

## Charter Institute at Erskine Transfer Out Policy

**S.C. Code Section 59-40-115** of the *Charter Schools Act of 1996* allows the Board of Directors of a charter school to voluntarily terminate the school's contract with the sponsor and transfer of the school's charter before the 10-year term of the charter expires only if all parties under contract with the charter school agree to the termination. A charter school that voluntarily terminates its contract with a sponsor may apply to another sponsor for the length of time remaining on its charter.

The Charter Institute at Erskine (the "Institute") is committed to collaboration and cooperation in the best spirit, so schools may continue to have a profound, innovative, and positive impact on the children of South Carolinians. The Institute will always maintain professional communication standards when reviewing a school's transfer out request. Neither the Institute Board nor the Institute staff will initiate or participate in negative public relations that serve to tarnish the image of a school requesting to transfer out of its portfolio of schools.

All schools approved for transfer will be supported by the Institute Board and its staff. The Institute will work collaboratively with the receiving Authorizer to ensure a smooth, transparent, and timely transition of student records, transcripts, data files, finances, etc. The Institute is committed to sustaining a cooperative, professional atmosphere and environment with all parties involved in the transfer process.

Pursuant to **S.C. Code Section 59-40-55**, the sponsor is responsible for the supervision and oversight of the charter schools it authorizes, which includes holding the school accountable to its charter, its contract, and all applicable state and federal laws. The Legislative Audit Committee ("LAC") Report dated June 2021 recognized the importance of ensuring underperforming schools could not transfer authorizers to avoid accountability (also known as "authorizer shopping") and recommended prohibiting or imposing conditions on the transfer of chronically underperforming schools. (*See LAC Report at p. 22-23.*)

Therefore, to ensure the Institute can fulfill its statutory obligations, as the authorizer and local education agency, a charter school meeting any of the following criteria is ineligible to request a transfer:

### Eligibility Criteria

- Any school that has received written notice from the sponsor or any third party of any violation of the Charter, which is unresolved and required the school to undertake corrective action, comply with sanctions, or receive any notice that its charter may be revoked as a result of the violation.
- Any school that has received written notice from the sponsor or any third party of any violation of the Contract between the school and sponsor, which is unresolved and required the school to undertake corrective action, comply with sanctions, or receive any notice that its charter may be revoked as a result of the violation.
- Any school that has received written notice from the sponsor or any third party of any violation of the applicable state or federal law, statute, or regulation, including but not limited to Special Education and other sub-groups, racial composition requirements, and S.C. Code § 59-40-110(C), which is unresolved and required the school to undertake corrective action, comply with sanctions, or receive any notice that its charter may be revoked as a result of the violation.

- Any school that has received written notice from the sponsor or any third party of any failure to meet the financial performance and sustainability requirements of the sponsor or failure to keep financial records in accordance with state and federal accounting codes and procedures, which is unresolved.
- Any school that has received written notice from the sponsor or other third party of a pending investigation into any violation of a statute, law, regulation, or financial standard set forth in the preceding bulleted subparagraph above.
- Any school that has received written notice from the sponsor or other third party of any violation by the charter school board of S.C. Code § 59-40-75 within twelve months of the transfer request.
- Any school which is under current investigation by local, state, or federal authorities.
- Any school under current investigation by the Institute or other governmental body for any noncompliance or violation of state or federal law, statute or regulation that could give rise to charter revocation if substantiated and not corrected.
- Any school that the Institute has been placed under a declaration of Fiscal Watch or Fiscal Emergency.
- Any school receiving two Unsatisfactory school ratings in the previous three school years prior to the transfer request.
- Any school that has not reached its third year of operation and received three final evaluation ratings from the South Carolina Department of Education or the Charter Institute at Erskine.
- Any school with an active Corrective Action Plan or ongoing sanction.
- Any school within one year of completion of a Corrective Action Plan or end of a sanction.

### **Transfer Application Review and Hearing Process**

Schools requesting to transfer from the Charter Institute at Erskine (“the Institute”) to another sponsor must submit a completed *Transfer Out Request* form by **September 1<sup>st</sup> 5:00PM EST of the school year prior** to the school year in which the school wishes the transfer to become effective. The transfer out request will initiate with receipt of the *Transfer Out Request* form and follow the steps below:

1. The school completes and submits the Institute’s *Transfer Out Request* form by the **September 1<sup>st</sup> 5:00PM EST** deadline.
2. The Institute will confirm timely (or untimely) receipt of the *Transfer Out Request* within two business days of receipt.
3. The Institute reviews the *Transfer Out Request* form for timely receipt, completeness, accuracy, and applicant eligibility pursuant to the Transfer Out Policy.
4. The Institute determines applicant eligibility based on the Institute Board approved Eligibility Criteria pursuant to the Transfer Out Policy.
5. For schools that fail to meet the Board approved Eligibility Criteria pursuant to the Transfer Out Policy, the school Board, staff, parents, guardians, students over eighteen years of age, and the proposed receiving Sponsor will receive written notice of the failure to meet the Eligibility Criteria and denial of the *Transfer Out Request* along with supporting documentation and evidence by **October 15<sup>th</sup>**.
6. For schools that meet the Board approved Eligibility Criteria pursuant to the Transfer Out Policy, the Institute will provide a written Recommendation Report, and will notify the local school Board, staff, parents, guardians, students over eighteen years of age, and the proposed receiving Sponsor of the staff recommendation by **October 15<sup>th</sup>**.

7. The Institute's *Transfer Out Request* Recommendation Report is submitted to the Institute Board prior to full Board's consideration of the request at the Institute Board hearing.
8. The Institute Board reviews the report, conducts a Board Hearing, and either approves or denies the *Transfer Out Request* by **November 30<sup>th</sup> of the current school year**. The School Board, staff, parents, guardians, students over eighteen years of age will receive written notice of the Institute Board's decision within 10 business days of the Board Hearing.
9. If the Institute Board approves the Transfer Out Request, the parties shall execute a Memorandum of Agreement to govern the transfer of the school to another authorizer.

The Institute Board of Directors may deny any transfer request, even a transfer request of a school eligible to request a transfer to another sponsor, if the Board believes the request is based primarily on the school's desire to avoid accountability (authorizer hopping or shopping), is made in bad faith, or is not in the best interest of the students or community being served by the school or Institute.

The Charter Institute at Erskine Board's decision on the transfer out request is a **final decision** of the Institute Board.

### **Reservation of Rights**

Notwithstanding any provision of this policy to the contrary, the Institute expressly reserves and refuses to waive any right to approve or deny a request to voluntarily terminate the contract or transfer out of the Institute to the maximum extent allowed by the Charter Act and any other law, statute or regulation. No violation of this policy shall be the basis to void or overturn a decision to approve or deny a transfer request within the authority of the Institute to do so allowed by applicable law, statute or regulation.

