purposes of computing the funding for any year to be provided a converted charter school under the provisions of this section, the computations required shall be made as provided in this section based on the previous year's revenues, expenditures, and other applicable factors pertaining to that particular converted charter school, and also then shall be made as provided in this section for the year immediately preceding the previous year based on the revenues, expenditures, and other applicable factors for that year pertaining to that particular converted charter school. The funding of the converted charter school for the initial year shall be the average of the weighted per pupil unit funding computed for these two prior years, and funding for the converted charter school after the initial year shall be provided by the school district in the same manner as regular public schools in the district.

Amend the bill further, by deleting SECTIONS 9 and 10 from the bill.

Amend the bill further, SECTION 11, by striking Section 59-40-150(B), (C), and (D) and inserting:

(B) The Department of Education shall develop the charter school application, compliance guidance, and evaluation rubric for all charter applicant groups to submit to an authorizer for charter approval. The Department of Education shall provide guidance and technical assistance regarding charter applications and the application process to authorizers and applicant groups.

(C) The Department of Education shall annually make revisions, with stakeholder feedback to the application and publish it to its website before November first annually.

~~(B)~~(D) At least annually, the ~~department~~Department of Education shall provide upon request a directory of all charter schools authorized under this chapter with information concerning the educational goals of each charter school, the success of each charter school in meeting its educational goals, and procedures to apply for admission to each charter

school.

~~(E)~~(E) The Department of Education shall fulfill all duties of the State Education Agency (SEA) for each authorizer and shall provide technical assistance, oversight, and guidance to authorizers for compliance with LEA responsibilities to the same extent as other LEAs in this State. Sanctions issued by the Department of Education against an authorizer may be appealed to the Administrative Law Court and must be stayed pending resolution of the appeal.

~~(F)~~(F) The Department of Education shall annually review the policies, procedures, and performance of each authorizer for compliance with the provisions of this chapter, state regulations, and other state and federal law.

(G) Prior to January 1, 2027, the Department of Education shall develop an application to become an authorizer, which must include:

- (1) an executive summary, not to exceed two pages;
- (2) the mission statement of the authorizer, which must be consistent with the principles of the General Assembly's purposes pursuant to Section 59-40-20;
- (3) the measurable goals, objectives, and academic performance standards to be achieved by the charter schools to be authorized;
- (4) evidence of need for the authorizer in light of the needs of the State;
- (5) a description of the authorizer's plan and capacity to serve as the LEA for the number of charter schools proposed to be served;
- (6) a description of the authorizer's plan for annually evaluating the charter schools it authorizes;
- (7) evidence that the financial plan for the authorizer is economically sound, including a proposed start-up budget, and a proposed five-year and ten-year budget;
- (8) a description of the governance and operation of the authorizer, including a detailed school start-up plan and resumes and background information of those executing the start-up plan;
- (9) a description of the building, facilities, and equipment and how they shall be obtained;
- (10) a description of the relationship that shall exist between the authorizer and its employees, including a staffing chart aligned with the budget and student enrollment projections, descriptions of evaluation procedures, and evidence that the terms and conditions of employment have been addressed with affected employees;
- (11) a description of the relationship between the authorizer and the institution of higher education, including how missions are aligned

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and how resources will be shared;

(12) the academic, governance, and financial performance of the institution of higher education, including its accreditation status; and

(13) a statement of assurances for the authorizer to execute affirming the authorizer understands and agrees to perform the essential responsibilities and obligations of an authorizer and LEA.

(H) No later than February 1, 2027, the Department of Education shall develop and implement a process to accept and evaluate applications for institutions of higher education that were not authorizers before January 1, 2026. All higher education authorizers operating prior to January 1, 2026 shall not be required to submit an application but must sign the statement of assurances affirming the authorizer understands and agrees to perform the essential responsibilities and obligations of an authorizer and LEA. The Department of Education shall consider the information submitted in the application to decide whether an application may be approved, denied, or approved with conditions based on the demonstrated capacity of the applicant to fulfill the obligations of an authorizer under this chapter. The Department of Education may deny an application if the preponderance of available evidence supports a finding by the department that approving the application will encourage the transfer of poor performing charter schools to the new authorizer for purposes of escaping, delaying, or reducing accountability.

(H) The Department of Education shall compile and make public a report summarizing charter school authorizer performance and compliance to include, but not limited to, the academic and financial performance of the schools it authorizes.

Amend the bill further, SECTION 12, by striking Section 59-40-155(A), (B), (C), (D), and (E) and inserting:

(A) Within one year of taking office, all persons elected or appointed as members of a charter school board of trustees or a charter school authorizer board of trustees after July 1, ~~2006~~2026, shall complete successfully an orientation program. The training must include specific instruction on board member duties for compliance with chapter, to include ~~in the powers, duties, and responsibilities of a board member including, but not limited to, topics on~~ policy development, personnel, instructional programs, school finance, school law, state ethics laws, the South Carolina Freedom of Information Act, and community relations. The orientation must be provided at no charge by the ~~State~~ Department of Education or an ~~association~~entity approved by the department.

~~(B) The Department of Education shall develop an application and~~

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~~approval process to allow authorizers the ability to implement board training programs that meet the requirements provided for in Section 59-40-155(A).~~ (1) Annually, all persons elected or appointed as members of a charter school board of directors shall participate in at least three hours of advanced board governance training on the powers, duties, and responsibilities of a charter school governing board including leader evaluation, education service provider evaluation, policy implementation, strategic planning, academic data analysis, compliance, financial best practices, school safety, South Carolina Nonprofit Code, or other topics specific to the needs and mission of the school.

(2) Training may be delivered by the State Department of Education or the approved entity.

~~(B)(C)~~ Within ninety days of employment, ~~an administrator~~the school leader employed by the charter school who does not possess any previous charter school leadership experience, who is not certified, shall complete successfully an orientation program in the powers, duties, and responsibilities of a charter school administrator including, but not limited to, topics on personnel, instructional programs, school finance, school law including charter school law, board relations, South Carolina ethics, conflicts of interest, and community relations. The orientation must be provided at no charge by the ~~State~~ Department of Education or an association approved by the department.

~~—(D) Authorizers may require members of a charter school board of trustees to complete governance training programs as specified and agreed upon in a charter school contract.~~

~~—(E) In addition to the orientation program provided by the Department of Education, each authorizer shall develop and implement an annual training program specifically designed for members of charter school governing boards. After the first year of taking office, a charter school board member must attend the annual training provided by the authorizer. The training program shall include information on laws, regulations, and fiduciary responsibilities that uniquely apply to charter schools and charter school authorizers. The Department of Education shall develop procedures for ensuring compliance with this section by both charter school board members and authorizers.~~

Amend the bill further, SECTION 13, by striking Section 59-40-180 and inserting:

Section 59-40-180. The State Board of Education shall promulgate regulations and develop guidelines necessary to implement the provisions of this chapter, including standards to determine compliance with this chapter and an application process for ~~new~~ authorizers and

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charter schools to include a timeline for submission of applications that will allow for final decisions, including Administrative Law Court appeal, by December first of the year preceding the charter school's opening to be issued consistent with budget and funding needs. An authorizer registered pursuant to this chapter, ~~prior to the enactment of this act,~~ before January 1, 2026, is not considered a new authorizer subject to the application process provided in this chapter. Higher education authorizers registered prior to enactment of this section shall submit documentation as required to the Department of Education to ensure that it is in compliance with any requirements that shall be applied to new authorizers.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 59-40-230(A)(1)(d)(ii) of the S.C. Code is amended to read:

- (ii) South Carolina ~~Chamber of~~ Manufacturers and Commerce;
Renummer sections to conform.
Amend title to conform.

Rep. ERICKSON spoke in favor of the amendment.

Rep. J. MOORE requested debate on the Bill.

Rep. ERICKSON continued speaking.

POINT OF ORDER

Rep. KIRBY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

Rep. ERICKSON moved to waive Rule 5.10, pursuant to Rule 5.15.

Rep. ERICKSON demanded the yeas and nays which were taken, resulting as follows:

Yeas 75; Nays 33

Those who voted in the affirmative are:

Bailey	Bannister	Bauer
Beach	Bernstein	Bowers

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Bradley	Brewer	Brittain
Bustos	Calhoon	Caskey
Chapman	Chumley	Collins
Cox	Crawford	Cromer
Davis	Duncan	Edgerton
Erickson	Forrest	Frank
Gagnon	Gibson	Gilliam
Gilreath	Guest	Guffey
Haddon	Hager	Hardee
Hartz	Herbkersman	Hewitt
Hiott	Hixon	Holman
Huff	J. E. Johnson	Jordan
Kilmartin	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Magnuson	Martin
McCabe	C. Mitchell	D. Mitchell
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pedalino	Pope
Rankin	Robbins	Schuessler
M. M. Smith	Taylor	Terrible
Vaughan	Whitmire	Wickensimer
Willis	Wooten	Yow

Total--75

Those who voted in the negative are:

Anderson	Cobb-Hunter	Dillard
Ford	Gilliard	Govan
Grant	Harris	Hart
Henderson-Myers	Hosey	Howard
J. L. Johnson	Jones	King
Kirby	Luck	McCrary
McDaniel	J. Moore	Reese
Rivers	Rose	Rutherford
Sanders	Scott	Stavrinakis
Teeple	Waters	Weeks
Wetmore	White	Williams

Total--33

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So, Rule 5.10 was waived, pursuant to Rule 5.15.

Rep. ERICKSON continued speaking.

Reps. KING, REESE, RUTHERFORD, GILLIARD, HART, HENDERSON-MYERS and HOSEY requested debate on the Bill.

S. 416--POINT OF ORDER

The following Bill was taken up:

S. 416 -- Senators Hembree and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-210, RELATING TO GROUNDS FOR WHICH TRUSTEES MAY EXPEL, SUSPEND, OR TRANSFER PUPILS; PETITIONS FOR READMISSION; AND EXPULSION, SUSPENSION, OR TRANSFER, SO AS TO PROHIBIT EXPELLED STUDENTS FROM ENTERING SCHOOL OR SCHOOL GROUNDS INCLUDING ATTENDING DAY OR NIGHT SCHOOL FUNCTIONS OR RIDING A SCHOOL BUS, TO FURTHER PROHIBIT SUSPENDED STUDENTS FROM ENTERING THE SCHOOL OR SCHOOL GROUNDS EXCEPT FOR ATTENDING DAY OR NIGHT SCHOOL FUNCTIONS OR RIDING THE SCHOOL BUS; BY AMENDING SECTION 59-63-235, RELATING TO THE EXPULSION OF A STUDENT DETERMINED TO HAVE BROUGHT A FIREARM TO SCHOOL, SO AS TO REQUIRE A STUDENT TO BE EXPELLED FOR NO LESS THAN ONE ACADEMIC YEAR FOR KNOWINGLY BRINGING A FIREARM TO A SCHOOL, TO ESTABLISH THE EXPULSION HEARING BE CONDUCTED BY THE DISTRICT BOARD OF TRUSTEES AND TO ALLOW AN EXPELLED STUDENT TO RECEIVE EDUCATIONAL SERVICES IN ALTERNATIVE SETTINGS TO INCLUDE VIRTUAL PROGRAMMING; AND BY AMENDING SECTION 59-63-250, RELATING TO THE TRANSFER OF PUPILS, SO AS TO CLARIFY THAT A BOARD MAY TRANSFER A PUPIL WITHIN THE SCHOOL DISTRICT AND REQUIRE NOTIFICATION AND INPUT FROM THE PRINCIPAL AT THE RECEIVING SCHOOL.

POINT OF ORDER

Rep. HEWITT made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not

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been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 5483--POINT OF ORDER

The following Bill was taken up:

H. 5483 -- Reps. Erickson, Bradley, McGinnis, Hartnett, Teeple, Vaughan, Duncan and D. Mitchell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "EDUCATOR SAFETY AND CLASSROOM AUTHORITY ACT OF 2026" BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59, SO AS TO PROVIDE FOR EDUCATOR SAFETY AND CLASSROOM AUTHORITY, TO DEFINE NECESSARY TERMS, TO ESTABLISH THE AUTHORITY OF EDUCATORS IN CLASSROOM MANAGEMENT AND STUDENT DISCIPLINE, TO PROVIDE PROCEDURES FOR STUDENT REFERRAL, REMOVAL, AND ADMINISTRATIVE RESPONSE, TO PROVIDE PROTECTIONS FOR EDUCATORS, ADMINISTRATORS, AND STAFF, TO REQUIRE CERTAIN ACTIONS BY THE STATE BOARD OF EDUCATION, AND TO PROVIDE FOR IMPLEMENTATION BY SCHOOL DISTRICTS.

POINT OF ORDER

Rep. HEWITT made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

S. 718--POINT OF ORDER

The following Bill was taken up:

S. 718 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 45-2-65 SO AS TO PROVIDE THE CONDITIONS UNDER WHICH AN OPERATOR OF ANY RECREATIONAL VEHICLE PARK MAY HAVE ANY TRANSIENT GUEST OF THE PARK REMOVED, AND TO PROVIDE GUIDELINES FOR REMOVAL OF THE GUEST.

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POINT OF ORDER

Rep. HEWITT made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 5538--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 5538 -- Reps. Pope, Herbkersman, G. M. Smith, Hartz, W. Newton, Jordan, Ligon, Oremus, Neese, Taylor, Hiott, Cromer, Gilreath, Morgan, Lastinger, Huff, Burns, Chumley, Beach, D. Mitchell, McCabe, Pedalino, Vaughan, Kilmartin, Gibson and Govan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "GUARANTEE BANKING ACT" BY ADDING CHAPTER 47 TO TITLE 34 SO AS TO PROVIDE FOR FAIRNESS AND TRANSPARENCY IN BANKING.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 5538 (LC-5538.SA0003H), which was adopted:

Amend the bill, as and if amended, SECTION 2, by deleting Section 34-47-60 and 34-47-70 from the bill.

Renumber sections to conform.

Amend title to conform.

Rep. GAGNON explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Bannister	Bauer	Beach
Bernstein	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey

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Chapman	Chumley	Clyburn
Cobb-Hunter	Collins	Cox
Cromer	Davis	Dillard
Duncan	Edgerton	Erickson
Forrest	Frank	Gagnon
Gibson	Gilliam	Gilliard
Gilreath	Govan	Grant
Guffey	Haddon	Hager
Hardee	Harris	Hart
Hartnett	Hartz	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Hosey
Howard	Huff	J. E. Johnson
J. L. Johnson	Jones	Jordan
Kilmartin	King	Kirby
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Luck	Magnuson	Martin
McCabe	McCravy	McDaniel
C. Mitchell	D. Mitchell	J. Moore
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pedalino	Pope
Rankin	Reese	Rivers
Robbins	Rose	Rutherford
Sanders	Schuessler	Scott
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Teeple	Terrible
Vaughan	Waters	Wetmore
White	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

Total--109

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

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**H. 5538--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. GAGNON, with unanimous consent, it was ordered that H. 5538 be read the third time tomorrow.

LEAVE OF ABSENCE

The SPEAKER granted Rep. GAGNON a leave of absence for the remainder of the day.

S. 851--POINT OF ORDER

The following Bill was taken up:

S. 851 -- Senators Alexander, Young and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 34-3-900 SO AS TO DEFINE TERMS PERTAINING TO THE FINANCIAL EXPLOITATION OF AN ELIGIBLE ADULT AND TO OUTLINE A PROCEDURE FOR ESTABLISHING EMERGENCY CONTACTS FOR AN ELIGIBLE ADULT TO PROTECT THE ELIGIBLE ADULT FROM FINANCIAL EXPLOITATION.

POINT OF ORDER

Rep. HEWITT made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

S. 196--POINT OF ORDER

The following Bill was taken up:

S. 196 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 91 TO TITLE 38 SO AS TO DEFINE TERMS, ESTABLISH LICENSURE REQUIREMENTS, EXEMPTIONS, AND TYPES OF LICENSES, REQUIRE AN EXAMINATION FOR LICENSURE, PROVIDE EXEMPTIONS FOR EXAMINATION, REQUIRE CONTINUING EDUCATION, ESTABLISH A PROCESS FOR RENEWAL, SET STANDARDS OF CONDUCT FOR ADJUSTERS, AND TO PROVIDE FOR THE DENIAL, NONRENEWAL, OR REVOCATION

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OF A LICENSE AND PENALTIES, AMONG OTHER THINGS; BY ADDING CHAPTER 92 TO TITLE 38 SO AS TO DEFINE TERMS, ESTABLISH LICENSURE REQUIREMENTS AND TYPES OF LICENSES, REQUIRE AN EXAMINATION FOR LICENSURE AND PROVIDE EXEMPTIONS TO EXAMINATION, PROVIDE FOR THE DENIAL, NONRENEWAL, OR REVOCATION OF A LICENSE, REQUIRE A BOND OR LETTER OF CREDIT, REQUIRE CONTINUING EDUCATION, ALLOW FOR FEES, AND SET STANDARDS OF CONDUCT FOR PUBLIC ADJUSTERS, AMONG OTHER THINGS; TO AMEND SECTION 38-1-20, RELATING TO DEFINITIONS, SO AS TO PROVIDE A DEFINITION; AND BY REPEALING CHAPTERS 47 AND 48 OF TITLE 38.

POINT OF ORDER

Rep. HEWITT made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

S. 150--POINT OF ORDER

The following Bill was taken up:

S. 150 -- Senators Blackmon and Graham: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA RENTAL KART AGE ACT"; BY AMENDING SECTION 41-18-30, RELATING TO APPLICABILITY AND EXCEPTIONS FOR THE SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE, SO AS TO PROVIDE THAT AN INDIVIDUAL IS ALLOWED TO OPERATE A RENTAL KART IF THEY ARE EIGHTEEN YEARS OF AGE OR OLDER OR ARE FIFTEEN YEARS OF AGE OR OLDER AND HOLD A VALID DRIVER'S LICENSE OR PERMIT; AND BY AMENDING SECTION 41-18-40, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA AMUSEMENT PARK RIDES SAFETY CODE, SO AS TO MAKE CONFORMING CHANGES.

POINT OF ORDER

Rep. HEWITT made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not

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been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

S. 697--POINT OF ORDER

The following Bill was taken up:

S. 697 -- Senator Gambrell: A BILL TO TRANSFER THE SOUTH CAROLINA 211 NETWORK TO THE DEPARTMENT OF CONSUMER AFFAIRS; TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 37-6-515 SO AS TO CREATE THE SOUTH CAROLINA 211 NETWORK WITHIN THE DEPARTMENT OF CONSUMER AFFAIRS; AND BY AMENDING SECTION 1-11-770, RELATING TO THE SOUTH CAROLINA 211 NETWORK, SO AS TO MAKE CONFORMING CHANGES.

POINT OF ORDER

Rep. HEWITT made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

S. 715--POINT OF ORDER

The following Bill was taken up:

S. 715 -- Senators Sutton, Rice, Elliott and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-56-50, RELATING TO ORGANIZATIONS EXEMPT FROM REGISTRATION PROVISIONS, ALTERNATE FILINGS, AND FUNDRAISING ACTIVITIES, SO AS TO INCREASE THRESHOLDS FOR CHARITIES REQUESTING EXEMPTIONS; BY AMENDING SECTION 33-56-70, RELATING TO THE REQUIREMENT THAT CONTRACTS WITH PROFESSIONAL SOLICITORS MUST BE IN WRITING, FILING REQUIREMENTS, JOINT FINANCIAL REPORTS FOR EACH CAMPAIGN, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO LIMIT FILING REQUIREMENTS TO COMMERCIAL CO-VENTURERS UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 33-56-90, RELATING TO DISCLOSURES TO SOLICITED PARTIES, SO AS TO REQUIRE

[HJ]

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ANY ENTITY THAT SOLICITS FOR CHARITABLE ORGANIZATIONS TO DISCLOSE THE LEGAL NAME AND PURPOSE OF THE CHARITY FOR WHICH THEY ARE SOLICITING; BY AMENDING SECTION 33-56-110, RELATING TO THE REGISTRATION OF PROFESSIONAL SOLICITORS, FUNDRAISING COUNSEL, OR COMMERCIAL CO-VENTURERS, SO AS TO LIMIT REGISTRATION REQUIREMENTS FOR COMMERCIAL CO-VENTURERS SOLICITING MORE THAN TEN THOUSAND DOLLARS IN A SINGLE SOLICITATION CAMPAIGN; BY AMENDING SECTION 33-56-110, RELATING TO REGISTRATION OF PROFESSIONAL SOLICITORS, FUNDRAISING COUNSEL, OR COMMERCIAL CO-VENTURERS, SO AS TO PROVIDE THAT IF A COMMERCIAL CO-VENTURER INTENDING TO BE EXEMPT FROM REGISTRATION WITH THE SECRETARY OF STATE COLLECTS, EARNS, OR RECEIVES CHARITABLE CONTRIBUTIONS IN EXCESS OF TEN THOUSAND DOLLARS DURING A SOLICITATION CAMPAIGN, THEN THE COMMERCIAL CO-VENTURER SHALL REPORT TO THE SECRETARY OF STATE; AND BY AMENDING SECTION 33-56-120, RELATING TO PROHIBITED MISREPRESENTATIONS, SO AS TO PROHIBIT COMMERCIAL CO-VENTURERS FROM USING REGISTRATION WITH THE SECRETARY OF STATE AS AN ENDORSEMENT BY THE STATE.

POINT OF ORDER

Rep. HEWITT made the Point of Order that the was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 4476--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4476 -- Reps. Rutherford, Bamberg, J. Moore, Herbkersman and Rivers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 80 TO TITLE 39 ENTITLED "SOUTH CAROLINA-BAHAMAS TRADE COMMISSION" SO AS TO ESTABLISH THE SOUTH CAROLINA-BAHAMAS TRADE COMMISSION AND PROVIDE FOR ITS MEMBERSHIP AND PURPOSE.

[HJ]

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Rep. Bannister proposed the following Amendment No. 1 to H. 4476 (LC-4576.SA0002H), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 9-1-1085 of the S.C. Code is amended by adding:

(E) In lieu of the deductions from compensation required by Sections 9-1-1020 and 9-1-1160, an employer may elect, no later than July first, to pick up all or a portion of the employee contributions required by this section for the following fiscal year without a reduction or offset from its employees' compensation. Employee contributions picked up without such reduction or offset from the employee's compensation must be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code but must be credited as employee contributions for the purposes of the system. An employer making the election provided by this subsection is considered to have taken formal action to provide that the contributions on behalf of its employees, although designated as employee contributions, must be paid by the employer in lieu of employee contributions. The employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The employee, however, may not be given any option of choosing to receive the contributed amount of the pick ups directly instead of having them paid by the employer to the retirement system. An employer's election to pick up contributions without a reduction or offset from its employees' compensation pursuant to this subsection may not be changed during the fiscal year but may be changed for future fiscal years.

SECTION X. Section 9-11-225 of the S.C. Code is amended by adding:

(E) In lieu of the deductions from compensation required by Section 9-11-210, an employer may elect, no later than July first, to pick up all or a portion of the employee contributions required by this section for the following fiscal year without a reduction or offset from its employees' compensation. Employee contributions picked up without such reduction or offset from the employee's compensation must be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code but must be credited as employee contributions for the purposes of the system. An employer making the election provided by this subsection is

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considered to have taken formal action to provide that the contributions on behalf of its employees, although designated as employee contributions, must be paid by the employer in lieu of employee contributions. The employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The employee, however, may not be given any option of choosing to receive the contributed amount of the pick ups directly instead of having them paid by the employer to the retirement system. An employer's election to pick up contributions without a reduction or offset from its employees' compensation pursuant to this subsection may not be changed during the fiscal year but may be changed for future fiscal years.

SECTION X. Section 9-1-10(8) of the S.C. Code is amended by adding:

(c) Employee contributions picked up by an employer pursuant to Section 9-1-1085(E) without a reduction or offset from the member's compensation are not earnable compensation for the purposes of the system.

SECTION X. Section 9-11-10(12) of the S.C. Code is amended to read:

(12) "Compensation" means the total remuneration paid to a police officer for service rendered to an employer for his full normal working time; when compensation includes maintenance, fees and other things of value, the board shall fix the value of that part of the compensation not paid in money directly by the employer. Employee contributions picked up by an employer pursuant to Section 9-11-225(E) without a reduction or offset from the member's compensation are not compensation for the purposes of the system.

SECTION X. Section 9-1-10(1) of the S.C. Code is amended to read:

(1) "Accumulated contribution" means the sum of all the amounts either deducted from the compensation of a member or paid by the employer in lieu of employee contributions pursuant to Section 9-1-1085(E) and credited to the ~~members-~~member's individual account in the employee annuity savings fund, together with regular interest on the account, as provided in Article 9 of this chapter.

SECTION X. Section 9-11-10 (2) and (6) of the S.C. Code is amended to read:

(2) "Accumulated contributions" means the sum of all the amounts either deducted from the compensation of a member or paid by the employer in lieu of employee contributions pursuant to Section 9-11-225(E) and credited to the member's individual account in the employee

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annuity savings fund, together with regular interest on the account, as provided in this chapter.

(6) "Aggregate contributions" means the sum of all the amounts either deducted from the compensation of a member or paid by the employer in lieu of employee contributions pursuant to Section 9-11-225(E) and credited to the member's individual account in the system, including any amounts transferred from another fund to the system as provided in Section 9-11-210(6).

SECTION X. Section 9-11-260(2) of the S.C. Code is amended to read:

(2) The members' account shall be the account in which shall be held the contributions deducted from the compensation of members and amounts paid by the employer in lieu of employee contributions pursuant to Section 9-11-225(E), together with the interest credited thereon. Upon the retirement of a member, or upon the death of a member if an allowance is payable to his beneficiary pursuant to Section 9-11-130, the amount of his accumulated contributions shall be transferred to the accumulation account.

SECTION X. Section 9-1-1020, the fourth undesignated paragraph, of the S.C. Code is amended to read:

Section 9-1-1020. Each ~~department~~ and ~~political subdivision~~ employer shall pick up the employee contributions required by this section for all compensation paid on or after July 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code. For this purpose, each ~~department and political subdivision~~ employer is deemed to have taken formal action on or before January 1, 2009, to provide that the contributions on behalf of its employees, although designated as ~~employer-employee~~ contributions, shall be paid by the employer in lieu of employee contributions. The ~~department and political subdivision~~ employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The ~~department and political subdivision~~ employer may pick up these contributions by a reduction in the ~~cash salary of the employee, compensation of the employee or, if the employer makes an election authorized pursuant to Section 9-1-1085(E), it may pay the amount designated as an employee contribution without a reduction or offset from the employee's compensation.~~

SECTION X. Section 9-1-1160(B) of the S.C. Code is amended to read:

(B) Each ~~department and political subdivision~~ employer shall pick

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up the employee contributions required by this section for all compensation paid on or after July 1, 1982, and the contributions picked up must be treated as employer contributions in determining federal tax treatment under [Section 414\(h\)\(2\)](#) of the United States Internal Revenue Code. ~~Each department and political subdivision shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service, or the federal courts, rule, pursuant to Section 414(h) of the United States Internal Revenue Code, that these contributions are not included as gross income of the employee until such time as they are distributed or made available. For this purpose, each employer is considered to have taken formal action to provide that the contributions on behalf of its employees, although designated as employee contributions, must be paid by the employer in lieu of employee contributions.~~ The ~~department and political subdivision~~[employer](#) shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The ~~department and political subdivision~~[employer](#) may pick up these contributions by a reduction in the ~~cash salary~~[compensation](#) of the employee or, if the employer makes an election authorized pursuant to Section 9-1-1085(E), it may pay the amount designated as an employee contribution without a reduction or offset from the employee's compensation. Employee contributions picked up must be ~~treated administered~~ for all purposes of this section in the same manner and to the extent as employee contributions made before the date picked up.

SECTION X. Section 9-11-210(11) of the S.C. Code is amended to read:

(11) Each ~~department and political subdivision~~[employer](#) shall pick up the employee contributions required by this section for all compensation paid on or after July 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under [Section 414\(h\)\(2\)](#) of the United States Internal Revenue Code. For this purpose, each ~~department and political subdivision~~[employer](#) is deemed to have taken formal action on or before January 1, 2009, to provide that the contributions on behalf of its employees, although designated as ~~employer-employee~~ contributions, shall be paid by the employer in lieu of employee contributions. The ~~department and political subdivision~~[employer](#) shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The ~~department and political subdivision~~[employer](#) may pick up these contributions by a reduction in the ~~cash salary~~[compensation](#) of the employee or, if the employer makes

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an election authorized pursuant to Section 9-11-225(E), it may pay the amount designated as an employee contribution without a reduction or offset from the employee's compensation. The employee, however, must not be given ~~the~~any option of choosing to receive the contributed amount of the pickups directly instead of having them paid by the employer to the retirement system. Employee contributions picked up shall be ~~treated~~administered for all purposes of this section in the same manner and to the extent as employee contributions made prior to the date picked up.

Renumber sections to conform.

Amend title to conform.

Rep. WOOTEN explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 88; Nays 21

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Bannister	Bauer	Bernstein
Bradley	Brewer	Brittain
Bustos	Calhoon	Caskey
Clyburn	Cobb-Hunter	Collins
Cox	Crawford	Davis
Dillard	Erickson	Ford
Gibson	Gilliam	Gilliard
Govan	Grant	Guest
Guffey	Haddon	Hager
Hardee	Hart	Hartnett
Hartz	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Howard	J. E. Johnson	J. L. Johnson
Jones	Jordan	King
Kirby	Landing	Lawson
Lowe	Luck	Martin
McCravy	McDaniel	C. Mitchell
J. Moore	Moss	Neese

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B. Newton	W. Newton	Oremus
Pedalino	Pope	Rankin
Reese	Rivers	Robbins
Rose	Rutherford	Sanders
Schuessler	Scott	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Vaughan	Waters
Weeks	Wetmore	Wickensimer
Williams	Willis	Wooten
Yow		

Total--88

Those who voted in the negative are:

Beach	Bowers	Burns
Chumley	Cromer	Duncan
Edgerton	Frank	Gilreath
Harris	Huff	Kilmartin
Lastinger	Long	Magnuson
McCabe	D. Mitchell	Morgan
Terrible	White	Whitmire

Total--21

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 4476--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. HERBKERSMAN, with unanimous consent, it was ordered that H. 4476 be read the third time tomorrow.

S. 325--POINT OF ORDER

The following Bill was taken up:

S. 325 -- Senators Massey, Alexander, Walker and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF CONSUMER AFFAIRS TO THE DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY ADDING

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SECTION 1-30-145 SO AS TO PROVIDE FOR THE TRANSITION OF THE DEPARTMENT OF CONSUMER AFFAIRS TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY AMENDING SECTION 37-6-103, RELATING TO THE DEFINITION OF "ADMINISTRATOR," SO AS TO PROVIDE THAT THE ADMINISTRATOR IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTIONS 37-6-104(6), 37-6-117(I), 37-6-501 THROUGH 510, 37-6-602, AND 37-6-604(B), ALL RELATING TO FUNCTIONS AND DUTIES OF THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE COMMISSION ON CONSUMER AFFAIRS TO BE REPLACED WITH AN ADMINISTRATOR AS THE HEAD OF THE DEPARTMENT.

POINT OF ORDER

Rep. MCCABE made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

OBJECTION TO RECALL

Rep. HART asked unanimous consent to recall H. 3803 from the Committee on Ways and Means.

Rep. HARRIS objected.

OBJECTION TO RECALL

Rep. FRANK asked unanimous consent to recall H. 5503 from the Committee on Judiciary.

Rep. STAVRINAKIS objected.

OBJECTION TO RECALL

Rep. EDGERTON asked unanimous consent to recall H. 4671 from the Committee on Judiciary.

Rep. WETMORE objected.

OBJECTION TO RECALL

Rep. BEACH asked unanimous consent to recall H. 5398 from the Committee on Ways and Means.

Rep. BANNISTER objected.

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OBJECTION TO RECALL

Rep. CROMER asked unanimous consent to recall H. 4717 from the Committee on Judiciary.

Rep. J. MOORE objected.

OBJECTION TO RECALL

Rep. HART asked unanimous consent to recall H. 3809 from the Committee on Labor, Commerce and Industry.

Rep. EDGERTON objected.

H. 3556--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE

Debate was resumed on the following Bill, the pending question being the consideration of Amendment 1A:

H. 3556 -- Reps. B. Newton, Schuessler, Guest, Taylor and Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-17-560, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEE OF A POLITICAL PARTY TO HEAR CERTAIN PRIMARY PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEE TO ALSO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS, LESS THAN COUNTY OFFICERS, AND MUNICIPAL OFFICERS, TO AUTHORIZE THE STATE EXECUTIVE COMMITTEE TO ADOPT A RESOLUTION TO REQUIRE THE FILING OF ANY PROTEST OR CONTEST TO BE ACCOMPANIED BY A BOND WITH SURETY, AND TO PROVIDE FOR APPEALS FROM DECISIONS BY THE STATE EXECUTIVE COMMITTEE; BY AMENDING SECTION 7-17-570, RELATING TO HEARINGS OF PRIMARY PROTESTS AND CONTESTS, SO AS TO EXTEND THE TIME IN WHICH THE STATE EXECUTIVE COMMITTEE MUST CONDUCT SUCH HEARINGS; BY AMENDING SECTION 5-15-80, RELATING TO MUNICIPAL PRIMARY PROTESTS AND CONTESTS, SO AS TO PROVIDE THAT SUCH PROTESTS AND CONTESTS ARE TO BE FILED, HEARD, AND DECIDED IN THE MANNER PROVIDED IN SECTIONS 7-17-560 AND 7-17-570; AND BY REPEALING SECTIONS 7-17-520, 7-17-530, 7-17-540, 7-17-550, 7-17-580, AND 7-17-590 ALL RELATING TO PRIMARY PROTESTS AND CONTESTS FOR CERTAIN OFFICES.

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Rep. MAGNUSON proposed the following Amendment No. 1A to H. 3556 (LC-3556.HDB0004H):

Amend the bill, as and if amended, SECTION 1, Section 7-17-560, by adding a subsection to read:

(C) A candidate that challenges or protests his election shall, for the purposes of an independent election audit, immediately be provided for each precinct, voting center, and tabulator where in-person or absentee votes were tabulated, or where both in-person or absentee votes were tabulated, in an electronic form, free of charge:

(1) cast vote records;

(2) ballot summary reports;

(3) precinct detail reports and poll tapes for each of the precincts within the district that the challenger or protester is seeking election;

(4) poll lists of registrants who voted in each precinct or voter location;

(5) a list of provisional and challenged ballots;

(6) a list of absentee voters; and

(7) logic and accuracy reports for each precinct to ensure that each machine properly tested candidate selection.

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON spoke in favor of the amendment.

Rep. JORDAN spoke against the amendment.

LEAVE OF ABSENCE

The SPEAKER granted Rep. PEDALINO a leave of absence for the remainder of the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. W. NEWTON a leave of absence for the remainder of the day.

Rep. JORDAN continued speaking.

Rep. JORDAN moved to table the amendment.

Rep. BEACH demanded the yeas and nays which were taken, resulting as follows:

Yeas 73; Nays 37

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Those who voted in the affirmative are:

Alexander	Anderson	Bailey
Bannister	Bauer	Bernstein
Bradley	Brewer	Calhoon
Caskey	Clyburn	Cobb-Hunter
Collins	Cox	Crawford
Davis	Dillard	Erickson
Gilliard	Govan	Grant
Guest	Guffey	Haddon
Hager	Hardee	Hart
Hartnett	Hartz	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Holman
Hosey	J. E. Johnson	J. L. Johnson
Jones	Jordan	King
Kirby	Ligon	Lowe
Luck	Martin	McDaniel
J. Moore	Moss	Neese
B. Newton	W. Newton	Pope
Reese	Rivers	Robbins
Rose	Rutherford	Schuessler
Scott	Sessions	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Waters	Weeks
Wetmore	Wickensimer	Williams
Wooten		

Total--73

Those who voted in the negative are:

Atkinson	Beach	Bowers
Burns	Chapman	Chumley
Cromer	Duncan	Edgerton
Ford	Forrest	Frank
Gibson	Gilliam	Gilreath
Harris	Howard	Huff
Kilmartin	Lastinger	Long
Magnuson	McCabe	McCrary
C. Mitchell	D. Mitchell	T. Moore
Morgan	Oremus	Rankin
Sanders	Terrible	Vaughan

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White
Yow

Whitmire

Willis

Total--37

So, the amendment was tabled.

Rep. MAGNUSON proposed the following Amendment No. 2A to H. 3556 (LC-3556.HDB0005H), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 7-17-570(A) and inserting:

(A) The executive committee shall hear the protest or contest ~~no later than the Saturday following~~ ~~on Thursday following~~ within two weeks of the deadline for filing the same. Testimony at the hearing shall be limited to the grounds stated in the written protest.

Re-number sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

ACTING SPEAKER HIOTT IN CHAIR

Rep. MAGNUSON continued speaking.

The amendment was then adopted.

Rep. MAGNUSON proposed the following Amendment No. 3A to H. 3556 (LC-3556.HDB0006H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 7-17-560(B)(1) and (2) and inserting:

(1) the state executive committee upholds the protest or contest;

~~or~~

(2) a court of common pleas rules in favor of the protestant; or

(3) a petition to the Supreme Court under Section 7-17-570(D) is granted. bond with surety as payment for the reasonable costs of hearing the protest in the event the election challenge is denied. However, the amount may not exceed seven hundred fifty dollars. If a protestant or contestant's election challenge is granted, he shall receive a refund of the amount of the surety bond.

Amend the bill further, SECTION 2, by striking Section 7-17-570(D) and inserting:

(D) Appeals from decisions by the state executive committee must

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~~be taken directly to the Supreme Court on petition for a writ of certiorari based only on the record of the state executive committee hearing. Notice of appeal must be served within ten days of the state executive committee's decision. The Supreme Court may impose filing fees for appeals taken pursuant to this subsection.~~ Appeals from decisions by the state executive committee involving partisan county officers, partisan less than county officers, and partisan municipal officers shall be to the court of common pleas of the county in which the election was held. Any appeal thereafter or an appeal in the case of federal officers, state officers, State Senate, State House of Representatives, and officers involving more than one county shall be taken to the Supreme Court on petition for a writ of certiorari and must be granted first priority of consideration by the court. The Supreme Court may impose filing fees for appeals taken pursuant to this subsection. Notice and grounds of all appeals shall be served on the opposing parties or their attorneys within ten days following the decision of the state executive committee or circuit court judge.

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

Rep. JORDAN spoke against the amendment.

Rep. JORDAN moved to table the amendment, which was agreed to.

Reps. W. NEWTON, JORDAN, and B. NEWTON proposed the following Amendment No. 5A to H. 3556 (LC-3556.HDB0002H), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X.A. Chapter 15, Title 5 of the S.C. Code is amended by adding:

Section 5-15-45. (A) Notwithstanding Section 5-15-40, if the unexpired four-year term of a mayor or member of council began following a general election held:

(1) in 2023, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 6, 2027, or November 2, 2027, as applicable;

(2) in 2024 or 2025, then the term expires on the date terms begin for newly elected officers in the municipality following the general

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election to be held on April 3, 2029, or November 6, 2029, as applicable; or

(3) in 2026, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 8, 2031, or November 4, 2031, as applicable.

(B) Notwithstanding Section 5-15-40, if the unexpired two-year term of a mayor or member of council began following a general election held:

(1) in 2025, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 6, 2027, or November 2, 2027, as applicable; or

(2) in 2026, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 3, 2029, or November 6, 2029, as applicable.

(C) The provisions of this section do not apply to a municipality whose general elections are held on the first Tuesday after the first Monday in April in even-numbered years or the first Tuesday after the first Monday in November in even-numbered years, as provided in Section 5-15-50(E).

B. This SECTION takes effect on January 1, 2027.

SECTION X.A. Section 5-15-50 of the S.C. Code is amended to read:

Section 5-15-50. (A) Each municipal governing body may by ordinance establish municipal ward lines and the time for general ~~and special~~ elections ~~within the municipality. Public notice of the elections shall be given at least sixty days prior to such elections.~~

(B) The time for general elections within a municipality must be established in odd-numbered years as follows:

(1) on the first Tuesday after the first Monday in April; or

(2) on the first Tuesday after the first Monday in November.

(C) If the first Tuesday after the first Monday in November of odd-numbered years is the time for general elections within a municipality on or after the effective date of this subsection, then the municipal governing body must not establish a different time for its general elections.

(D) If within ninety days of the effective date of this subsection a municipal governing body fails to establish by ordinance a time for its general elections as provided in subsection (B), then the time for the general elections within that municipality is the first Tuesday after the first Monday in November in odd-numbered years unless subsection (E) applies.

(E) Notwithstanding another provision of this section, if the most

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recent general elections within a municipality preceding the effective date of this subsection were held on the first Tuesday after the first Monday in April in even-numbered years, or on the first Tuesday after the first Monday in November in even-numbered years, then the municipality may retain the first Tuesday after the first Monday in April in even-numbered years, or the first Tuesday after the first Monday in November in even-numbered years, as applicable, for the date for its general elections.

B. This SECTION takes effect on January 1, 2027.

SECTION X.A. Section 5-15-60 of the S.C. Code is amended to read:

Section 5-15-60. (A) Each municipality in this State shall adopt by ordinance one of the following alternative methods of nominating candidates for and determining the results of its nonpartisan elections:

(1) The nonpartisan plurality method prescribed in [§Section 5-15-61](#);

(2) The nonpartisan election and runoff election method prescribed in [§Section 5-15-62](#);

(3) The nonpartisan primary election and general election method prescribed in [§Section 5-15-63](#).

(B)(1) If nonpartisan elections are not provided for, nomination of candidates for municipal offices may be by party primary, party convention or by petition [only in municipalities with populations under thirty-nine thousand according to the most recent official United States census.](#)

(2) [Municipal party primaries, party conventions, and petition nominations must be conducted](#) in accordance with the provisions of this chapter, the applicable provisions of the state election laws, and the rules of municipal political party organizations not in conflict therewith.

B.A municipality with a population over thirty-nine thousand according to the most recent official United States census that provides for the partisan nomination of candidates for municipal offices on the effective date of this SECTION must, by April 1, 2027, adopt by ordinance a method of nominating candidates prescribed in Sections 5-15-61, 5-15-62, or 5-15-63. If the municipality does not adopt a new method by that date, then the method prescribed in Section 5-15-61 is in effect until revised by ordinance.

C. This SECTION takes effect on January 1, 2027.

SECTION X. Section 5-15-100 of the S.C. Code is amended to read:

Section 5-15-100. ~~The municipal election commission shall be vested with the functions, powers and duties of Municipal Supervisors of Registration if no such supervisors have been appointed pursuant to §~~

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~~7-5-640, and shall also have the functions, powers and duties of commissioners of election, as set forth in § 7-5-10 and other provisions of Title 7.~~ The municipal election commission shall ~~insure~~ensure proper books of registration are provided for each ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal, ~~special and general~~ elections. ~~The managers shall certify the results of the election to the commission within one day and the~~The commission shall ~~declare~~certify the results not later than three days following the election.

~~—Nominees in a party primary or party convention and nominees by petition shall be certified to the municipal election commission within the time specified herein and when so certified, the commission shall place the names of such nominees upon the ballots.~~

SECTION X. Section 5-15-130 of the S.C. Code is amended to read:

Section 5-15-130. ~~(A) Within forty eight hours after the closing of the polls, any~~(A) candidate may contest the result of the election ~~as reported by the managers~~ by filing a written notice of such contest, together with a concise statement of the grounds therefor, with the Municipal Election Commission not later than noon on the Monday following the certification of the results. If the deadline falls on a legal holiday, then the time for filing extends to noon on the next day that is not a legal holiday. ~~Within forty eight hours after the filing of such notice, the~~The Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, not later than the Saturday following the deadline for filing the contest. The commission must decide the issues raised, file its report together with all recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned.

~~(B)~~ Neither the mayor nor any member of council shall be eligible to pass on the issues arising in any contest in which he is a party.

SECTION X. Section 5-15-140 of the S.C. Code is amended to read:

Section 5-15-140. Within ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within ten days. ~~The notice of appeal shall act as a stay of further proceedings pending the appeal.~~

SECTION X.A. Chapter 15, Title 5 of the S.C. Code is amended by

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adding:

Section 5-15-175. (A) Notwithstanding another provision of this chapter, a municipal election commission may only be established for municipalities with a population of ten thousand or more, according to the most recent official United States census.

(B) Elections for municipalities with a population of less than ten thousand, according to the most recent official United States census, must be conducted and certified by the county boards of voter registration and elections.

(1) If a municipality is located within only one county, its municipal elections must be conducted and certified by the county board of voter registration and elections of the county in which the municipality is located.

(2) If a municipality is located within more than one county:

(a) its municipal elections must be conducted jointly by each county board of voter registration and elections containing a portion of registered electors in the municipality; and

(b) its municipal elections must be certified by the county board of voter registration and elections of the county in which its main office is located.

(C) A municipality whose elections are conducted and certified pursuant to this section must reimburse a county board of voter registration and elections for the reasonable costs incurred in conducting and certifying its elections in accordance with a reimbursement schedule provided by the State Election Commission.

B. On the effective date of this SECTION, municipal election commissions for municipalities under ten thousand, according to the most recent official United States census, are abolished. Their duties, responsibilities, and functions are devolved upon the county boards of voter registration and elections.

C. This SECTION takes effect on January 1, 2027.

Amend the bill further, by striking SECTION 7 and inserting:

SECTION 7. Except as otherwise provided in this act, This~~this~~ act takes effect upon approval by the Governor.

Re-number sections to conform.

Amend title to conform.

Rep. JORDAN explained the amendment.

The amendment was then adopted.

Rep. HIXON proposed the following Amendment No. 4A to H. 3556

[HJ]

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(LC-3556.SA0001H), which was ruled out of order:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X.A. Section 7-7-10 of the S.C. Code is amended to read:

Section 7-7-10. (A) For the purpose of holding any general, primary, or special election in this State, the voting precincts ~~and voting places~~ in the several counties of the State shall be designated, fixed, and established by the General Assembly.

(B) The polling places for the precincts must be established by the county boards of voter registration and elections, subject to the approval of a majority of the applicable county legislative delegation, if required under this chapter, and located in accordance with the following:

(1) at least one polling place must be located within each precinct unless a county board of voter registration and elections determines no suitable location for a polling place is within a precinct; and

(2) a polling place located outside of a precinct must be within five miles of the precinct boundary unless a waiver is received from the executive director of the State Election Commission or his designee.

(C) Nothing in this chapter prohibits a county board of voter registration and elections from establishing ~~multiple polling places within a precinct, provided that voters are assigned to these polling places alphabetically or geographically as determined by the county board of voter registration and elections and approved by a majority of that county's legislative delegation~~ a polling place for a precinct at the polling place of another precinct if the establishment is in accordance with subsection (B).

(D) A voter must be notified in writing of his transfer to a new polling place and the location of the new polling place.

B.A polling place that is assigned to a precinct on the effective date of this SECTION is deemed to be located in accordance with Section 7-7-10, as amended by this act.

SECTION X. Section 7-7-710 of the S.C. Code is amended to read:

Section 7-7-710. The State Election Commission shall report the names of all polling precincts by county that have more than ~~one thousand five hundred~~ three thousand registered electors as of January first to the General Assembly not later than the fourth Tuesday of each odd-numbered year. ~~If, by April first of the same year, the General Assembly has failed to alter the precincts so that no precinct shall have more than one thousand five hundred qualified electors the State Election Commission shall notify the respective county boards of voter registration and elections which shall make such alterations as necessary~~

[HJ]

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~~to conform all precincts to such limitations. Provided, that precincts isolated by water shall not be required to meet minimum requirements.~~

SECTION X. Section 7-7-720(A) of the S.C. Code is amended to read:

(A) A person whose registration is transferred to another precinct ~~by virtue of the provisions of this article~~ must be notified by mail by the county board of voter registration and elections of the transfer.

SECTION X. Section 7-7-910(A) of the S.C. Code is amended to read:

(A) ~~Subject to the provisions of Section 7-7-920 and Section 7-5-440 and except as provided in subsection (B) of this section, each elector must be registered and, unless otherwise specified on his voting certificate, Unless otherwise provided in this title, each registered elector shall vote at the designated polling place within for the precinct of his residence, but in incorporated municipalities in which officers are elected by wards or other municipal subdivisions, electors must be registered and shall vote at their designated polling places.~~

SECTION X. Section 7-7-920 of the S.C. Code is amended to read:

Section 7-7-920. ~~In all municipal elections when the aldermen or councilmen are elected by wards, the electors shall vote at the voting place within their ward nearest their residences, and in all municipal elections when the aldermen, councilmen or other officials are elected by a vote at large within the municipality, the electors shall vote at the voting place in the precinct within which they reside which is nearest their residences.~~

~~—In all municipal elections when the ward lines and the precinct lines coincide within the city limits of the municipality, electors shall vote at the nearest voting place within the ward or precinct.~~

~~In If any city or town with a population under three thousand, according to the most recent official United States census, has having not more than one polling precinct, place established by ordinance, for municipal elections, then all duly qualified electors shall be permitted to vote in municipal elections at such voting the polling place if such electors are authorized to vote at any voting precinct within such city or town.~~

SECTION X. Section 7-7-730 of the S.C. Code is repealed.

Renumber sections to conform.

Amend title to conform.

Rep. HIXON explained the amendment.

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POINT OF ORDER

Rep. B. NEWTON raised the Rule 9.3 Point of Order that Amendment No. 4 was not germane to H. 3556.

ACTING SPEAKER HIOTT sustained the Point of Order.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

H. 3768--DEBATE ADJOURNED

The Senate Amendments to the following Bill were taken up for consideration:

H. 3768 -- Reps. Brewer, Gatch, Robbins, Schuessler and Sessions: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ACT 36 OF 2019, RELATING TO HIGHWAY SYSTEM CONSTRUCTION, SO AS TO CHANGE THE SUNSET EXPIRATION PROVISION TO JULY 1, 2031.

Rep. HEWITT moved to adjourn debate on the Senate Amendments, which was agreed to.

H. 3974--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED

The Senate Amendments to the following Bill were taken up for consideration:

H. 3974 -- Reps. Calhoun, Bernstein, Erickson, Schuessler, Bauer, Guffey and McGinnis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 10, TITLE 59 SO AS TO AUTHORIZE EVALUATORS TO EVALUATE PUBLIC SCHOOL STUDENTS FOR HEALTH, BEHAVIORAL HEALTH, OR THERAPEUTIC NEEDS, TO AUTHORIZE PRIVATE PROVIDERS TO PROVIDE RELATED SERVICES AT SCHOOLS DURING THE SCHOOL DAY, TO SPECIFY THESE EVALUATIONS AND SERVICES ONLY MAY OCCUR UPON REQUEST OF THE PARENT OR GUARDIAN OF THE STUDENT, TO PROVIDE SCHOOL DISTRICTS MAY NOT PROHIBIT SUCH EVALUATIONS OR SERVICES IN SCHOOLS DURING THE SCHOOL DAY, TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL ADOPT A RELATED MODEL POLICY, TO PROVIDE REQUIREMENTS FOR THE MODEL POLICY, TO

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PROVIDE SCHOOL DISTRICTS SHALL ADOPT RELATED POLICIES, AND TO DEFINE NECESSARY TERMS.

Rep. ERICKSON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

Anderson	Bailey	Bauer
Beach	Bernstein	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Caskey	Chapman	Chumley
Clyburn	Cobb-Hunter	Collins
Cox	Crawford	Cromer
Davis	Dillard	Duncan
Edgerton	Erickson	Ford
Forrest	Gibson	Gilliam
Gilliard	Gilreath	Govan
Grant	Guest	Guffey
Haddon	Hager	Hardee
Harris	Hart	Hartnett
Hartz	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Howard	Huff	J. E. Johnson
J. L. Johnson	Jones	Jordan
Kilmartin	King	Kirby
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Luck	Magnuson	Martin
McCrary	McDaniel	C. Mitchell
D. Mitchell	J. Moore	T. Moore
Morgan	Moss	Neese
B. Newton	Oremus	Pope
Reese	Rivers	Robbins
Rose	Rutherford	Sanders
Schuessler	Scott	Sessions
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Teeple	Terrible

[HJ]

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Vaughan	Waters	Weeks
Wetmore	White	Whitmire
Wickensimer	Williams	Willis
Wooten	Yow	

Total--107

Those who voted in the negative are:

Total--0

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**H. 3650--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3650 -- Reps. G. M. Smith, Wooten, Pope, Chapman, W. Newton, Bailey, Robbins, Crawford, Guest, Caskey, Forrest, B. Newton, Hixon and Taylor: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-1-60, RELATING TO OFFENSES DEFINED AS VIOLENT CRIMES, SO AS TO INCLUDE THE OFFENSE OF DISCHARGING FIREARMS AT OR INTO A DWELLING HOUSE, OTHER BUILDING, STRUCTURE, ENCLOSURE, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE, DEVICE, OR EQUIPMENT; AND BY AMENDING SECTION 16-23-440, RELATING TO DISCHARGING FIREARMS INTO A DWELLING HOUSE, OTHER BUILDING, STRUCTURE, ENCLOSURE, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE, DEVICE, OR EQUIPMENT, SO AS TO CREATE A TIERED PENALTY STRUCTURE.

Rep. J. E. JOHNSON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

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Those who voted in the affirmative are:

Anderson	Bailey	Bauer
Beach	Bernstein	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Caskey	Chapman	Chumley
Clyburn	Cobb-Hunter	Collins
Cox	Crawford	Cromer
Davis	Dillard	Duncan
Edgerton	Erickson	Ford
Forrest	Frank	Gibson
Gilliam	Gilliard	Gilreath
Govan	Grant	Guest
Guffey	Haddon	Hager
Hardee	Harris	Hart
Hartnett	Hartz	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Holman
Hosey	Howard	Huff
J. E. Johnson	J. L. Johnson	Jones
Jordan	Kilmartin	King
Landing	Lastinger	Lawson
Ligon	Long	Luck
Magnuson	Martin	McCabe
McCravy	McDaniel	C. Mitchell
D. Mitchell	J. Moore	T. Moore
Morgan	Moss	Neese
B. Newton	W. Newton	Oremus
Pope	Reese	Rivers
Robbins	Sanders	Schuessler
Scott	Sessions	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Terrible	Vaughan
Waters	Weeks	Wetmore
White	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

Total--106

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Those who voted in the negative are:

Total--0

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

H. 4758--RECOMMITTED

The following Bill was taken up:

H. 4758 -- Reps. W. Newton, Bradley, Brewer, Chapman, Crawford, Davis, Duncan, Erickson, Forrest, Gilliam, Guest, Hartz, Hewitt, Hiott, Hixon, Holman, Lawson, Ligon, Lowe, Martin, McGinnis, T. Moore, B. Newton, Oremus, Pedalino, Pope, Rankin, Robbins, Schuessler, G. M. Smith, Taylor, Teeple, Vaughan, Whitmire, Willis, Wooten and McCravy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 46-55-5 SO AS TO PROVIDE THE PURPOSE OF THIS CHAPTER IS TO ENCOURAGE THE LAWFUL CULTIVATION, HARVESTING, AND MANUFACTURING OF HEMP; BY AMENDING SECTION 46-55-10, RELATING TO INDUSTRIAL HEMP CULTIVATION TERMS AND DEFINITIONS, SO AS TO PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS, AND TO REVISE THE DEFINITIONS OF EXISTING TERMS; AND BY ADDING SECTIONS 46-55-70, 46-55-80, AND 46-55-90 SO AS TO REGULATE THE DISTRIBUTION AND SALE OF CONSUMABLE HEMP, TO PROVIDE THE PROVISIONS OF THIS CHAPTER MAY NOT BE CONSTRUED TO LIMIT INTERSTATE COMMERCE, OR TO PROHIBIT THE LAWFUL POSSESSION, MANUFACTURE, SALE, OR DISTRIBUTION OF CERTAIN CBD PRODUCTS, AND TO PROVIDE PENALTIES.

Rep. JORDAN moved to recommit the Bill to the Committee on Judiciary, which was agreed to.

H. 4042--DEBATE ADJOURNED

The following Bill was taken up:

H. 4042 -- Reps. Kilmartin, White, Gilreath, Cromer, Guffey, Harris, Hager, McCravy, Edgerton, Terribile, Magnuson, Lastinger,

[HJ]

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D. Mitchell, Sessions, Chapman, Brewer, Lawson, Oremus, Hartz, Vaughan, Pedalino, Teeple, Landing, Rankin, Schuessler, Ligon, Long, Sanders, Ford, T. Moore, Forrest, Chumley, Bowers, Taylor, Hixon and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-53-150 SO AS TO AUTHORIZE THE OVER-THE-COUNTER SALE OF IVERMECTIN TABLETS.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

H. 4737--DEBATE ADJOURNED

The following Bill was taken up:

H. 4737 -- Reps. McGinnis and Grant: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-35 SO AS TO CREATE A MANDATORY ORIENTATION TRAINING PROGRAM FOR NEW MEMBERS OF THE BOARDS OF TRUSTEES OF THE PUBLIC INSTITUTIONS OF HIGHER LEARNING IN THIS STATE, TO PROVIDE SPECIFIC REQUIREMENTS FOR THE PROGRAM, AND TO PROVIDE RELATED DUTIES OF THE PRESIDENT AND BOARD SECRETARY OF EACH INSTITUTION.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

H. 4270--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4270 -- Reps. Schuessler, B. J. Cox, McGinnis, Yow, Jones, Vaughan, Kirby, Dillard, Wetmore, Bauer, Collins, Wickensimer, Brewer, Gilliard, Bernstein, Bannister, Willis, J. L. Johnson, Guest, King, Chapman, Herbkersman, Bradley, Brittain, Burns, Martin, Calhoun, Lowe, C. Mitchell, Oremus, Atkinson, Sessions, Haddon, Waters, Rivers, Scott and Govan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 60-2-60 SO AS TO PROVIDE FOR THE REMOVAL OF CERTAIN PUBLIC RECORDS.

The Committee on Judiciary proposed the following Amendment No. 1o H. 4270 (LC-4270.SA0001H):

[HJ]

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Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Article 1, Chapter 2, Title 30 of the S.C. Code is amended by adding:

Section 30-2-60. Eviction filings and records made pursuant to Section 27-40-10 or 27-37-10, including those concluded by Orders of Eviction or Writ of Ejectment, cases resolved by settlement, or resolved by subsequent payment for the judgment that satisfied any debt that include personal information of a defendant, must be removed from the public index and any publicly accessible files available for public record five years after the final disposition or filing if no disposition is recorded. Court records more than five years old must be automatically removed from public index records specified herein.

SECTION 2. This act takes effect on January 1, 2027.

Re-number sections to conform.

Amend title to conform.

Rep. BERNSTEIN explained the amendment.

The amendment was then adopted.

Rep. PACE proposed the following Amendment No. 4 to H. 4270 (LC-4270.CM0003H), which was tabled:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

SECTION X. Chapter 2, Title 30 of the S.C. Code is amended by adding:

Section 30-2-60. Parties to a residential lease are encouraged to include binding arbitration clauses for disputes. Any dispute resolved through private arbitration shall not generate a public court record subject to this chapter. The court shall dismiss eviction actions filed in violation of a valid arbitration agreement and direct parties to arbitration.

Re-number sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

Rep. BERNSTEIN moved to table the amendment.

Rep. BEACH demanded the yeas and nays which were taken, resulting as follows:

Yeas 76; Nays 25

[HJ]

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Those who voted in the affirmative are:

Alexander	Anderson	Bauer
Bernstein	Bradley	Brewer
Bustos	Calhoon	Caskey
Clyburn	Cobb-Hunter	Collins
Cox	Davis	Dillard
Erickson	Ford	Forrest
Garvin	Gibson	Gilliard
Govan	Grant	Guffey
Haddon	Hager	Hart
Hartnett	Hartz	Hayes
Henderson-Myers	Hewitt	Hiott
Hixon	Holman	Hosey
Howard	J. L. Johnson	Jones
Jordan	King	Kirby
Lawson	Ligon	Lowe
Luck	Martin	McCrary
McDaniel	C. Mitchell	J. Moore
T. Moore	Moss	Neese
B. Newton	Pope	Rivers
Rose	Rutherford	Schuessler
Scott	Sessions	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Vaughan	Waters
Weeks	Wetmore	Wickensimer
Williams	Willis	Wooten
Yow		

Total--76

Those who voted in the negative are:

Beach	Bowers	Burns
Chapman	Chumley	Crawford
Cromer	Duncan	Edgerton
Frank	Gilreath	Harris
Huff	Kilmartin	Lastinger
Long	Magnuson	McCabe
D. Mitchell	Morgan	Oremus

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Sanders Terrible White
Whitmire

Total--25

So, the amendment was tabled.

Rep. FRANK moved to adjourn debate on the Bill until Tuesday, April 28.

Rep. SCHUESSLER moved to table the motion.

Rep. MAGNUSON demanded the yeas and nays which were taken, resulting as follows:

Yeas 64; Nays 27

Those who voted in the affirmative are:

Alexander	Anderson	Bauer
Bernstein	Bradley	Brewer
Bustos	Clyburn	Cobb-Hunter
Collins	Cox	Davis
Dillard	Erickson	Ford
Garvin	Gibson	Gilliard
Govan	Grant	Guffey
Haddon	Hager	Hart
Hartnett	Hartz	Hayes
Henderson-Myers	Hewitt	Hiott
Holman	Hosey	J. L. Johnson
Jordan	King	Kirby
Lowe	Martin	McDaniel
J. Moore	Moss	Neese
B. Newton	Oremus	Reese
Rivers	Rose	Rutherford
Schuessler	Scott	Sessions
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Teeple	Waters
Weeks	Wetmore	Wickensimer
Williams	Willis	Wooten
Yow		

Total--64

[HJ]

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Those who voted in the negative are:

Beach	Bowers	Burns
Caskey	Chumley	Cromer
Duncan	Edgerton	Forrest
Frank	Gilreath	Harris
Huff	Kilmartin	Lastinger
Lawson	Long	Magnuson
McCabe	McCravy	D. Mitchell
T. Moore	Morgan	Terrible
Vaughan	White	Whitmire

Total--27

So, the motion to adjourn debate was tabled.

Rep. PACE proposed the following Amendment No. 5 to H. 4270 (LC-4270.CM0002H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 30-2-60 and inserting:

Section 30-2-60. ~~Eviction filings and records made pursuant to Section 27-40-10 or 27-37-10, including those concluded by Orders of Eviction or Writ of Ejectment, cases resolved by settlement, or resolved by subsequent payment for the judgment that satisfied any debt that include personal information of a defendant, must be removed from the public index and any publicly accessible files available for public record five years after the final disposition or filing if no disposition is recorded. Court records more than five years old must be automatically removed from public index records specified herein.~~ (A) A defendant in an eviction filing or record made pursuant to Section 27-40-10 or 27-37-10 may petition the court, after seven years from final disposition, or filing if no disposition, to seal the record from the public index. The petition must include evidence of financial responsibility, including no subsequent eviction filings, satisfaction of any outstanding judgments, and at least three years of positive rental or credit references. The court shall notify the original plaintiff (landlord) and grant the petition only after opportunity for objection and upon a finding that sealing serves justice without harming third-party reliance interests.

(B) No record shall be automatically removed. All records shall remain publicly accessible unless sealed by court order under this section.

Renumber sections to conform.

[HJ]

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Amend title to conform.

Rep. MCCABE explained the amendment.

Rep. MCCABE spoke in favor of the amendment.

POINT OF ORDER

Rep. BERNSTEIN raised the Rule 9.3 Point of Order that Amendment No. 5 was not germane to H. 4270.

Rep. MCCABE argued contra.

ACTING SPEAKER HIOTT stated that the Bill and the Amendment both substantially affected the handling of records in an eviction, and he overruled the Point of Order.

Rep. MCCABE continued speaking.

Rep. BERNSTEIN moved to table the amendment.

Rep. MAGNUSON demanded the yeas and nays which were taken, resulting as follows:

Yeas 75; Nays 28

Those who voted in the affirmative are:

Alexander	Anderson	Bailey
Bannister	Bauer	Bernstein
Bowers	Bradley	Bustos
Calhoon	Caskey	Chapman
Clyburn	Cobb-Hunter	Collins
Cox	Davis	Dillard
Erickson	Forrest	Garvin
Gibson	Gilliard	Govan
Grant	Guest	Guffey
Haddon	Hager	Hartnett
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Holman
Hosey	Jones	Jordan
King	Kirby	Landing
Lastinger	Lawson	Lowe
Martin	McDaniel	J. Moore
T. Moore	Moss	Neese
B. Newton	W. Newton	Pope

[HJ]

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Reese	Rivers	Rose
Rutherford	Sanders	Schuessler
Scott	G. M. Smith	M. M. Smith
Stavrinakis	Taylor	Teeple
Vaughan	Waters	Weeks
Wetmore	Wickensimer	Williams
Willis	Wooten	Yow

Total--75

Those who voted in the negative are:

Beach	Burns	Chumley
Crawford	Cromer	Duncan
Edgerton	Ford	Frank
Gilliam	Gilreath	Hardee
Harris	Hartz	Huff
J. E. Johnson	Kilmartin	Long
Magnuson	McCabe	McCrary
C. Mitchell	D. Mitchell	Morgan
Oremus	Terrible	White
Whitmire		

Total--28

So, the amendment was tabled.

Rep. PACE proposed the following Amendment No. 6 to H. 4270 (LC-4270.CM0001H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 30-2-60 and inserting:

Section 30-2-60. Eviction filings and records made pursuant to Section 27-40-10 or 27-37-10, ~~including those concluded by Orders of Eviction or Writ of Ejectment,~~ for cases resolved by settlement, or resolved by subsequent payment for the judgment that satisfied any debt that include personal information of a defendant, must be removed from the public index and any publicly accessible files available for public record five years after the final disposition or filing if no disposition is recorded. Court records more than five years old must be automatically removed from public index records specified herein.

Re-number sections to conform.

Amend title to conform.

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Rep. MAGNUSON explained the amendment.

Rep. BERNSTEIN moved to table the amendment.

Rep. MAGNUSON demanded the yeas and nays which were taken, resulting as follows:

Yeas 70; Nays 30

Those who voted in the affirmative are:

Alexander	Anderson	Bannister
Bauer	Bernstein	Bowers
Bradley	Brewer	Calhoon
Caskey	Clyburn	Cobb-Hunter
Collins	Cox	Davis
Dillard	Erickson	Garvin
Gibson	Gilliam	Gilliard
Govan	Grant	Guffey
Haddon	Hart	Hartnett
Hayes	Henderson-Myers	Herbkersman
Hewitt	Hiott	Hixon
Holman	Hosey	Jones
King	Kirby	Ligon
Lowe	Luck	Martin
McDaniel	J. Moore	T. Moore
Moss	Neese	B. Newton
W. Newton	Pope	Reese
Rivers	Rose	Rutherford
Schuessler	Scott	G. M. Smith
M. M. Smith	Stavrinakis	Taylor
Teeple	Vaughan	Waters
Weeks	Wetmore	Wickensimer
Williams	Willis	Wooten
Yow		

Total--70

Those who voted in the negative are:

Beach	Burns	Chapman
Chumley	Crawford	Cromer
Duncan	Edgerton	Ford
Frank	Gilreath	Hager

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Harris	Hartz	Huff
J. E. Johnson	Kilmartin	Lastinger
Lawson	Long	Magnuson
McCabe	McCrary	D. Mitchell
Morgan	Oremus	Sanders
Terribile	White	Whitmire

Total--30

So, the amendment was tabled.

Rep. FRANK spoke against the Bill.

Rep. MCCABE spoke against the Bill.

Rep. CROMER spoke against the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 77; Nays 23

Those who voted in the affirmative are:

Alexander	Anderson	Bannister
Bauer	Bernstein	Bowers
Bradley	Bustos	Calhoon
Caskey	Chapman	Clyburn
Cobb-Hunter	Collins	Cox
Davis	Dillard	Erickson
Forrest	Garvin	Gilliard
Govan	Grant	Guffey
Haddon	Hager	Hart
Hartnett	Hartz	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Holman
Hosey	J. L. Johnson	Jones
Jordan	King	Kirby
Landing	Lastinger	Ligon
Lowe	Luck	Martin
McDaniel	J. Moore	T. Moore
Neese	B. Newton	W. Newton
Oremus	Pope	Reese
Rivers	Rose	Rutherford

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Schuessler	Scott	Sessions
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Teeple	Vaughan
Waters	Weeks	Wetmore
Wickensimer	Williams	Willis
Wooten	Yow	

Total--77

Those who voted in the negative are:

Beach	Chumley	Crawford
Cromer	Duncan	Edgerton
Frank	Gibson	Gilliam
Gilreath	Harris	Kilmartin
Long	Magnuson	McCabe
McCravy	C. Mitchell	D. Mitchell
Morgan	Moss	Terribile
White	Whitmire	

Total--23

So, the Bill, as amended, was read the second time and ordered to third reading.

OBJECTION TO MOTION

Rep. SCHUESSLER asked unanimous consent that H. 4270 be read a third time tomorrow.

Rep. CROMER objected.

H. 3197--DEBATE ADJOURNED

The following Bill was taken up:

H. 3197 -- Reps. Erickson, G. M. Smith, Wooten, Pope, Martin, W. Newton, Grant, Robbins, Vaughan, Alexander, Govan, Hartnett, Henderson-Myers, Kirby, Gilliard, Rivers and Waters: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-485 SO AS TO ESTABLISH A STATEWIDE WORKFORCE READINESS GOAL; BY ADDING SECTION 59-29-245 SO AS TO PROVIDE REMEDIATION IN COURSES IN LITERACY AND MATHEMATICS TO HIGH SCHOOL SENIORS SEEKING POST-SECONDARY STUDIES BUT LACKING

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REQUISITE ACADEMIC PREPARATION, TO PROVIDE THIS COURSEWORK MAY BE USED TO MEET HIGH SCHOOL GRADUATION REQUIREMENTS, AND TO PROVIDE RELATED IMPLEMENTATION REQUIREMENTS OF THE STATE DEPARTMENT OF EDUCATION, STATE BOARD OF EDUCATION, AND THE STATE TECHNICAL COLLEGE SYSTEM; BY ADDING SECTION 59-39-105 SO AS TO PROVIDE HIGH SCHOOL SENIORS SHALL COMPLETE AND SUBMIT A FREE APPLICATION FOR FEDERAL STUDENT AID BEFORE GRADUATING FROM HIGH SCHOOL, TO PROVIDE EXEMPTIONS, TO PROVIDE RELATED REQUIREMENTS FOR THE IMPLEMENTATION OF THESE PROVISIONS, AND TO MAKE THESE PROVISIONS APPLICABLE BEGINNING WITH THE 2026-2027 SCHOOL YEAR; BY AMENDING SECTION 59-26-35, RELATING TO EDUCATOR PREPARATION PROGRAM EVALUATIONS AND THE SOUTH CAROLINA EDUCATOR PREPARATION REPORT CARD, SO AS TO TRANSFER PRIMARY RESPONSIBILITY FOR CONDUCTING THESE EVALUATIONS AND PRODUCING THIS REPORT CARD TO THE STATE DEPARTMENT OF EDUCATION, AMONG OTHER THINGS; AND BY ADDING SECTION 41-1-140 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL MAINTAIN AND PROVIDE FREE ONLINE ACCESS TO INFORMATION REGARDING THE ECONOMIC VALUE OF COLLEGE MAJORS, AMONG OTHER THINGS.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

H. 5057--DEBATE ADJOURNED

The following Bill was taken up:

H. 5057 -- Reps. Ballentine, Cobb-Hunter, Taylor, Gilliard, Rivers and Waters: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-150-420 SO AS TO PROVIDE THAT LOTTERY RETAILERS MAY USE CERTAIN LOTTERY TICKET VENDING MACHINES; AND BY AMENDING SECTION 12-21-2710, RELATING TO TYPES OF MACHINES AND DEVICES

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PROHIBITED BY LAW, SO AS TO PROVIDE FOR AN EXCEPTION.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

H. 5018--ORDERED TO THIRD READING

The following Bill was taken up:

H. 5018 -- Rep. G. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-1-1210, RELATING TO ANNUAL SALARIES OF CERTAIN STATE OFFICERS, SO AS TO PROVIDE THAT SALARIES OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR MUST BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 8-11-160, RELATING TO THE AGENCY HEAD SALARY COMMISSION AND SALARY INCREASES FOR AGENCY HEADS, SO AS TO PROVIDE THAT SALARIES OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR MUST BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION TO THE GENERAL ASSEMBLY, AND TO REQUIRE THE COMMISSION TO AUTHORIZE A STUDY EVERY FOUR YEARS TO RECOMMEND SALARY RANGES FOR THE GOVERNOR AND LIEUTENANT GOVERNOR; AND BY AMENDING SECTION 8-11-165, RELATING TO THE AGENCY HEAD SALARY COMMISSION AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO MAKE CONFORMING CHANGES.

Rep. BANNISTER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 10

Those who voted in the affirmative are:

Alexander	Anderson	Bailey
Bannister	Bauer	Beach
Bernstein	Bowers	Bradley
Brewer	Burns	Bustos
Calhoon	Caskey	Chapman
Chumley	Clyburn	Cobb-Hunter

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Collins	Cox	Crawford
Davis	Dillard	Duncan
Edgerton	Erickson	Forrest
Garvin	Gibson	Gilliam
Gilliard	Govan	Grant
Guest	Guffey	Haddon
Hager	Hart	Hartnett
Hartz	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Huff	J. E. Johnson	Jones
Jordan	Kirby	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Luck
Magnuson	Martin	McCrary
C. Mitchell	D. Mitchell	J. Moore
T. Moore	Moss	Neese
B. Newton	Oremus	Pope
Reese	Rivers	Robbins
Rose	Rutherford	Sanders
Schuessler	Scott	Sessions
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Teeple	Terrible
Vaughan	Waters	Weeks
Wetmore	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

Total--97

Those who voted in the negative are:

Cromer	Ford	Frank
Gilreath	Harris	Kilmartin
King	McCabe	Morgan
White		

Total--10

So, the Bill was read the second time and ordered to third reading.

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**H. 5018--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. B. NEWTON, with unanimous consent, it was ordered that H. 5018 be read the third time tomorrow.

S. 831--DEBATE ADJOURNED

The following Bill was taken up:

S. 831 -- Senators Grooms, Jackson, Kimbrell, Sutton and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-1-25 SO AS TO ESTABLISH A COORDINATING COUNCIL FOR TRANSPORTATION AND MOBILITY AND DEFINE ITS MEMBERSHIP, POWERS, AND RESPONSIBILITIES; BY AMENDING SECTION 57-1-360, RELATING TO THE CHIEF INTERNAL AUDITOR, SO AS TO CLARIFY QUALIFICATIONS AND SCOPE OF ACTIVITIES; BY AMENDING SECTION 57-1-370, RELATING TO THE DEVELOPMENT OF A LONG-RANGE STATEWIDE TRANSPORTATION PLAN, SO AS TO MANDATE THAT THE DEPARTMENT OF TRANSPORTATION IS RESPONSIBLE FOR DEVELOPING THE PLAN; BY AMENDING SECTION 57-3-20, RELATING TO RESPONSIBILITIES AND DUTIES OF THE DEPUTY SECRETARIES, SO AS TO PROVIDE FOR THE RESPONSIBILITIES AND DUTIES OF THE DEPUTY SECRETARIES; BY ADDING SECTION 57-3-205 SO AS TO ALLOW THE DEPARTMENT TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS; BY AMENDING SECTION 57-3-615, RELATING TO HIGHWAY TOLLS AND USAGE, SO AS TO ALLOW THE IMPOSITION OF TOLLS IN CERTAIN SITUATIONS; BY ADDING SECTION 57-3-790 SO AS TO WAIVE THE STATE'S IMMUNITY; BY ADDING SECTION 57-3-800 SO AS TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO RECIPROCAL AGREEMENTS WITH OTHERS TO ENFORCE TOLL VIOLATIONS; BY AMENDING SECTION 57-5-820, RELATING TO THE CONSENT OF A MUNICIPALITY TO WORK ON STATE HIGHWAYS, SO AS TO PROVIDE FOR CANCELLATION OF PROJECTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 57-5-830, RELATING TO THE ASSENT OF MUNICIPALITY TO PLANS, SO AS TO PROVIDE THAT COSTS CAUSED BY AN UNREASONABLE DELAY ARE THE RESPONSIBILITY OF THE

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MUNICIPALITY; BY ADDING SECTION 57-5-105 SO AS TO IDENTIFY AND TRANSFER OWNERSHIP OF NON-ESSENTIAL ROADS TO THE STATE HIGHWAY SYSTEM; BY ADDING SECTION 57-5-1085 SO AS TO IMPOSE FEES ON NEW DEVELOPMENTS WITHIN THE STATE IN ORDER TO MITIGATE CONGESTION CAUSED BY ADDITIONAL TRAFFIC; BY AMENDING SECTION 57-5-1320, RELATING TO TURNPIKE PROJECT DEFINITIONS, SO AS TO INCLUDE NONTAX REVENUES OR OTHER LEGALLY AVAILABLE FUNDS AS A SOURCE FOR FUNDING TURNPIKE FACILITIES; BY AMENDING SECTION 57-5-1330, RELATING TO GENERAL POWERS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO ALLOW THE DEPARTMENT TO CONTRACT WITH OTHER POLITICAL SUBDIVISIONS IN DESIGNATING, ESTABLISHING, PLANNING, ABANDONING, FINANCING, IMPROVING, CONSTRUCTING, MAINTAINING, AND REGULATING TURNPIKE FACILITIES; BY AMENDING SECTION 57-5-1335, RELATING TO THE FEASIBILITY STUDIES, SO AS TO REQUIRE THE DEPARTMENT TO COMPLETE A FEASIBILITY STUDY PRIOR TO A BRIDGE CONSTRUCTION QUALIFYING AS TURNPIKE FACILITY; BY AMENDING SECTION 57-5-1340, RELATING TO ADDITIONAL POWERS OF THE DEPARTMENT, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1350, RELATING TO A REQUEST FOR AN ISSUANCE OF TURNPIKE BONDS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1360, RELATING TO POWERS AND DUTIES OF THE STATE FISCAL ACCOUNTABILITY AUTHORITY UPON RECEIPT OF REQUEST, SO AS TO PROVIDE THAT A RESOLUTION APPROVING ANY PROPOSED TURNPIKE BONDS MAY NOT BE ADOPTED UNLESS THE STATE BOARD CONDUCTS A HEARING BEFORE APPROVAL; BY AMENDING SECTION 57-5-1380, RELATING TO TURNPIKE REVENUE PLEDGED FOR PAYMENT OF BONDS, SO AS TO CLARIFY THAT TURNPIKE BONDS ISSUED BY THIS ARTICLE DO NOT CONSTITUTE AN INDEBTEDNESS OF THE STATE; BY AMENDING SECTION 57-5-1390, RELATING TO BOND INTEREST, MATURITY, AND REDEMPTION, SO AS TO UPDATE TERMS; BY AMENDING SECTION 57-5-1400, RELATING TO THE SALE OF BONDS AND EXPENSES INCIDENT TO SALE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1410, RELATING TO

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THE EXECUTION OF BONDS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1420, RELATING TO THE APPLICATION OF BOND PROCEEDS, SO AS TO PROVIDE THAT THE PROCEEDS DERIVED FROM THE SALE OF TURNPIKE BONDS MUST BE APPLIED ONLY TO THE PURPOSES AUTHORIZED BY THIS ARTICLE AND PROVIDED IN THE BOND RESOLUTION; BY AMENDING SECTION 57-5-1430, RELATING TO DENOMINATIONS OF TURNPIKE BONDS, SO AS TO PROVIDE THAT TURNPIKE BONDS MUST EACH BE IN THE DENOMINATION OF ONE THOUSAND OR FIVE THOUSAND DOLLARS OR SOME MULTIPLE THEREOF OR SUCH LARGER DENOMINATIONS AS MAY BE AUTHORIZED BY THE AUTHORITY IN THE BOND RESOLUTION; BY AMENDING SECTION 57-5-1440, RELATING TO THE FORM OF BONDS, SO AS TO REMOVE THE PROVISION THAT TURNPIKE BONDS ISSUED PURSUANT TO THIS ARTICLE MAY BE IN THE FORM OF NEGOTIABLE COUPON BONDS, PAYABLE TO BEARER; BY AMENDING SECTION 57-5-1450, RELATING TO THE RESOLUTION TO ISSUE BONDS, SO AS TO PROVIDE THAT THE DEPARTMENT AND THE AUTHORITY MAY RELY ON THE WORK PRODUCT OF THIRD-PARTY PROFESSIONALS TO PROVIDE FINANCIAL, FEASIBILITY, OR PRACTICABILITY STUDIES RELATED TO THE TURNPIKE FACILITIES; BY AMENDING SECTION 57-5-1460, RELATING TO THE POWERS AND DUTIES OF THE GOVERNOR AND THE STATE TREASURER UPON RECEIPT OF THE BOND RESOLUTION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1480, RELATING TO THE PROVISION THAT IT IS LAWFUL FOR FIDUCIARIES AND SINKING FUND COMMISSIONS TO INVEST IN TURNPIKE BONDS; BY AMENDING SECTION 57-5-1490, RELATING TO PENALTIES FOR FAILURE TO PAY TOLLS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1495, RELATING TO THE COLLECTION OF TOLLS, SO AS TO CHANGE THE DEFINITION OF "ELECTRONIC TOLL COLLECTION SYSTEM" AND ADD THAT A CERTIFICATE THAT A TOLL VIOLATION HAS OCCURRED BASED UPON ELECTRONIC MEANS IS PRIMA FACIE EVIDENCE OF THE VIOLATION; BY ADDING SECTION 57-5-1710 SO AS TO ALLOW THE DEPARTMENT TO USE PHASED DESIGN-BUILD AS A PROJECT DELIVERY METHOD AND PROSCRIBE THE PROCEDURE FOR ENTERING INTO A

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PHASED DESIGN-BUILD CONTRACT; BY ADDING SECTION 57-5-1720 SO AS TO ALLOW THE DEPARTMENT TO AWARD HIGHWAY CONSTRUCTION CONTRACTS USING A CONSTRUCTION MANAGER/GENERAL CONTRACTOR PROCEDURE; BY AMENDING SECTION 57-11-210, RELATING TO DEFINITIONS PERTAINING TO STATE HIGHWAY BONDS, SO AS TO DEFINE "ALTERNATIVE FUEL FEES"; BY AMENDING SECTION 56-3-645, RELATING TO ALTERNATIVE FUEL FEES FOR VEHICLES POWERED BY ELECTRICITY, HYDROGEN, AND FUELS OTHER THAN MOTOR FUEL, SO AS TO INCREASE FEES, PROVIDE FOR ADJUSTMENT OF THE FEES, AND TO CREDIT THE FEES TO THE STATE HIGHWAY FUND; BY AMENDING SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO DESIGNATE THE SECRETARY OF TRANSPORTATION AS AN EX OFFICIO MEMBER; BY AMENDING SECTION 11-35-710, RELATING TO EXEMPTIONS IN THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, SO AS TO INCLUDE AN EXEMPTION FOR THE PURCHASE AND MANAGEMENT OF INFORMATION TECHNOLOGY BY THE DEPARTMENT OF TRANSPORTATION; BY ADDING SECTION 12-28-315 SO AS TO PRESCRIBE A USER FEE ON ELECTRICITY CONSUMED WHEN USING A PUBLICLY ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION; BY AMENDING SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF A GASOLINE USER FEE AMONG COUNTIES, REQUIREMENTS FOR THE EXPENDITURE OF FUNDS, AND COUNTY TRANSPORTATION COMMITTEES, SO AS TO PROVIDE FOR THE POWERS AND RESPONSIBILITIES OF THE COUNTY TRANSPORTATION COMMITTEES AND PROCEDURES FOR USING "C" FUNDS REVENUES; AND BY AMENDING SECTION 12-28-2920, RELATING TO CONSTRUCTION OF TOLL ROADS, SO AS TO DEFINE HOW FUNDS DERIVED FROM TOLLS MAY BE USED.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

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H. 5071--DEBATE ADJOURNED

The following Bill was taken up:

H. 5071 -- Reps. Erickson, Crawford, G. M. Smith, Willis, Kirby, Garvin, Hixon, Montgomery, Martin, Brewer, Teeple, Bradley, Gilliam, Robbins, Hiott, B. Newton, Rankin, Hager, Sessions, Hewitt, Landing, Bowers, Wooten, Guffey, Taylor, Hartz, Oremus, Forrest, Guest, Vaughan, Davis, J. E. Johnson, Bannister, W. Newton, Pope, Jordan, Haddon, Herbkersman, Brittain, M. M. Smith, Ligon, Gagnon, McGinnis, C. Mitchell, Pedalino, Stavrinakis, Chapman and Gilreath: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-1-410, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNOR SHALL APPOINT THE SECRETARY INSTEAD OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION; BY AMENDING SECTION 1-30-10, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING BODIES, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT PART OF THE GOVERNING BODY OF THE DEPARTMENT OF TRANSPORTATION IS A SEVEN-MEMBER COMMISSION; BY AMENDING SECTION 1-30-105, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION IS THE SECRETARY OF TRANSPORTATION; BY AMENDING SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO REMOVE THE CHAIRMAN OF THE DEPARTMENT OF TRANSPORTATION COMMISSION AS A DIRECTOR, AND TO PROVIDE THAT THE SECRETARY OF TRANSPORTATION IS A MEMBER OF THE BOARD; BY AMENDING SECTIONS 57-1-10, 57-1-40, 57-1-370, AND 57-1-430, ALL RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO ELIMINATE THE DEPARTMENT OF TRANSPORTATION COMMISSION AND ITS RESPONSIBILITIES, TO ALLOW THE GOVERNOR TO APPOINT THE SECRETARY OF TRANSPORTATION AND REQUIRE THE DEPARTMENT OF TRANSPORTATION SUBMIT TO THE

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GENERAL ASSEMBLY AN ITEMIZED PROJECT LIST TO BE FUNDED FOR THE FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY WOULD ENACT ITS ANNUAL GENERAL APPROPRIATIONS ACT; BY AMENDING SECTION 57-3-50, RELATING TO THE ESTABLISHMENT OF HIGHWAY DISTRICTS, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "COMMISSION"; BY AMENDING SECTION 57-1-90, RELATING TO MOTORCYCLES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-3-210, RELATING TO THE DEPARTMENT OF TRANSPORTATION CONTRACTING WITH PUBLIC TRANSIT SYSTEMS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-3-700, RELATING TO THE DEPARTMENT OF TRANSPORTATION SERVING AS AN AGENT FOR COUNTIES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-5-50, RELATING TO THE TRANSFER OF CERTAIN ROADS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-5-90, RELATING TO BELT LINES AND SPURS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-5-340, RELATING TO THE DISPOSITION OF REAL ESTATE, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTIONS 57-13-10, 57-13-20, 57-13-40, AND 57-13-50, ALL RELATING TO BRIDGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-25-120, RELATING TO DEFINITIONS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTIONS 57-25-140, 57-25-150, 57-25-170, 57-25-200, AND 57-25-210, ALL RELATING TO SIGNS ALONG THE HIGHWAYS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTIONS 57-1-310 AND 57-1-330, BOTH RELATING TO THE COMPOSITION OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO REMOVE AT-LARGE MEMBERS; BY AMENDING ARTICLE 9, CHAPTER 5, TITLE 57, RELATING TO TURNPIKE PROJECTS, SO AS TO AUTHORIZE CERTAIN DESIGNATIONS OF TURNPIKE FACILITIES, TO PROVIDE THAT TURNPIKE BONDS ARE SPECIAL LIMITED OBLIGATIONS OF THE STATE AS SPECIFIED IN THE BOND RESOLUTION, AND TO MAKE CONFORMING CHANGES; BY ADDING SECTION 57-1-25 SO AS TO ESTABLISH THE COORDINATING COUNCIL FOR TRANSPORTATION AND MOBILITY AND TO SET FORTH ITS DUTIES AND

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MEMBERSHIP; BY ADDING SECTION 57-5-105 SO AS TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO TRANSFER OWNERSHIP OF CERTAIN NONESSENTIAL ROADS, TO ESTABLISH THE SYSTEM REALIGNMENT FUND TO AID IN THE TRANSFER, AND TO PROVIDE ADDITIONAL AUTHORITIES TO COUNTIES IN WHICH ALL SUCH NONESSENTIAL ROADS HAVE BEEN TRANSFERRED; BY AMENDING SECTION 57-1-360, RELATING TO THE CHIEF INTERNAL AUDITOR OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO AUTHORIZE A CERTIFIED INTERNAL AUDITOR AND A CERTIFIED FRAUD EXAMINER TO HOLD THE POSITION; BY AMENDING SECTION 57-3-20, RELATING TO THE DIVISION DEPUTY DIRECTORS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO DESIGNATE SUCH OFFICIALS AS DEPUTY SECRETARIES AND TO ESTABLISH THE DEPUTY SECRETARY FOR PLANNING; BY AMENDING SECTION 11-35-710, RELATING TO CERTAIN TRANSPORTATION EXEMPTIONS TO THE PROCUREMENT CODE, SO AS TO FURTHER DEFINE THE EXEMPTIONS; BY ADDING SECTIONS 57-5-1710 AND 57-5-1720 SO AS TO PROVIDE FOR PHASED DESIGN-BUILD CONTRACTORS AND CONSTRUCTION MANAGER/GENERAL CONTRACTORS; BY ADDING SECTION 57-3-790 SO AS TO SPECIFY THE CONDITIONS IN WHICH THE STATE WAIVES ITS IMMUNITY UNDER THE ELEVENTH AMENDMENT OF THE UNITED STATES CONSTITUTION; BY AMENDING SECTIONS 57-5-820 AND 57-5-830, BOTH RELATING TO MUNICIPALITIES AND ROADWORK, SO AS TO SPECIFY PROCEDURES WHEN A MUNICIPALITY OBJECTS TO CERTAIN ROADWORK; BY AMENDING SECTION 57-3-615, RELATING TO HIGHWAY TOLLS, SO AS TO SPECIFY THE CONDITIONS UNDER WHICH A TOLL MAY BE IMPOSED ON A STATE HIGHWAY; BY ADDING SECTIONS 57-3-240 AND 57-3-250 SO AS TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO RECIPROCAL AGREEMENTS WITH OTHER JURISDICTIONS AND PUBLIC-PRIVATE PARTNERSHIPS, AND TO SPECIFY CONDITIONS OF SUCH AGREEMENTS; BY AMENDING SECTION 12-28-2740, RELATING TO "C" FUNDS, SO AS TO INCREASE THE AMOUNT OF SUCH FUNDS, TO SPECIFY THE MEMBERSHIP AND RESPONSIBILITIES OF COUNTY TRANSPORTATION COMMITTEES, TO PROVIDE FOR

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BONDING OF "C" FUNDS, TO DELETE PROVISIONS, AND TO PROVIDE FOR A CRIME REGARDING UNDUE INFLUENCE ON CERTAIN OFFICIALS; BY AMENDING SECTION 12-28-2920, RELATING TO TOLLS, SO AS TO SPECIFY WHEN TOLL REVENUES MAY BE EXPENDED; BY AMENDING SECTION 56-3-645, RELATING TO A ROAD USE FEE, SO AS TO INCREASE THE AMOUNT OF THE ALTERNATE FUEL FEE AND CREDIT THE REVENUE TO THE STATE HIGHWAY FUND; BY ADDING SECTION 12-28-360 SO AS TO IMPOSE A TAX ON ELECTRICITY CONSUMED WHEN USING CERTAIN PUBLIC VEHICLE CHARGING STATIONS; AND BY AMENDING SECTION 57-11-210, RELATING TO DEFINITIONS FOR PURPOSES OF STATE HIGHWAY BONDS, SO AS TO DEFINE "ALTERNATIVE FUEL FEES".

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

H. 4382--DEBATE ADJOURNED

The following Bill was taken up:

H. 4382 -- Rep. Sessions: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-398, RELATING TO THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE; SO AS TO REQUIRE THAT MANUFACTURERS OF THESE PRODUCTS PAY MONTHLY FEES ASSOCIATED WITH DATA COLLECTION AND TO ESTABLISH A PENALTY FOR FAILURE OF MANUFACTURERS TO COMPLY.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

H. 5216--DEBATE ADJOURNED

The following Bill was taken up:

H. 5216 -- Reps. Chapman, Brewer, Sessions, Gagnon, Sanders, Hager, Vaughan, Ligon, M. M. Smith, Kirby and Teeple: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-10-30, RELATING TO THE ADOPTION OF THE 2009 EDITION OF THE ENERGY CONSERVATION

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CODE, SO AS TO LIMIT ITS APPLICATION TO CONSTRUCTION FALLING WITHIN THE SCOPE OF THE INTERNATIONAL RESIDENTIAL CODE; AND BY AMENDING SECTION 6-10-40, RELATING TO APPEAL BY LOCAL JURISDICTION FOR VARIANCE TO THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO REQUIRE THAT STATEWIDE MODIFICATIONS NOT FALLING WITHIN THE SCOPE OF THE INTERNATIONAL RESIDENTIAL CODE MAY BE MADE IN THE SAME MANNER AS OTHER BUILDING CODES.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

H. 5309--DEBATE ADJOURNED

The following Bill was taken up:

H. 5309 -- Reps. Erickson, Hartnett and Henderson-Myers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 64 TO TITLE 59 SO AS TO ENACT THE "INTERSTATE TEACHER MOBILITY COMPACT," TO PROVIDE THE STATE OF SOUTH CAROLINA HEREBY ENTERS THE COMPACT WITH ANY AND ALL STATES LEGALLY JOINING THEREIN ACCORDING TO THE TERMS OF THE COMPACT, AND TO ADOPT THE TERMS OF THE COMPACT IN ITS SUBSTANTIAL FORM.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

H. 3597--DEBATE ADJOURNED

The following Bill was taken up:

H. 3597 -- Reps. Robbins, T. Moore, Pope, W. Newton, C. Mitchell, Calhoon and Edgerton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-25-65, RELATING TO THE REDUCTION OF A SENTENCE FOR SUBSTANTIAL ASSISTANCE TO THE STATE, SO AS TO REQUIRE NOTICE TO THE ARRESTING LAW ENFORCEMENT AGENCY AND ANY VICTIMS, TO REQUIRE A HEARING WITH FINDINGS OF FACT IN A WRITTEN ORDER, TO REQUIRE VERIFICATION OF SUBSTANTIAL ASSISTANCE BY LAW

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ENFORCEMENT OR THE CORRECTIONAL FACILITY, AND TO ALLOW REDUCTION OF MANDATORY MINIMUM SENTENCES IN THE DISCRETION OF THE JUDGE.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

H. 4641--DEBATE ADJOURNED

The following Bill was taken up:

H. 4641 -- Reps. Pope, Gilliam, Wooten, Oremus, Chapman, McCravy, B. Newton, Martin, White, Schuessler, Ford, Jordan, M. M. Smith, Robbins, Gatch, Duncan, Lastinger, Ligon and Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I CONTROLLED SUBSTANCES, SO AS TO ADD KRATOM TO THE CONTROLLED SUBSTANCES LISTED IN SCHEDULE I; AND BY REPEALING ARTICLE 20 OF CHAPTER 53, TITLE 44 RELATING TO THE SOUTH CAROLINA KRATOM CONSUMER PROTECTION ACT.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

LEAVE OF ABSENCE

ACTING SPEAKER HIOTT granted Rep. LUCK a leave of absence for the remainder of the day.

H. 5288--DEBATE ADJOURNED

The following Bill was taken up:

H. 5288 -- Reps. J. E. Johnson, Brittain, Yow, Guest, Haddon, Jordan, Robbins, Wickensimer, C. Mitchell, Calhoon, W. Newton, Erickson and Kirby: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-13-136 SO AS TO DEFINE NECESSARY TERMS, CREATE CARGO THEFT OFFENSES, AND PROVIDE PENALTIES FOR THE OFFENSES.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

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H. 5504--DEBATE ADJOURNED

The following Bill was taken up:

H. 5504 -- Reps. Crawford, G. M. Smith, Teeple and C. Mitchell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "FOREIGN INFLUENCE OPERATIONS OUT OF AMERICAN EDUCATION ACT" BY ADDING SECTION 59-101-425 SO AS TO PROHIBIT PUBLIC INSTITUTIONS OF HIGHER LEARNING FROM SOLICITING OR ACCEPTING CERTAIN GIFTS OR TRAVEL FROM FOREIGN ADVERSARY NATIONS, FOREIGN PRINCIPALS, OR FOREIGN TERRORIST ORGANIZATIONS, TO RESTRICT FOREIGN INFLUENCE ON HIRING, CURRICULUM, AND CAMPUS ORGANIZATIONS, AND TO REQUIRE DISCLOSURE OF GIFTS AND CONTRACTS FROM FOREIGN COUNTRIES AND FOREIGN PRINCIPALS TO THE OFFICE OF THE STATE TREASURER.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

S. 454--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 454 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-40-40, RELATING TO DEFINITIONS PERTAINING TO CHARTER SCHOOLS, SO AS TO CHANGE REFERENCES FROM "SPONSOR" TO "AUTHORIZER" AND TO PROVIDE OTHER DEFINITIONS; BY AMENDING SECTION 59-40-50, RELATING TO EXEMPTIONS, SO AS TO REQUIRE A CHARTER SCHOOL TO POST THEIR ANNUAL AUDIT ON THEIR WEBSITE AND TO NOTIFY AND PROVIDE A COPY OF ANY EDUCATION MANAGEMENT CONTRACTS TO THE AUTHORIZER; BY AMENDING SECTION 59-40-55, RELATING TO AUTHORIZER POWERS AND DUTIES AND THE RETENTION OF FUNDS, SO AS TO REQUIRE THE AUTHORIZER TO ADOPT AND IMPLEMENT POLICIES, PROCEDURES, AND PRACTICES THAT ENSURE GOOD GOVERNANCE AND ACCOUNTABILITY; BY AMENDING SECTION 59-40-60, RELATING TO CHARTER APPLICATIONS AND COMMITTEES, SO AS TO EXPAND THE CHARTER SCHOOL APPLICATION TO INCLUDE ANY

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PROPOSED CHARTER OR EDUCATION MANAGEMENT CONTRACTS CONTEMPLATED BY THE CHARTER SCHOOL; BY AMENDING SECTION 59-40-70, RELATING TO APPLICATION REQUIREMENTS AND PROCEDURES, SO AS TO SET A TIME FRAME TO HOLD A PUBLIC HEARING ON THE APPLICATION FOR A CHARTER SCHOOL; BY AMENDING SECTION 59-40-75, RELATING TO THE REMOVAL OF AN AUTHORIZER OR MEMBER OF A DISTRICT OR GOVERNING BOARD, SO AS TO REQUIRE THE GOVERNOR TO VACATE THE SEAT OF A MEMBER OF AN AUTHORIZER OR CHARTER SCHOOL GOVERNING BOARD WHO IS INDICTED FOR A CRIME; AND TO ALLOW THE GOVERNOR TO REMOVE A MEMBER FOR CHRONIC UNEXCUSED ABSENTEEISM, MEDICAL INCOMPETENCY, OR MEDICAL INCAPACITY; BY AMENDING SECTION 59-40-90, RELATING TO APPEALS TO THE ADMINISTRATIVE LAW COURT, SO AS TO ALLOW AN APPEAL FOR ANY FINAL DECISION MADE PURSUANT TO THIS CHAPTER BE MADE TO THE ADMINISTRATIVE LAW COURT; BY AMENDING SECTION 59-40-115, RELATING TO TERMINATION OF A CONTRACT WITH AN AUTHORIZER, SO AS TO ALLOW A CHARTER SCHOOL TO TERMINATE ITS CHARTER AND CONTRACT WITH AN AUTHORIZER UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 59-40-150, RELATING TO THE DUTIES OF THE DEPARTMENT OF EDUCATION, SO AS TO ESTABLISH THE DUTIES OF THE DEPARTMENT OF EDUCATION TO SERVE AS THE STATE EDUCATION AGENCY FOR EACH AUTHORIZER AND ANNUALLY REVIEW THE POLICIES, PROCEDURES, AND PERFORMANCE OF EACH AUTHORIZER FOR COMPLIANCE; AND BY AMENDING SECTION 59-40-180, RELATING TO REGULATIONS AND GUIDELINES, SO AS TO CLARIFY THAT GUIDELINES WILL BE APPLICABLE TO NEW AUTHORIZERS AND CHARTER SCHOOLS.

The Committee on Education and Public Works proposed the following Amendment No. 1S. 454 (LC-454.WAB0001H):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-40-40(4) and inserting:

(4) “~~Sponsor~~Authorizer” means ~~the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, as provided by law, a public~~

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~~institution of higher learning or a nonprofit association directly affiliated with a public institution of higher learning as defined in Section 59-103-5, or an independent institution of higher learning or a nonprofit association directly affiliated with an independent institution of higher learning as defined in Section 59-113-50; a local or statewide authorizer~~ from which the charter school applicant requested its charter and which granted approval for the charter school's existence. ~~Only those public or independent institutions of higher learning, as defined in this subsection, who register and apply with the South Carolina Department of Education may serve as charter school sponsorsauthorizers, and the department~~ ~~Department of Education shall maintain a directory of those institutions.~~ The ~~sponsor-authorizer~~ of a charter school is the charter school's Local Education Agency (LEA), and a charter school is a school within that LEA. The ~~sponsor-authorizer~~ retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law.

Amend the bill further, SECTION 1, by striking Section 59-40-40(6) and (7) and inserting:

(6) "Noncertified teacher" means an individual considered appropriately qualified for the subject matter taught and who has completed at least one year of study at an accredited college or university and meets the qualifications outlined in Section 59-25-115. An individual whose South Carolina educator certificate has been suspended or revoked shall not be employed as a noncertified teacher during the term of suspension or revocation.

(7) "Charter committee" means the governing body of a charter school formed by the applicant to govern through the application process and until the election of a board of directors is held. After the charter application is approved by the authorizer~~election~~, the board of directors of the corporation must be organized as the governing body and the charter committee ~~is~~shall be dissolved within six months of the school opening for students to attend. The election of the board of directors must be held by November first of the year in which the school opens for students. Failure to hold the election by this date shall result in an immediate revocation of the charter.

Amend the bill further, SECTION 1, by striking Section 59-40-40(13) and inserting:

(13) "Virtual charter school" means a charter school whereby students are taught primarily through online methods, provided, however, that at least twenty-five percent of the instruction in core areas

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must be provided pursuant to South Carolina Regulation 43-601. Any student enrolled in a virtual charter school shall be a resident of a South Carolina school district as provided for in Sections 59-63-30, 59-63-31, 59-63-32, and 59-63-33.

(14) “Higher education authorizer” means a public institution of higher learning as defined in Section 59-103-5 or an independent institution of higher learning as defined in Section 59-113-50 that has been approved to act as an authorizer through an application developed by the South Carolina Board of Education and promulgated by regulation. A higher education authorizer must be in good standing with its accrediting body and must choose to authorize schools.

(15) “Statewide authorizer” means the South Carolina Public Charter School District and higher education authorizers whose geographical boundaries for purposes of student enrollment are those of the state of South Carolina.

(16) “Local Authorizer” means the local school board of trustees in which the charter school is to be located and which authorizes such charter school as provided by law.

Amend the bill further, SECTION 2, by striking Section 59-40-50(B) and inserting:

(B) A charter school ~~must~~:

(1) must adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools operating in the same school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning ~~sponsor~~authorizer, the local school district in which the charter school is located;

(2) must meet, but may exceed, the same minimum student attendance requirements as are applied to public schools;

(3) must adhere to the same financial laws and regulations, financial audits, audit procedures, and audit and procurement requirements as are applied to public schools, obtain approval for a charter amendment from its authorizer prior to entering any agreement to borrow money secured by school property, funds, or other assets, and post its annual budget, to include its operating budget, and audit on its website with other financial information required to be posted by law or regulation. A charter school’s financial statement audit is due to its authorizer no earlier than November first or the next business day, unless the department grants an extension or establishes a grace period for the authorizer;

(4) must maintain a transaction register that includes a complete

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record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register:

(a) must be prominently posted on the district's internet website and made available for public viewing and downloading;

(b) must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure;

(c) must be searchable and updated at least once a month;

(d) must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee; and

(iii) a statement providing a detailed description of the expenditure; and

(b) must not include:

(i) an entry for salary, wages, or other compensation paid to individual employees; and

(ii) any information that can be used to identify an individual employee;

(5) must maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the school and by a management organization contract by the school, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid; however, no personal credit cards may be used by an employee or committee member for purchase related directly to the school or its operations;

~~(4)~~(6) must be considered a school district for purposes of tort liability under South Carolina law, except that the tort immunity does not include acts of intentional or wilful racial discrimination by the governing body or employees of the charter school. Employees of charter schools must be relieved of personal liability for any tort or contract related to their school to the same extent that employees of traditional public schools in their school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning ~~sponsor~~ authorizer, the local school district in which the charter school is located are relieved;

~~(5)~~(7) may, in its discretion, hire noncertified teachers in a ratio of up to twenty-five percent of its entire teacher staff; however, if it is a converted charter school, it shall hire in its discretion noncertified teachers in a ratio of up to ten percent of its entire teacher staff. However,

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in either a new or converted charter school, a teacher teaching in the core academic areas as defined by ~~the federal law No Child Left Behind law~~ must be certified in those areas or possess a baccalaureate or graduate degree in the subject he or she is hired to teach. Part-time noncertified teachers are considered pro rata in calculating this percentage based on the hours which they are expected to teach. Any teacher, regardless of certification status, who resigns, is suspended, or is terminated amid allegations of professional misconduct must be reported to the department by the sponsor;

(8) must perform Department of Social Services Child Abuse and Neglect Registry criminal history record checks as applicable to all public schools for all school personnel, governing board of directors, volunteers, and other individuals who regularly come into contact with students, as defined in Section 59-19-117;

~~(6)(9)~~ must hire or contract for, in its discretion, administrative staff, including a school leader, to oversee the daily operation of the school. The principal or school leader, regardless of title, At least one of the administrative staff must be certified or experienced in the field of school administration and must be physically present onsite each day the school is in operation. A substitute certified administrator must be physically present on-site in the event the principal or school leader is absent for any reason;

~~(7)(10)~~ must 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) or other subsequent federal law. 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 student's IEP or 504 plan. This specialized mission and purpose must be defined in the school's charter and charter contract as approved by the

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~~sponsor/authorizer and as allowed by ESSA or other federal law. 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 proposed 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/authorizer~~. 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 or other federal law with mission-aligned preference and the process clearly described in their charter and charter contract approved by their ~~sponsor/authorizer~~, and there is no appeal to the ~~sponsor/authorizer~~;

~~(8)(11) 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; a charter school may give enrollment priority to 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 returning students excludes those students from entering into a lottery. A charter school also may give priority 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. 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. 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 priority to otherwise eligible~~

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~~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 priority is in addition to the other priorities provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each priority;~~(a) must 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 preference 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) 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 ten percent of the school's total enrollment except for schools meeting the provisions of subitem (f). Dependents of active-duty military members are subject to the enrollment provisions of Section 59-63-33.;~~

~~(d) may enroll 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) may, in the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, give mission-aligned preference may be given to educationally disadvantaged students as specifically defined in their charter and charter contract approved by their authorizer and as allowed by ESSA.;~~

~~(f) may, if in addition, a charter school is located on a federal~~

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

~~(9)~~(12) must consist of a board of directors of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws. Members of a board of directors may serve a term of two years, and may serve additional terms. The charter school's bylaws shall require staggered terms for board members. ~~A choice of the membership of the board~~An election for two or more board positions must take place every two years. Fifty percent of the members of the board as specified by the bylaws must be individuals who have a background in K-12 education or in business, and the bylaws of the charter school also must provide for the manner of selection of these members. In addition, at least fifty percent of the members of the board as specified by the bylaws must be elected by the employees and the parents or guardians of students enrolled in the ~~charter schools~~schools governed by the board. Parents or guardians of each student shall designate one parent or guardian to cast votes on behalf of the student for each election. The parent or guardian shall have one vote per open board seat in the election for each student enrolled in the charter school. Employees of the charter school shall have one vote for each open board seat. Employees who also have at least one child enrolled in the school retain their one vote and may also be designated to cast votes on their children's behalf in the same manner as other parents. All members must be residents of the State of South Carolina. A person who has been convicted of a felony must not be elected to a board of directors. If the board of directors consists of an odd number of members, the extra member must be an individual who has a background in K-12 education or in business. Notice of the election must be posted on its website at least thirty days in advance of the election;

~~(10)~~(13) must be subject to the Freedom of Information Act, including the charter school and its governing body. A board of directors of a charter school shall notify its ~~sponsor~~authorizer of any regular meeting of the board at least forty-eight hours prior to the date on which

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it is to occur;

~~(11)~~(14) must be subject to the ethics and government accountability requirements for public members and public employees as contained in Chapter 13, Title 8. For purposes of this subsection, members of the charter school boards are considered public members and employees of the charter school board, including employees of management organizations assigned to charter schools, are considered public employees. The charter contract in accordance with Section 59-40-60(B) must contain a statement of assurance of ethical compliance on behalf of the school; ~~and~~

~~(12)~~(15) must notify and provide a copy of any executed or amended management organization contracts to the authorizer. Contracts must also be posted in a prominent location on its website;

(16) in the case of schools authorized by a local authorizer, must collect, maintain, and make available to the local authorizer the following information concerning the operation and management of the charter school:

(a) a list of currently serving members of the board of directors of the charter school, including name, address, and term of office; copies of policies approved by the board of directors; board meeting agendas and minutes; a copy of the audited financial statements of the charter school; and a copy of the budget approved by the board of directors and of any amendments to the budget;

(b) annual financial reports submitted to the local authorizer;

(c) curriculum documents and materials;

(d) proof of insurance as required by the contract;

(e) copies of facility leases or deeds, or both, and of any equipment leases;

(f) all health and safety reports and certificates, including those relating to fire safety, environmental matters, asbestos inspection, boiler inspection, and food service; and

(g) any management letters issued as part of the annual financial audit;

(17) must, for charter schools authorized by a local authorizer, require the school to submit its proposed budget to the local district board of trustees of the local authorizer for approval; and

(18) must prominently post on the school's website and make available for public viewing and downloading the most recent versions of the school's bylaws and board policies, including, but not limited to, to the policies and procedures required pursuant to Sections 59-40-60(F)(13) and (14).

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Amend the bill further, SECTION 3, by striking Section 59-40-55(A) and inserting:

(A) In order to promote the quality of charter school outcomes and oversight, the ~~charter school sponsor authorizer shall adopt national industry standards of quality charter schools and shall authorize and implement practices~~ State Department of Education shall establish and implement policies, procedures, and practices to ensure quality authorizing, good governance, and accountability that clearly define the roles and responsibilities of the authorizer consistent with state law ~~are consistent with the authorizer's powers and duties as an LEA and as provided in this chapter. consistent with those standards.~~

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(1), (2), (3), and (4) and inserting:

(1) approve charter applications pursuant to Section 59-40-70 that meet the requirements specified in Sections 59-40-50 and 59-40-60 except that higher education authorizers may choose only to approve those charter applications that meet the requirements of this chapter and align with the mission and strategic plan of the higher education authorizer and the institution of higher education. A local authorizer is not required to approve a charter application;

(2) decline to approve charter applications according to Section 59-40-70(C) or an application submitted by a charter school whose applicant is also a member of the State Board of Education, the Education Oversight Committee, or a local school district board of trustees;

(3) negotiate and execute sound charter contracts with each approved charter school including, but not limited to, specific outcome-based expectations concerning academics, operations, governance, and finance based on the school's charter;

(4) monitor, in accordance with charter contract terms, the performance and legal/fiscal compliance of charter schools with charter-specific state law, Department of Education policies, procedures, and practices and policies adopted by the authorizer's governing board including, but not limited to, include ~~collecting and analyzing data to support ongoing evaluation according to the charter contract;~~

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(6) and inserting:

(6) collect, in accordance with Section 59-40-140(H), an annual report from each of its ~~sponsored-authorized~~ charter schools and submit ~~the reports to the Department of Education~~ the report on the academic and financial performance of each of its authorized charter schools and

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authorizers performance to the State Board of Education in format proscribed by the department before January thirtieth;

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(11) and (12) and inserting:

(11) permanently close any charter school at the conclusion of the school year after receiving the lowest performance level rating as defined by the state and federal accountability system-systems for three consecutive years in accordance with Section 59-40-110(E); however, the first year of a school's operation shall be excluded for purposes of this section-;

(12) within thirty days of submission or execution to the authorizer, post in a prominent location on its website all charter school applications, renewal applications, and any management organization contracts associated with the charter schools;

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(16) and (17) and inserting:

(16) be subject to Section 11-35-5340 of the South Carolina Consolidated Procurement Code or implements a procurement code which, in the written opinion of the Division of Procurement Services of the State Fiscal Accountability Authority, is substantially similar to the provisions and purposes of the South Carolina Consolidated Procurement Code; and

(17) be subject to audits by the Legislative Audit Council. For the purpose of carrying out its audit duties, the Legislative Audit Council shall have access to the records and facilities of each authorizer during the authorizer's normal operating hours, and each authorizer must produce records requested by the Legislative Audit Council. The provisions contained in Chapter 15, Title 2, related to the Legislative Audit Council shall apply to audits conducted pursuant to this section-;

(18) review and monitor the implementation of enrollment procedures submitted by the charter schools pursuant to Section 59-40-55(B)(10) to ensure compliance with the admission requirements established pursuant to Sections 59-40-50(B)(10) and (11);

(19) be subject to the South Carolina Freedom of Information Act; and,

(20) not receive commissions, rebates, or financial incentives related to insurance products purchased by charter schools.

Amend the bill further, SECTION 3, by striking Section 59-40-55(C)(1) and inserting:

~~(C)(1) The South Carolina Public Charter School District may retain no more than two percent of the total state appropriations for each~~

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~~charter school it authorizes to cover the costs for overseeing its charter schools. A statewide authorizer shall only retain or contract to retain two percent of the total state allocation distributed to charter schools, as appropriated annually through the state appropriations process, for each charter school it authorizes for the purpose of carrying out its oversight and administrative responsibilities. With approval by the Department of Education, an authorizer may offer additional services related to charter school operations to charter schools it sponsors authorizes, however the charter school shall be under no obligation to purchase those services from the authorizer. The department must approve the rates charged by the authorizer for any services the authorizer offers to charter schools and may revoke the authorizer's authority to offer or charge fees for such services at any time. A charter school may not be penalized or have its charter revoked based upon their failure to purchase offered services from the authorizer. A charter authorizer offering such services shall post a list of those services and the cost of the service in a prominent place on the authorizer's website. The sponsor's administrative fee amount retained by the authorizer does not include costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor authorizer. The sponsor's fee is not applicable to federal money or grants received by the charter school. The amount authorizers may claim for administration of federal funded programs or grants is subject to the terms and conditions of the federal program or grant. The sponsor authorizer shall use its funding provided pursuant to this section exclusively for the purpose of fulfilling sponsor authorizer obligations in accordance with this chapter.~~

Amend the bill further, SECTION 3, by striking Section 59-40-55(C)(2) and inserting:

~~(2) (a) If the Department of Education determines an authorizer has violated this provision, a written notice of the alleged violation shall be provided to the authorizer. The authorizer shall have thirty calendar days from receipt of the notice to submit documentation and any other relevant evidence demonstrating the authorizer is in compliance with this provision. Upon a determination by the Department of Education that a violation has occurred, the State Superintendent of Education may:~~

~~_____ (1)(i) order reimbursement of improperly charged amounts to the charter schools;~~

~~_____ (2)(ii) revoke the authorizer's authority to charter or authorize schools, and all schools may apply to transfer to a different authorizer using to the process established by the Department of Education pursuant to Section 59-40-55(D); or~~

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~~(3)~~(iii) order other appropriate relief.

(b) The authorizer may file an appeal with the State Board of Education within thirty days of the decision by the State Superintendent of Education to revoke an authorizer's authority to authorize schools. After an appeal is filed, the State Board of Education must hold a public hearing regarding the appeal within fourteen days. All appeals from the State Board of Education's decisions to terminate a public or independent institution of higher learning authorizer registration shall be made to the Administrative Law Court. The authorizer shall not demand or withhold any unspent appropriated funds held by or owed to a charter school that is transferring under the provisions of this section and may not charge fees associated with the school moving to another authorizer.

(c) A charter school authorizer, or an entity affiliated with, or owned or created by, an authorizer, is prohibited from:

(i) contracting with schools or otherwise selling services to schools over which the authorizer has direct oversight, such as financial services;

(ii) using its authority or position as authorizer to influence, induce, or attempt to influence or induce, a charter school to contract for additional services provided by the authorizer;

(iii) using authority or position as an authorizer to unfairly compete with any private entity or enterprise offering similar services to charter schools;

(iv) using state funds, including any funds retained under Section 59-40-55(C)(1) to fund, market, or promote any additional contracted services offered to charter schools in exchange for a fee;

(v) contracting with a charter school to provide services necessary to remedy any alleged noncompliance with the terms of the charter contract or applicable law;

(vi) utilizing state funds, including any funds retained under Section 59-40-55(C)(1), for any purpose not directly related to fulfilling its obligations as an authorizer under this Chapter and pursuant to any other state law or regulation;

(vii) receiving direct or indirect compensation from any contract entered into by a school it authorizes; however, nothing in this section shall prohibit a local authorizer from leasing a building, or providing food service or transportation, to schools it sponsors; and

(viii) conditioning approval, renewal, or evaluation outcomes on the purchase of any goods or services.

(d) Violation by an authorizer of any of the prohibitions in Section 55-49-55(C)(1) or (C)(3) shall constitute an unfair and deceptive

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trade practice under the South Carolina Unfair and Deceptive Trade Practices Act in Chapter 5, Article 1, of Title 39. The Department of Education shall terminate approval of any authorizer that it found by either the department or a court to have violated the requirements of this section or the requirements of Chapter 13 of Title 8.

(D) The board of trustees of a local authorizer shall:

(a) review the proposed annual budget submitted by the charter school for approval or amendment based on the financial needs of the school; and

(b) review the annual audited financial statements and all other financial records of the schools it authorizes.

Amend the bill further, SECTION 3, by striking Section 59-40-55(D) and inserting:

~~(D)~~(E) The Department of Education shall conduct annual reviews aligned to the current state school district accreditation timeline, to monitor and evaluate the performance of all charter school authorizers, informed by the annual report provided for in this section. The review process must include an examination of how authorizers meet standards and practices, an evaluation of each authorizer's charter school's performance, and review of each authorizer's record of renewal, revocation, and authorization decisions. In addition, the department shall establish a process for receiving and reviewing complaints regarding charter schools and authorizers. These reports shall be considered in its annual reviews. The Department of Education shall issue notices of concern, in writing, to the authorizer that must include descriptions of all performance concerns and establish a timeline by which the authorizer must correct any issues or deficiencies. In the case of a public or independent institution of higher learning authorizer repeatedly failing to meet one or more of the requirements contained in subsection (B) over a period of three years, the Department of Education may terminate a charter school authorizer's registration. The State Board of Education shall allow a public or independent institution of higher learning authorizer the opportunity to have a hearing before registration termination. All appeals from the State Board of Education's decisions to terminate a public or independent institution of higher learning authorizer registration shall be made to the Administrative Law Court. If a public or independent institution of higher learning authorizer's registration is terminated, the Department of Education shall develop a streamlined transfer application for charter schools to apply to a new authorizer for the remainder of the charter school's contract term; however, if no new authorizer agrees to the transfer request, the charter

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school must close. The Department of Education shall create an authorizer closure protocol to be fully implemented within 180 days of the closure of the public or independent institution of higher learning affiliated with an authorizer, a timeline, and application process for the transfer of any charter schools by a new authorizer. Operating charter schools shall not be required to resubmit a full application unless the new authorizer specifically identifies an area of concern. New charter schools under contract may be required to submit a full application by the new authorizer.

Amend the bill further, SECTION 4, by striking Section 59-40-60(F)(3) and inserting:

(3) the measurable goals, objectives, and academic performance standards to be achieved by the charter school, and a description of the charter school's admission policies and procedures;

Amend the bill further, SECTION 4, by striking Section 59-40-60(F)(5) and inserting:

(5) a description of the charter school's educational program, including how it will meet or exceed the academic performance standards and expectations, including academic standards adopted by the State Board of Education and how the instructional design, learning environment, class size and structure, school calendar, scheduling flexibility, use of virtual instruction, curriculum, and teaching methods enable each pupil to achieve these standards;

Amend the bill further, SECTION 4, by striking Section 59-40-60(F)(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17) and inserting:

(7) evidence that the plan for the charter school is economically sound, a proposed budget to start the charter school and one for the entire contractual term of the charter, a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the ~~sponsor~~authorizer, is to be conducted;

(8) a description of the governance and operation of the charter school, including a detailed school start-up plan, resumes and background information on the charter committee members, the capacity and experience of the school leadership and management team, any involvement with the replication of existing successful public charter schools, ~~any proposed management company or educational service provider responsibilities,~~ any proposed management organization, and the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

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(9) a description of how the charter school plans to ~~ensure that the enrollment of the school is similar to the racial composition of the local school district in which the charter school is to be located or the targeted student population of the local school district that the charter school proposed to serve and provide assurance that the school does not conflict with any school district desegregation plan or order in effect for the school district in which the charter school is to be located~~conduct community outreach to ensure that all members of the community are aware of the school and have an opportunity to enroll;

(10) a description of ~~how the charter school plans to meet the transportation needs of its pupils~~transportation services to be provided, if any;

(11) a description of the school location by address, TMS number, or, at a minimum, zip code, the school building, other school facilities, and equipment and how they shall be obtained;

(12) an explanation of the employment relationship that shall exist between the proposed charter school or its management organization and its employees~~the administration, faculty, and staff of the charter school~~, including a staffing chart aligned with the budget and student enrollment projections, and descriptions of evaluation procedures, ~~and evidence that the terms and conditions of employment have been addressed with affected employees;~~

(13) a description of a reasonable grievance and termination procedure for teachers employed by the school or the school's management organization, as required by this chapter, including notice and a hearing before the governing body of the charter school. The application must state whether or not the provisions of Article 5, Chapter 25, Title 59 apply to the employment and dismissal of teachers at the charter school;

(14) a description of student rights and responsibilities, including attendance, behavior and discipline standards, and a reasonable hearing procedure, including notice and a hearing before the board of directors of the charter school before expulsion;

(15) an assumption of liability by the charter school for the activities of the charter school and an agreement that the charter school must indemnify and hold harmless the ~~sponsor~~authorizer, its servants, agents, and employees, from any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from injury to persons or property or otherwise which arises out of the act, failure to act, employment practices, or negligence of the charter school, its agents and employees, in connection with or arising out of the activity of the

charter school; ~~and~~

(16) a description of the types and amounts of insurance coverage to be obtained by the charter school; ~~and~~

(17) a copy of any proposed management organization contracts contemplated by the charter school. The contract must include a term sheet that sets forth the length of the contract, the roles and responsibilities of the governing board of the charter school, the staff of the charter school, the staff of the management organization, the scope of services and resources to be provided by the management organization, the performance evaluation measures and timelines, the compensation structure, including clear identification of all fees to be paid to the management organization, the methods of contract oversight and enforcement, the conditions of renewal and termination of the contract and assurances that the governing board of the charter school, at all times, maintains independent fiduciary oversight and authority over the school budget and ultimate responsibility for the school's performance. The contract shall not allow profit-sharing with the authorizer or any affiliated entity;

(18) evidence the applicant has filed the appropriate documents to be organized as a nonprofit corporation under South Carolina law;

(19) a statement of assurances for the applicant to execute affirming the applicant understands and agrees to perform the essential responsibilities and obligations of a charter school; and

(20) in the case of a proposed charter school using a virtual learning model as its primary mode of delivering instruction, the application must include information regarding the following requirements to be performed by the governing board:

(a) The requirement that the governing board offer a student orientation and notify the parent or guardian of each enrolled student of the requirement to participate, and that each student complete the orientation before participating in any instructional activity.

(b) The requirement that the governing board adopt a policy addressing a student's failure to participate in instructional activities. The policy must provide that a student is subject to consequences, which may include disenrollment, if both of the following conditions are met:

(i) after the student's parent or guardian receives written notice, the student fails to comply with the policy within a reasonable period specified by the school; and

(ii) intervention strategies outlined in the policy fail to result in the student's consistent participation in instructional activities.

(c) The requirement that the policy adopted pursuant to

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subitem (b) provide that, if a student is disenrolled pursuant to this policy, the school shall:

_____ (i) notify the parent or guardian in writing of the obligation to enroll the student in a school in accordance with state law;

_____ (ii) initiate the transfer of the student to the district of residence;

_____ (iii) request that the parent or guardian provide the name of the school, and, if applicable, the district in which the student will enroll; and

_____ (iv) coordinate directly with the receiving school or district to transfer student records and any other documentation necessary to support appropriate educational placement.

_____ (d) For purposes of this item, “instructional activities” means classroom-based or non-classroom-based activities that a student is expected to complete, participate in, or attend during a school day, including, but not limited to:

_____ (i) logging into online curriculum or programs;

_____ (ii) completing offline activities;

_____ (iii) completing assignments associated with a program, curriculum, or course;

_____ (iv) testing;

_____ (v) participating in face-to-face meetings with school staff or service providers;

_____ (vi) participating in telephone or video conferences with school staff or service providers; and

_____ (vii) engaging in other documented communications with school staff or service providers related to curriculum or programs.

Amend the bill further, SECTION 4, by striking Section 59-40-60(H) and inserting:

(H) Prior to November 1, 2026, the Department of Education shall develop a separate application for replication to encourage creation of additional charter schools that fulfill the purpose and mission of this chapter. The application for replication must focus on submission of data and information to demonstrate the prior record of the existing school and how such record will be repeated at the replicated school. No school that has received an overall rating of less than “Average” on the South Carolina School Report Card at any time during the preceding three years shall be eligible to apply for replication. An existing charter school that desires to expand its location beyond its current location or an adjacent property must apply for replication.

Amend the bill further, by adding appropriately numbered

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SECTIONS to read:

SECTION X. Section 59-40-65 of the S.C. Code is amended to read:

Section 59-40-65. (A) As used in this section:

(1) “Online, virtual, or computer instruction” means delivery of academic instruction over the internet using electronic devices to students that are not required to be at a specific physical location to receive the instruction.

(2) “Synchronous instruction” means virtual instruction in which the instructor is able to interact with students in real time, and during a scheduled time period when the instructor and student both must be online for the student to be counted present.

(3) “Asynchronous instruction” means virtual instruction in which the instructor is not able to interact with students in real time, and may include recorded lessons, lectures, and other on-demand instruction when the teacher and student are not required to be online at the same specified time.

(4) “Virtual school” means a charter school that provides twenty percent or more of instruction to students by virtual instruction.

(5) “Virtually-instructed student” means any student that receives twenty percent or more of instruction by virtual instruction, regardless of whether the student attends a virtual school.

(B) If the governing body of a charter school offers as part of its curriculum a program of ~~online or computer~~virtual instruction, this information shall be included in the application and the governing body shall be required to:

(1) provide each student enrolled in the program with a course or courses of online or computer instruction approved by the charter school’s sponsor that must meet or exceed the South Carolina content and grade-specific standards. Students enrolled in the program of online or computer instruction must receive all instructional materials required for the student’s program;

(2) ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules, and policies of the charter school;

(3) ensure that each course offered through the program is taught by a teacher meeting the requirements of Section 59-40-50;

(4) ~~ensure that a parent or legal guardian of each student~~verifiesverify the number of hours of educational activities completed by the student each school year;

(5) adopt a plan by which it will provide:

(a) frequent, ongoing monitoring to ensure and verify that each

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student is participating in the program, including proctored assessment(s) ~~per~~each semester in core subjects graded or evaluated by the teacher, and at least bi-weekly parent-teacher conferences in person or by telephone;

(b) regular instructional opportunities in real time that are directly related to the school's curricular objectives, including, but not limited to, meetings with teachers and educational field trips and outings;

(c) verification of ongoing student attendance in the program;

(d) verification of ongoing student progress and performance in each course as documented by ongoing assessments and examples of student coursework;

(6) administer to all students in a proctored setting all applicable assessments as required by the South Carolina Education Accountability Act.

(B) Nothing in this section shall prohibit a charter school that provides a program of online or computer instruction from reimbursing families of enrolled students for costs associated with their Internet connection for use in the program.

(C) A charter school shall provide no more than seventy-five percent of a student's core academic instruction in kindergarten through twelfth grade via an online or computer instruction program. The twenty-five percent of the student's core academic instruction may be met through the regular instructional opportunities outlined in subitem (A)(5)(b).

(D) Charter school students may enroll in the Department of Education's virtual education program pursuant to program requirements.

(E) Private or homeschool students choosing to take courses from a virtual charter school may not be provided instructional materials, or any other materials associated with receiving instruction through a program of online or computer instruction at the state's expense.

(F) Only students enrolled in the charter school as a full-time student shall be reported in the charter school's average daily membership to the State Department of Education for the purposes of receiving state or federal funds. Private and homeschool students may not be included in the student weighted pupil units or average daily membership reported to the State Department of Education for the purposes of receiving state or federal funds.

(G) A virtual school shall ensure the following:

(1) Students have daily access to certified teachers during the entire instructional day for live teaching, tutoring, conferencing, and

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intervention;

(2) Students are provided regularly scheduled synchronous instructional opportunities appropriate to grade level and course needs each instructional day;

(3) Student attendance and participation may be demonstrated through a combination of participation in live sessions, completion of assigned coursework, communication with teachers, measurable academic progress, assessments, or other documented engagement measures; and

(4) Asynchronous instruction may include recorded lessons, adaptive learning platforms, guided independent work, digital curriculum, and teacher-assigned learning tasks.

SECTION X. Section 59-40-70 of the S.C. Code is amended to read:

Section 59-40-70. (A)(1) An applicant shall submit a letter of intent at least ninety days before submitting an application ~~to the board of trustees or area commission from which it is seeking sponsorship and a copy to the South Carolina Department of Education~~ and within the same school year to which it intends to apply. A copy of the letter also must be submitted to the Department of Education.

(2) An applicant shall submit the application to the board of trustees or area commission from which it is seeking ~~sponsorship~~ authorization and one copy to the ~~South Carolina~~ Department of Education. In the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the applicant shall provide notice of the application to the local school board of trustees in which the charter school will be located for informational purposes only. The ~~school district or the public or independent institution of higher learning~~ authorizer from which the applicant is seeking ~~sponsorship~~ approval may request clarifying information from the applicant. The ~~State~~ Department of Education shall provide guidance on compliance to both ~~sponsors~~ authorizer and applicants.

(3) The applicant shall notify the local delegation of a county in which a proposed charter school is to be located upon submission of a charter school application and also shall provide a copy of the charter school application upon request by a member of the local delegation.

(4) The Department of Education shall post for each application cycle a list of all applicants including the name of the proposed charter school, the name of the proposed sponsor, and the area in which the proposed charter school will be located.

(B) (1) The ~~board of trustees or area commission~~ applicant shall

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present its application at a public hearing and the authorizer from which the applicant is seeking ~~sponsorship~~authorization shall rule on the application for a charter school in a public hearing, upon reasonable public notice, ~~within~~no more than ninety days after receiving the application. If there is no ruling within ninety days, the application is considered conditionally approved pending correction by the applicant of any identified deficiencies in the application and submitted to the authorizer within thirty days from conditional approval. ~~Once~~If the application ~~has been~~is approved by the ~~board of trustees or area commission~~authorizer, the charter school may open at the beginning of the following year upon completion of a planning year. However, before a charter school may open, the charter school must meet the pre-opening conditions included in the charter contract and the State-Department of Education shall verify the accuracy of the financial data for the school within forty-five days after approval.

(2) At least ten business days prior to an applicant's public meeting, the authorizer must provide to the applicant written notice of their public meeting, which must contain the date, location and time of the meeting. At least five business days prior to the public meeting, the authorizer must provide the applicant with a written evaluation report using the rubric aligned with the department application and any published sponsor evaluation criteria.

(3) At least two business days prior to an applicant's public meeting, the applicant must provide the authorizer with any rebuttal material the applicant intends to present at the meeting.

(C) A board of trustees or area commission shall deny an application only 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, or if, based on the totality of information provided by the applicant, the board of trustees or area commission determines that the applicant has failed to demonstrate a substantial likelihood that it has the capacity to establish a viable school based on national industry standards of quality charter school authorization.~~ It shall provide, within ten days, 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.

(D) In the event that the racial composition of an applicant's or charter school's enrollment differs from the enrollment of the local

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school district in which the charter school is to be located or the targeted student population of the local school district by more than twenty percent, despite its best efforts, the board of trustees or area commission from which the applicant is seeking sponsorship shall consider the applicant's or the charter school's recruitment efforts and racial composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. A finding by the board of trustees or area commission that the applicant or charter school is operating in a racially discriminatory manner justifies the denial of a charter school application or the revocation of a charter as provided in this section or in Section 59-40-110, as may be applicable. A finding by the board of trustees or area commission that the applicant is not operating in a racially discriminatory manner justifies approval of the charter without regard to the racial percentage requirement if the application is acceptable in all other aspects.

(E) If the board of trustees or area commission from which the applicant is seeking sponsorship denies a charter school application, the charter applicant may appeal the denial to the Administrative Law Court pursuant to Section 59-40-90.

(F) If the board of trustees or area commission approves the application, it becomes the charter school's sponsor and shall sign the approved application. The sponsor shall submit a copy of the charter contract to the State Board of Education.

~~—(G) If a local school board of trustees has information that an approved application by the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor adversely affects the other students in its district, as defined in 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. The Administrative Law Court, within forty five days, may affirm or reverse the application for action by the South Carolina Public Charter School District or the public or independent institution of higher learning in accordance with an order of the state board.~~

Amend the bill further, by deleting SECTION 5 from the bill.

Amend the bill further, SECTION 6, by striking Section 59-40-75(D)(1) and (2) and inserting:

(D)(1) An individual is prohibited from serving as a member of the governing board or employee of either a charter school or charter school authorizer if the individual ~~or~~ an immediate family member, ~~or the individual's spouse~~ is a full or part owner or principal with an entity with

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whom the charter school or authorizer contracts, directly or indirectly, for professional services, management organization services, goods, or facilities or is an employee of the charter school authorizer.

(2) An individual is prohibited from serving as a member of the governing board of either a charter school or charter school authorizer if the individual, ~~or an immediate family member, or the individual's spouse~~ is a full or part owner, principal owner, or employee of a management organization.

(3) An individual is prohibited from serving as a board member of a charter school or a charter school foundation if the individual or an immediate family member is a board member of the charter school's authorizer or the institution of higher learning.

(4) Members of the General Assembly and immediate family members are prohibited from serving as a board member for either an authorizer or a charter school and may not have any ownership in an entity that is established to operate or lease property to a charter school.

Amend the bill further, SECTION 6, by striking Section 59-40-75(E)(1) and inserting:

(E)(1) An individual is prohibited from employment by an authorizer of a charter school, if the individual, ~~or an immediate family member, or the individual's spouse~~ is employed in a position to exercise direct financial decision-making authority with a charter school authorized by the authorizer.

Amend the bill further, SECTION 6, by striking Section 59-40-75(F) and inserting:

(F) An individual may not serve simultaneously as a member of more than one governing board of either a charter school or a charter school authorizer ~~after December 31, 2026.~~

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 59-40-110 of the S.C. Code is amended to read:

Section 59-40-110. (A) A charter must be approved or renewed for a period of at least five, but no more than ten school years; however, the charter only may be revoked or not renewed under the provisions of subsection ~~(E)~~(F) of this section. The sponsor annually shall evaluate the conditions outlined in subsection ~~(E)~~(F). The annual evaluation results must be used in making a determination for nonrenewal or revocation.

(B) Prior to the beginning of the second to last year of operation of a charter school, the sponsor shall issue a charter school performance report and charter renewal application guidance to the school and the charter school board. The performance report shall summarize the

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performance record to date of the charter school, based on the data required by this chapter and the charter contract and taking into consideration the percentage of at-risk students enrolled in the school, and shall provide notice of any weaknesses or concerns perceived by the sponsor concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified. The charter school shall have forty-five days to respond to the performance report and submit any corrections or clarifications to the report.

(C) Prior to the beginning of the last year of operation of a charter school, the charter school may apply for renewal of the contract with the sponsor. The renewal application guidance shall, at a minimum, provide an opportunity for the charter school to:

(1) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(2) describe improvements undertaken or planned for the school;
and

(3) detail the plan for the next charter term for the school.

(D) The renewal application guidance shall include or refer explicitly to the criteria that will guide the renewal decisions of the sponsor.

~~(B)~~(E) A charter renewal application must ~~be submitted to the school's sponsor one hundred twenty calendar days before the end of the school year for the term of the charter contract, and it must~~ contain:

(1) a report on the progress of the charter school in achieving the goals, objectives, pupil achievement standards, and other terms of the initially approved charter application;

(2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that allows comparison of these costs to other schools or other comparable organizations, in a format required by the State Board of Education; and

(3) any proposed material changes to the current charter or charter school contract to be implemented in the next ten-year charter term.

~~(C)~~(F) A charter ~~must~~may be revoked or not renewed by the sponsor if it, using publicly accessible data that is available to the school, determines that the charter school:

(1) committed a material violation of the conditions, standards, performance expectations, or procedures provided for in the charter application or charter school contract, or both, and the charter school failed to cure the violation after written notice and a reasonable

opportunity to cure;

(2) failed to meet the academic performance standards and expectations as defined in the charter application or charter school contract, or both;

(3) failed to maintain its books and records according to generally accepted accounting principles or failed to create an appropriate system of internal control, or both; or

(4) materially violated any provision of law from which the charter school was not specifically exempted and failed to cure the violation after written notice and a reasonable opportunity to cure.

~~(D)~~(G) A sponsor summarily may revoke any charter school that is determined by the sponsor to pose an imminent threat of harm to the health or safety of students, or both, based on documented and clear and convincing data.

~~(E)~~(H) Any charter school shall automatically and permanently close at the conclusion of the school year in which the school first becomes subject to automatic closure for receiving the lowest performance level rating as defined by the ~~federal~~state accountability system for three consecutive years beginning with student achievement data from the 2013-2014 school year. The determination of closure is considered final. Automatic closure shall not apply to any charter school serving fifty percent or more students with disabilities or any charter school designated as an Alternative Education Campus (AEC) by its sponsor as outlined in Section 59-40-111.

~~(F)~~(I) A sponsor must adopt a publicly accessible and transparent process should it intend to non-renew or terminate a charter school. At a minimum, the sponsor must:

(1) at least ~~sixty~~nintey days before not renewing or terminating a charter school, the sponsor shall notify in writing the charter school's governing body of the proposed action. The notification shall state the grounds for the proposed action in reasonable detail. ~~Termination must follow the procedure provided for in this section.;~~

(2) provide the charter school with fifteen calendar days from the school's receipt of the notice in which to prepare a response, which shall include any supporting documentation, in the school's discretion;

(3) provide the charter school with an opportunity to submit documents and give testimony in a public hearing challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose between fifteen and thirty calendar days after the school submits its response pursuant to item (2), and at such hearing, school must be permitted to record the proceedings

and be allowed access to legal representation to call witnesses; and
(4) within five calendar days of the public hearing, require a final determination to be made and conveyed in writing to the charter school.

~~(G)~~(J) The existence of another charter granting authority must not be grounds for the nonrenewal or revocation of a charter. Grounds for nonrenewal or revocation must be only those specified of this section.

~~—(H) The charter school's governing body may request in writing a hearing before the sponsor within fourteen days of receiving notice of nonrenewal or termination of the charter. Failure by the school's governing body to make a written request for a hearing within fourteen days must be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to the school's governing body of the hearing date. The sponsor shall conduct a hearing before taking final action. The sponsor shall take final action to renew or not renew a charter by the last day of classes in the last school year for which the charter school is authorized.~~

(I) A charter school seeking renewal may submit a renewal application to another charter granting authority if the charter school has not committed a material violation of the provisions specified in this section and the sponsor refuses to renew the charter. In such cases the charter school shall continue to receive local funding pursuant to Section 59-40-140(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.

(J) A decision to revoke or not to renew a charter school may be appealed to the Administrative Law Court pursuant to the provisions of Section 59-40-90. Upon appeal to the Administrative Law Court, there is no automatic stay of the revocation or nonrenewal decision. Pending resolution of the appeal, the charter school also may move before the Administrative Law Court for imposition of a stay of the revocation or nonrenewal on the grounds that an unusual hardship to the charter school, its teachers and students, or both, will result from the execution of the sponsor's decision.

(K) Prior to any public charter school closure, the sponsor shall develop a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and net assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the sponsor. In the

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event of a public charter school closure for any reason, the sponsor shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

SECTION X. Section 59-40-111 of the S.C. Code is amended to read:

Section 59-40-111. (A) For purposes of this chapter, an Alternative Education Campus (AEC) is any charter school with an explicit mission and purpose as outlined in its charter to serve an enrolled student population with:

(1) severe limitations that preclude appropriate administration of the assessments administered pursuant to federal and state requirements;

(2) fifty percent or more of students having Individualized Education Programs (IEPs) in accordance with federal regulations or a demonstrated need for specific services or specialized instruction as defined in Section 59-40-50, and the school shall provide the needed evidence-based specialized instruction, interventions, services, support, and accommodations based on the needs of the students; or

(3) eighty-five percent or more of enrolled students meeting the definition of a “high-risk” student including students who:

(a) have been adjudicated as juvenile delinquents or who are awaiting disposition of charges that may result in adjudication;

(b) have dropped out of school or who have not been continuously enrolled and regularly attending any school for at least one semester before enrolling in this school;

(c) have been expelled from school or who have engaged in behavior that would justify expulsion;

(d) have documented histories of personal drug or alcohol use or who have parents or guardians with documented dependencies on drugs or alcohol;

(e) have documented histories of personal street gang involvement or who have immediate family members with documented histories of street gang involvement;

(f) have documented histories of child abuse or neglect;

(g) have parents or guardians in prison or on parole or probation;

(h) have documented histories of domestic violence in the immediate family;

(i) have documented histories of repeated school suspensions;

(j) are under the age of twenty years who are parents or pregnant women;

(k) are homeless, as defined in the McKinney-Vento Homeless

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Assistance Act; or

(I) have a documented history of a serious psychiatric or behavioral disorder including, but not limited to, an eating disorder or a history of suicidal or self-injurious behaviors.

(B) Such schools must be classified as AECs by their sponsor.

(C) A high-poverty rating alone shall not qualify any charter school for status as an AEC.

(D) Charter school applicants seeking such a designation shall provide sufficient information in their charter application to allow the authorizer to make a determination as to whether that classification applies.

(E) Charter schools already in operation may seek AEC classification by petitioning their sponsor. A charter school that has received the lowest performance level rating as defined by the federal accountability system in any of the three previous school years is ineligible to seek AEC classification.

(F) Charter schools receiving an AEC designation either before or after opening, shall be held to applicable state and federal accountability standards along with the academic performance standards and expectations established by written agreement between the sponsor and the school that takes into account the school's specialized mission and student population with comparisons to any available nationally normed data with similar subsets of students and is included in their annual report in accordance with Section 59-40-140(H) and is included in the school report card compiled by the Education Oversight Committee.

(G) An authorizer shall review a charter school's AEC designation for compliance with subsection (A)(1) through (A)(3) annually before January first and report its findings to the Department of Education before February first. If a charter school does not meet the requirements, its AEC designation shall be designated "Under Review" for the following school year and the school shall submit a compliance improvement plan to its authorizer. If the charter school does not meet the requirements for two consecutive school years, its AEC designation shall be revoked for the next two consecutive school years. A school may reapply for an AEC designation if the school demonstrates compliance with subsection (A)(1) through (A)(3).

Amend the bill further, SECTION 8, by striking Section 59-40-115(B) and inserting:

(B) In order for a charter school to transfer its charter to another authorizer, its decision to do so must be voted upon during an open session of a public meeting of the charter school board in accordance

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with the South Carolina Freedom of Information Act and it must obtain the approval of its current authorizer and the proposed new authorizer pursuant to procedures in this section.

(1) A charter school shall submit a written request to the current authorizer and the proposed receiving authorizer to transfer its charter to a different authorizer before September first. The request must include documentation of the charter school board's affirmative vote to initiate the transfer process. The transfer must be effective on July first of the following year.

(2) The proposed new authorizer shall issue a written final decision approving or denying the request to transfer before October thirty-first. The request to transfer may be denied by the proposed new authorizer for any reason; however, if the proposed authorizer determines the charter school's request to transfer is, to avoid accountability, prohibited by law or untimely, then the transfer must be denied. A copy of the final decision must be served on the charter school applying to transfer, the current authorizer, and the Department of Education before November fifth. The decision of the proposed new authorizer to deny the request is not appealable.

(3) If the proposed new authorizer approves the request to transfer, then the current authorizer shall issue a final decision approving or denying the request to transfer before December thirty-first. The authorizer must permit the charter school to submit materials or information to support its transfer request, all of which must be submitted at least five business days before the board meeting. A charter school who makes a written request at least five business days before the board meeting must be given an opportunity to appear and present information regarding their request. If an authorizer fails to comply with items (1) through (4), then the Department of Education may compel the authorizer to comply by withholding the authorizer's fees related to the charter school seeking to transfer until the authorizer complies.

(4) Items (1) through (3) must be conducted in the year in which the request was submitted following proper notice, public discussion, and a vote by the board during a public open session meeting held in accordance with the Freedom of Information Act.

(5) The current authorizer must deny a request to transfer to the proposed new authorizer if the current authorizer determines the charter school's request to transfer is to avoid accountability, prohibited by law, untimely, or other good cause to deny the transfer exists.

(6) Good cause to deny the charter school's transfer request includes, but is not limited to:

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(a) violations of the charter, contract, or applicable law, that have not been resolved by the charter school;

(b) receipt of the lowest performance level rating under the state or federal accountability system during the past two academic years by the charter school seeking to transfer;

(c) more than one transfer request by the charter school within a ten-year period; or

(d) the charter school has operated less than two years with the current authorizer.

(7) The final decision of the current authorizer is appealable to the Administrative Law Court.

(8) A charter school renewal application shall not be subject to the provisions of this section and is deemed not to be a transfer request.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 59-40-120 of the S.C. Code is amended to read:

Section 59-40-120. Upon dissolution of a charter school, its assets may not inure to the benefit of any private person. Any assets obtained through restricted agreements with a donor through awards, grants, or gifts must be returned to that entity. All other assets become property of the ~~sponsor~~ [State of South Carolina](#).

SECTION X. Section 59-40-140 of the S.C. Code is amended to read:

Section 59-40-140. (A) ~~A local school board of trustees sponsor~~ [For schools authorized for the first time by a local authorizer after July 1, 2027, the local authorizer](#) shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues, [less transfers into the general fund, including use of fund balance, less the previous year's payments made to all charter schools authorized by the local authorizer,](#) divided by the previous year's weighted students, [not including weighted students of all charter schools authorized by the local authorizer,](#) then increased by the Education Finance Act inflation factor, pursuant to Section 59-20-40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district.

[\(B\) For existing schools authorized by a local authorizer, the local school board of trustees shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues divided by the](#)

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previous year's weighted students then increased by the Education Finance Act inflation factor, pursuant to Section 59-20-40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district.

(C) For all locally sponsored schools, the amounts in subsections (A) and (B) ~~These amounts~~ must be verified by the State Department of Education before the first disbursement of funds. All state and local funding must be distributed by the local school district to the charter school monthly beginning July first following approval of the charter school application and must continue to be disbursed to the charter school for the duration of its charter and for the duration of any subsequent renewals. After verification of student attendance on the fifth day of school at the beginning of each school year, the State Department of Education shall distribute funds to school districts with charter schools: (1) having approved incremental growth and expansion as provided in their charter application; or (2) for opening of new charter schools in the current fiscal year. These funds must be released to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts shall provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Necessary adjustments due to enrollment changes must be made pursuant to the Education Finance Act.

~~(B)~~(D) The South Carolina Public Charter School District or public or independent institution of higher learning sponsor shall receive and distribute state funds to the charter school as provided by the General Assembly. Authorizers shall report annually before July first the method by which funds are provided to each school it authorizes.

~~(C)~~(E) During the year of the charter school's operation, as received, and to the extent allowed by federal law, a sponsor shall distribute to the charter school federal funds which are allocated to the sponsor on the basis of the number of special characteristics of the students attending the charter school. These amounts must be verified by the State Department of Education before the first disbursement of funds.

~~(D)~~(F) Notwithstanding subsection ~~(C)~~(E), the proportionate share of state and federal resources generated by students or staff serving them must be directed to the sponsor. After receipt of federal or state categorical aid funds, sponsors shall, within ten business days, supply to the charter school the proportional share of each categorical fund for which the charter school qualifies. If the sponsor fails to do so, the

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Department of Education may fine the sponsor an amount equivalent to the withheld amounts. Fines imposed must be remitted to the charter school from which the amounts were withheld.

~~(E)~~(G) All services centrally or otherwise provided by the sponsor including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries, and warehousing are subject to negotiation between a charter school and the sponsor and must be outlined in the contract required pursuant to Section 59-40-70(F), except as otherwise provided or required by law.

~~(F)~~(H) All awards, grants, or gifts collected by a charter school must be retained by the charter school.

~~(G)~~(I) The governing body of a charter school or an authorizer ~~may is authorized to~~ accept gifts, donations, or grants of any kind made to the charter school or authorizer and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. A gift or donation must not be required for admission. However, a gift, donation, or grant must not be accepted by the governing board of either a charter school or the authorizer if subject to a condition contrary to law or contrary to the terms of the contract between the charter school and the governing body. All gifts, donations, or grants ~~must be reported to the sponsor in their annual audit report as required in Section 59-40-50(B)(3)~~ to a charter school authorizer shall be coded pursuant to the Financial Accounting Handbook provided by the department or as otherwise directed by the department.

~~(H)~~(J) A charter school shall report to its sponsor and the Department of Education any change to information provided under its application. In addition, a charter school shall report at least annually to its sponsor and the sponsor shall compile those reports into a single document which must be submitted to the department. The Department of Education shall develop a template to be used by charter schools for this annual report. The report shall provide all information required by the sponsor or the department and shall include, at a minimum:

- (1) the number of students enrolled in the charter school from year to year;
- (2) the success of students in achieving the specific educational goals for which the charter school was established;
- (3) an analysis of achievement gaps among major groupings of students in both proficiency and growth;
- (4) the identity and certification status of the teaching staff;
- (5) the financial performance and sustainability of the sponsor's charter schools; and

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(6) board performance and stewardship including compliance with applicable laws.

~~(K)~~(K) The sponsor shall provide technical assistance to persons and groups preparing or revising charter applications at no expense.

~~(L)~~(L) Charter schools may acquire by gift, devise, purchase, lease, sublease, installment purchase agreement, land contract, option, or by any other means provided by law or otherwise, and hold and own in its own name buildings or other property for school purposes and interests in it which are necessary or convenient to fulfill its purposes. Charter schools may not hold property for any other purpose.

~~(M)~~(M) Charter schools are exempt from state and local taxation, except the sales tax, on their earnings and property whether owned or leased. Instruments of conveyance to or from a charter school are exempt from all types of taxation of local or state taxes and transfer fees.

(N) Charter schools may contract with a management organization for financial, accounting, and treasury services including balanced budget credits or budget deficit protection credits applied to the school's operating budget. A management organization may recover these credits only within the fiscal year when the credits are issued. At the conclusion of a fiscal year, any remaining balanced budget credits or budget deficit protection credits are not recoverable by the management organization and shall not be recorded as a liability in a charter school's financial audit.

~~(O)~~(O) Notwithstanding the above provisions of this section, this subsection applies to converted charter schools that converted into a charter school after the effective date of this act. For purposes of computing the funding for any year to be provided a converted charter school under the provisions of this section, the computations required shall be made as provided in this section based on the previous year's revenues, expenditures, and other applicable factors pertaining to that particular converted charter school, and also then shall be made as provided in this section for the year immediately preceding the previous year based on the revenues, expenditures, and other applicable factors for that year pertaining to that particular converted charter school. The funding of the converted charter school for the initial year shall be the average of the weighted per pupil unit funding computed for these two prior years, and funding for the converted charter school after the initial year shall be provided by the school district in the same manner as regular public schools in the district.

Amend the bill further, by deleting SECTIONS 9 and 10 from the bill.

Amend the bill further, SECTION 11, by striking Section 59-40-

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150(B), (C), and (D) and inserting:

(B) The Department of Education shall develop the charter school application, compliance guidance, and evaluation rubric for all charter applicant groups to submit to an authorizer for charter approval. The Department of Education shall provide guidance and technical assistance regarding charter applications and the application process to authorizers and applicant groups.

(C) The Department of Education shall annually make revisions, with stakeholder feedback to the application and publish it to its website before November first annually.

~~(B)~~(D) At least annually, the ~~department~~Department of Education shall provide upon request a directory of all charter schools authorized under this chapter with information concerning the educational goals of each charter school, the success of each charter school in meeting its educational goals, and procedures to apply for admission to each charter school.

~~(C)~~(E) The Department of Education shall fulfill all duties of the State Education Agency (SEA) for each authorizer and shall provide technical assistance, oversight, and guidance to authorizers for compliance with LEA responsibilities to the same extent as other LEAs in this State. Sanctions issued by the Department of Education against an authorizer may be appealed to the Administrative Law Court and must be stayed pending resolution of the appeal.

~~(D)~~(F) The Department of Education shall annually review the policies, procedures, and performance of each authorizer for compliance with the provisions of this chapter, state regulations, and other state and federal law.

(G) Prior to January 1, 2027, the Department of Education shall develop an application to become an authorizer, which must include:

(1) an executive summary, not to exceed two pages;

(2) the mission statement of the authorizer, which must be consistent with the principles of the General Assembly's purposes pursuant to Section 59-40-20;

(3) the measurable goals, objectives, and academic performance standards to be achieved by the charter schools to be authorized;

(4) evidence of need for the authorizer in light of the needs of the State;

(5) a description of the authorizer's plan and capacity to serve as the LEA for the number of charter schools proposed to be served;

(6) a description of the authorizer's plan for annually evaluating the charter schools it authorizes;

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(7) evidence that the financial plan for the authorizer is economically sound, including a proposed start-up budget, and a proposed five-year and ten-year budget;

(8) a description of the governance and operation of the authorizer, including a detailed school start-up plan and resumes and background information of those executing the start-up plan;

(9) a description of the building, facilities, and equipment and how they shall be obtained;

(10) a description of the relationship that shall exist between the authorizer and its employees, including a staffing chart aligned with the budget and student enrollment projections, descriptions of evaluation procedures, and evidence that the terms and conditions of employment have been addressed with affected employees;

(11) a description of the relationship between the authorizer and the institution of higher education, including how missions are aligned and how resources will be shared;

(12) the academic, governance, and financial performance of the institution of higher education, including its accreditation status; and

(13) a statement of assurances for the authorizer to execute affirming the authorizer understands and agrees to perform the essential responsibilities and obligations of an authorizer and LEA.

(H) No later than February 1, 2027, the Department of Education shall develop and implement a process to accept and evaluate applications for institutions of higher education that were not authorizers before January 1, 2026. All higher education authorizers operating prior to January 1, 2026 shall not be required to submit an application but must sign the statement of assurances affirming the authorizer understands and agrees to perform the essential responsibilities and obligations of an authorizer and LEA. The Department of Education shall consider the information submitted in the application to decide whether an application may be approved, denied, or approved with conditions based on the demonstrated capacity of the applicant to fulfill the obligations of an authorizer under this chapter. The Department of Education may deny an application if the preponderance of available evidence supports a finding by the department that approving the application will encourage the transfer of poor performing charter schools to the new authorizer for purposes of escaping, delaying, or reducing accountability.

(H) The Department of Education shall compile and make public a report summarizing charter school authorizer performance and compliance to include, but not limited to, the academic and financial performance of the schools it authorizes.

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Amend the bill further, SECTION 12, by striking Section 59-40-155(A), (B), (C), (D), and (E) and inserting:

(A) Within one year of taking office, all persons elected or appointed as members of a charter school board of trustees or a charter school authorizer board of trustees after July 1, ~~2006~~2026, shall complete successfully an orientation program. The training must include specific instruction on board member duties for compliance with chapter, to include in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, instructional programs, school finance, school law, state ethics laws, the South Carolina Freedom of Information Act, and community relations. The orientation must be provided at no charge by the ~~State~~ Department of Education or an ~~association~~entity approved by the department.

~~(B) The Department of Education shall develop an application and approval process to allow authorizers the ability to implement board training programs that meet the requirements provided for in Section 59-40-155(A).~~ (1) Annually, all persons elected or appointed as members of a charter school board of directors shall participate in at least three hours of advanced board governance training on the powers, duties, and responsibilities of a charter school governing board including leader evaluation, education service provider evaluation, policy implementation, strategic planning, academic data analysis, compliance, financial best practices, school safety, South Carolina Nonprofit Code, or other topics specific to the needs and mission of the school.

(2) Training may be delivered by the State Department of Education or the approved entity.

~~(B)(C)~~ (C) Within ninety days of employment, ~~an administrator~~the school leader employed by the charter school who does not possess any previous charter school leadership experience, ~~who is not certified,~~ shall complete successfully an orientation program in the powers, duties, and responsibilities of a charter school administrator including, but not limited to, topics on personnel, instructional programs, school finance, school law including charter school law, board relations, South Carolina ethics, conflicts of interest, and community relations. The orientation must be provided at no charge by the ~~State~~ Department of Education or an association approved by the department.

~~—(D) Authorizers may require members of a charter school board of trustees to complete governance training programs as specified and agreed upon in a charter school contract.~~

~~—(E) In addition to the orientation program provided by the~~

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~~Department of Education, each authorizer shall develop and implement an annual training program specifically designed for members of charter school governing boards. After the first year of taking office, a charter school board member must attend the annual training provided by the authorizer. The training program shall include information on laws, regulations, and fiduciary responsibilities that uniquely apply to charter schools and charter school authorizers. The Department of Education shall develop procedures for ensuring compliance with this section by both charter school board members and authorizers.~~

Amend the bill further, SECTION 13, by striking Section 59-40-180 and inserting:

Section 59-40-180. The State Board of Education shall promulgate regulations and develop guidelines necessary to implement the provisions of this chapter, including standards to determine compliance with this chapter and an application process for new authorizers and charter schools to include a timeline for submission of applications that will allow for final decisions, ~~including Administrative Law Court appeal, by December first of the year preceding the charter school's opening to be issued consistent with budget and funding needs. An authorizer registered pursuant to this chapter, prior to the enactment of this act, before January 1, 2026, is not considered a new authorizer subject to the application process provided in this chapter. Higher education authorizers registered prior to enactment of this section shall submit documentation as required to the Department of Education to ensure that it is in compliance with any requirements that shall be applied to new authorizers.~~

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 59-40-230(A)(1)(d)(ii) of the S.C. Code is amended to read:

- (ii) South Carolina ~~Chamber of~~ Manufacturers and Commerce;
Renumber sections to conform.
Amend title to conform.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

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Those who voted in the affirmative are:

Anderson	Bailey	Bannister
Bauer	Beach	Bernstein
Bowers	Bradley	Brewer
Brittain	Burns	Bustos
Calhoon	Caskey	Chapman
Chumley	Clyburn	Cobb-Hunter
Collins	Cox	Crawford
Cromer	Davis	Dillard
Duncan	Edgerton	Erickson
Ford	Forrest	Frank
Garvin	Gibson	Gilliam
Gilliard	Gilreath	Govan
Grant	Guest	Guffey
Haddon	Hager	Harris
Hart	Hartz	Hayes
Henderson-Myers	Hewitt	Hiott
Hixon	Holman	Hosey
Huff	J. E. Johnson	J. L. Johnson
Jones	Jordan	Kilmartin
King	Kirby	Landing
Lastinger	Ligon	Long
Lowe	Magnuson	Martin
McCabe	McCray	McDaniel
C. Mitchell	D. Mitchell	J. Moore
T. Moore	Morgan	Moss
Neese	B. Newton	Oremus
Pope	Reese	Rivers
Robbins	Rose	Rutherford
Sanders	Schuessler	Scott
Sessions	M. M. Smith	Stavrinnakis
Taylor	Teeple	Terrible
Vaughan	Waters	Weeks
Wetmore	White	Whitmire
Wickensimer	Williams	Willis
Wooten	Yow	

Total--104

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Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

ABSTENTION FROM VOTING

April 23, 2026
The Honorable Charles Reid
Clerk of the South Carolina House of Representatives
213 Blatt Bldg.
Columbia, SC 29201

Dear Mr. Reid,

I am notifying you in accordance with S.C. Code Ann. Section 8-13-700 that I will not participate in the vote on S.454 which is a bill to amend the South Carolina Code of Laws by amending Section 59-40-40, relating to definitions pertaining to charter schools, so as to change references from "sponsor" to "authorizer" and to provide other definitions; by amending Section 59-40-50, relating to exemptions, so as to require a charter school to post their annual audit on their website and to notify and provide a copy of any education management contracts to the authorizer; by amending Section 59-40-55, relating to authorizer powers and duties and the retention of funds, so as to require the authorizer to adopt and implement policies, procedures, and practices that ensure good governance and accountability; by amending Section 59-40-60, relating to charter applications and committees, so as to expand the charter school application to include any proposed charter or education management contracts contemplated by the charter school; by amending Section 59-40-70, relating to application requirements and procedures, so as to set a time frame to hold a public hearing on the application for a charter school; by amending Section 59-40-75, relating to the removal of an authorizer or member of a district or governing board, so as to require the governor to vacate the seat of a member of an authorizer or charter school governing board who is indicted for a crime; and to allow the governor to remove a member for chronic unexcused absenteeism, medical incompetency, or medical incapacity; by amending Section 59-40-90, relating to appeals to the administrative law court, so as to allow an appeal for any final decision made pursuant to this chapter be made to the administrative law court; by amending

[HJ]

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Section 59-40-115, relating to termination of a contract with an authorizer, so as to allow a charter school to terminate its charter and contract with an authorizer under certain conditions; by amending Section 59-40-150, relating to the duties of the department of education, so as to establish the duties of the department of education to serve as the state education agency for each authorizer and annually review the policies, procedures, and performance of each authorizer for compliance; and by amending Section 59-40-180, relating to regulations and guidelines, so as to clarify that guidelines will be applicable to new authorizers and charter schools.

I will abstain from this vote because of a potential conflict of interest as an economic interest of myself and/or the business with which I am associated may be affected. Please note this in the House Journal.

Sincerely,
Representative Thomas Hartnett, Jr.
House District Number 110

ABSTENTION FROM VOTING

April 23, 2026
The Honorable Charles Reid
Clerk of the South Carolina House of Representatives
213 Blatt Bldg.
Columbia, SC 29201

Dear Mr. Reid,

I am notifying you in accordance with S.C. Code Ann. Section 8-13-700 that I will not participate in the vote on S.454 which is a bill to amend the South Carolina Code of Laws by amending Section 59-40-40, relating to definitions pertaining to charter schools, so as to change references from "sponsor" to "authorizer" and to provide other definitions; by amending Section 59-40-50, relating to exemptions, so as to require a charter school to post their annual audit on their website and to notify and provide a copy of any education management contracts to the authorizer; by amending Section 59-40-55, relating to authorizer powers and duties and the retention of funds, so as to require the authorizer to adopt and implement policies, procedures, and practices that ensure good governance and accountability; by amending Section 59-40-60, relating to charter applications and committees, so as to expand the charter school application to include any proposed charter or education management contracts contemplated by the charter school; by

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amending Section 59-40-70, relating to application requirements and procedures, so as to set a time frame to hold a public hearing on the application for a charter school; by amending Section 59-40-75, relating to the removal of an authorizer or member of a district or governing board, so as to require the Governor to vacate the seat of a member of an authorizer or charter school governing board who is indicted for a crime; and to allow the Governor to remove a member for chronic unexcused absenteeism, medical incompetency, or medical incapacity; by amending Section 59-40-90, relating to appeals to the administrative law court, so as to allow an appeal for any final decision made pursuant to this chapter be made to the administrative law court; by amending Section 59-40-115, relating to termination of a contract with an authorizer, so as to allow a charter school to terminate its charter and contract with an authorizer under certain conditions; by amending Section 59-40-150, relating to the duties of the department of education, so as to establish the duties of the department of education to serve as the state education agency for each authorizer and annually review the policies, procedures, and performance of each authorizer for compliance; and by amending Section 59-40-180, relating to regulations and guidelines, so as to clarify that guidelines will be applicable to new authorizers and charter schools.

I will abstain from this vote because of a potential conflict of interest as an economic interest of myself and/or the business with which I am associated may be affected. Please note this in the House Journal.

Sincerely,
Representative G. Murrell Smith, Jr.
House District Number 67

S. 454--ORDERED TO BE READ THIRD TIME TOMORROW

On motion of Rep. ERICKSON, with unanimous consent, it was ordered that S. 454 be read the third time tomorrow.

Rep. BRADLEY moved that the House do now adjourn, which was agreed to.

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 5566 -- Reps. Rutherford, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers,

[HJ]

THURSDAY, APRIL 23, 2026

Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S BASKETBALL TEAM, HEAD COACH DAWN STALEY, HER COACHING STAFF, AND UNIVERSITY OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON THEIR SECOND STRAIGHT NCAA RUNNER-UP FINISH AND FIFTH CONSECUTIVE SOUTHEASTERN CONFERENCE REGULAR-SEASON TITLE.

ADJOURNMENT

At 1:39 p.m. the House, in accordance with the motion of Rep. COBB-HUNTER, adjourned in memory of Joseph Marion Corbett, to meet at 10:00 a.m. tomorrow.

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