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H. 4391

STATUS INFORMATION

General Bill

Sponsors: Reps. E.H. Pitts, Cotty and Mulvaney

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Introduced in the House on January 8, 2008

Currently residing in the House Committee on **Education and Public Works**

Summary: Public school choice program established

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
12/12/2007	House	Prefiled
12/12/2007	House	Referred to Committee on Education and Public Works
1/8/2008	House	Introduced and read first time HJ-57
1/8/2008	House	Referred to Committee on Education and Public Works HJ-57
1/9/2008	House	Member(s) request name added as sponsor: Mulvaney

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VERSIONS OF THIS BILL

[12/12/2007](#)

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A BILL

TO AMEND TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EDUCATION, BY ADDING CHAPTER 62 SO AS TO ESTABLISH THE SOUTH CAROLINA PUBLIC SCHOOL CHOICE PROGRAM WHEREBY EACH SCHOOL DISTRICT BEGINNING WITH THE 2009-2010 SCHOOL YEAR SHALL DEVELOP AND BEGIN IMPLEMENTING A PUBLIC SCHOOL CHOICE PROGRAM DEVELOPED BY IT PROVIDING A CHOICE OPTION FOR STUDENTS AT THE ELEMENTARY, MIDDLE, AND HIGH SCHOOL LEVEL, TO ALSO PROVIDE THAT SCHOOL DISTRICTS BEGINNING WITH THE 2009-2010 SCHOOL YEAR MAY ESTABLISH VOLUNTARY OPEN-ENROLLMENT PROGRAMS, AND TO PROVIDE FOR THE REQUIREMENTS OF AND PROCEDURES FOR THESE PROGRAMS.

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

SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 62

Public School Choice Programs

Section 59-62-10. (A) There is established a Public School Choice Program within the public school districts of this State.

(B) In establishing this program, it is the objective of the General Assembly to provide a consumer-driven approach to increase education opportunities that are accountable and accessible to all students regardless of where they may live or their socioeconomic status. In doing so, it is the General Assembly’s

1 desire to make the South Carolina public school system the most
2 choice-driven public school system in the United States. It is
3 therefore the intent of the General Assembly that this chapter be
4 construed broadly to maximize parental choice options and student
5 access to public school educational opportunities that are now not
6 available to them.

7
8 Section 59-62-20. As used in this chapter:

9 (1) 'School district choice programs' mean a public education
10 delivery system that requires school districts to provide for student
11 programs of choice offered within the district which may include,
12 but not be limited to, public charter schools, virtual school
13 programs, extended day or school year programs, flexible school
14 scheduling programs, Montessori programs, single-gender
15 programs, learning-team programs, magnet-school programs, arts
16 programs, and school-within-a-school programs and to provide for
17 school assignments to these programs using the parents-indicated
18 preferential choice as a significant factor for assigning students
19 within the district.

20 (2) 'Open enrollment' means a public education delivery
21 system that allows participating school districts to make
22 assignments of students residing outside of the students' district of
23 residence based on a partnership agreement between districts and
24 using the parents-indicated preferential choice as a significant
25 factor.

26 (3) 'District of residence' means a school district in which the
27 parent or guardian of a student resides.

28 (4) 'Parent' means the parent or legal guardian of a student of
29 the State.

30

31 Section 59-62-30. (A) Through the Office of Public School
32 Choice, the State Department of Education shall provide school
33 districts with information on various school choice programs,
34 promising practices information, professional development,
35 assistance in planning for transportation needs, and technical
36 assistance for developing and implementing public school choice
37 programs throughout the State.

38 (B) The Office of Public School Choice shall conduct a
39 statewide inventory. The inventory must be designed to collect
40 information on choice programs available in districts and choice
41 options parents would like to see implemented in their district of
42 residence. With the information received from the statewide
43 inventory, the Office of Public School Choice shall compile and

1 disseminate the results to the school districts of the State and
2 members of the General Assembly. The office shall maintain a list
3 of school choice options by district and by school level. The list
4 must be made available on the State Department of Education's
5 Web site.

6 (C) The Office of Public School Choice shall provide
7 information to all school districts regarding obstacles that have the
8 potential of interfering with the implementation of quality school
9 choice programs and shall make recommendations for overcoming
10 and avoiding those obstacles. The information provided also shall
11 include estimated costs associated with the implementation of
12 various choice options.

13 (D) During the 2008-2009 school year, each school district of
14 the State shall convene a School Choice Committee. The
15 committee shall include, but not be limited to, members
16 representing parents, community and business leaders, teachers,
17 and students. The committee membership shall represent the
18 ethnicity and geographic diversity of the district. With assistance
19 from the Office of Public School Choice, the School Choice
20 Committee shall develop an action plan which must be
21 incorporated in the school renewal plan for providing parents and
22 students choice options within the district and shall include a
23 timeline and budget proposal for implementation of the identified
24 options. Each district shall submit their plan to the Office of
25 Public School Choice for review, and if necessary the Office of
26 Public School Choice shall provide recommendations. Districts
27 having plans currently in place also shall submit their plans to the
28 Office of Public School Choice.

29
30 Section 59-62-40. (A) Beginning in the 2009-2010 school year
31 and succeeding school years with available funds, each school
32 district of the State shall begin implementation of their school
33 choice plans. At a minimum, each district shall begin by providing
34 a choice option for students at the elementary, middle, and high
35 school level. With approval from the State Department of
36 Education, districts may utilize technical assistance funds provided
37 pursuant to Section 59-18-1595 to assist in the implementation of
38 school choice plans.

39 (B) During the 2009-2010 school year, each district School
40 Choice Committee, established pursuant to Section 59-62-30(D),
41 and school district administration shall examine the feasibility of
42 establishing a partnership with neighboring districts to participate
43 in a voluntary open enrollment program that would provide for the

1 nontuition-based movement of students across district lines.
2 Through joint meetings with other district committees, committees
3 shall examine the benefits and barriers to establishing partnerships.
4 Upon completion of the examination, each committee shall report
5 its findings to its district board of trustees. The report must
6 identify at least one possibility for providing education
7 opportunities to students residing outside their district of residence.
8 As a component of the report, the committee shall also identify the
9 amount of additional funding, if any, needed to implement the
10 interdistrict option. Additionally, the committee is encouraged to
11 identify possible funding sources for implementing the identified
12 option.

13 (C) After receiving and examining the report on open
14 enrollment submitted by the School Choice Committee, districts
15 desiring to participate in a voluntary open enrollment program
16 shall submit to the Office of Public School Choice an agreement
17 outlining the district partnerships established for participation in
18 the program and agreed upon program criteria.

19 (D) Districts choosing to participate shall:

20 (1) accept students on a nontuition basis;

21 (2) choose students through a lottery drawing if more
22 students desire to participate than space is available. The lottery
23 drawing must be conducted with the participation of all districts
24 taking part in the pilot; and

25 (3) not discriminate on the basis of disability, race, creed,
26 color, gender, national origin, religion, ancestry, or need for
27 special education services.

28 (E) Districts participating are not required to:

29 (1) make alterations in the structure of a requested school;

30 (2) establish and offer a particular program in a school if the
31 program is not currently offered in the requested school; or

32 (3) alter or waive an established eligibility criteria for
33 participation in a particular program, including age requirements,
34 course prerequisites, or required levels of performance.

35

36 Section 59-62-50. The State Department of Education shall
37 issue a report to the General Assembly by January 1, 2010. The
38 report shall include, but not limited to, types of choice options
39 being implemented in each school district, number of students
40 participating in each choice option, number of students unable to
41 participate because of limited availability of a specific district
42 choice option, districts participating in voluntary open enrollment
43 programs, number of students participating in the open enrollment

1 programs, and recommended changes to this chapter to include the
2 basis for these recommendations. This report must be updated
3 annually to inform the General Assembly of the implementation of
4 this chapter.

5

6 Section 59-62-60. With an appropriation provided by the
7 General Assembly for this purpose, the State Department of
8 Education shall provide funding to districts participating in the
9 Public School Choice Program or the voluntary open enrollment
10 program to offset the cost of transporting students to and from
11 district choice programs and voluntary open enrollment programs.

12

13 Section 59-62-70. If any section, subsection, paragraph,
14 subparagraph, sentence, clause, phrase, or word of this chapter is
15 for any reason held to be unconstitutional or invalid, such holding
16 shall not affect the constitutionality or validity of the remaining
17 portions of this chapter, the General Assembly hereby declaring
18 that it would have passed this chapter, and each and every section,
19 subsection, paragraph, subparagraph, sentence, clause, phrase, and
20 word thereof, irrespective of the fact that any one or more other
21 sections, subsections, paragraphs, subparagraphs, sentences,
22 clauses, phrases, or words hereof may be declared to be
23 unconstitutional, invalid, or otherwise ineffective.”

24

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

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