



VAMSHI RUDRAPATI

Director

1201 Main Street, Suite 300, Columbia, SC 29201

VIA: E-MAIL

10 October 2021

Coastal Leadership Academy Board of Directors
Bridgett Fowler
3710 Palmetto Pointe Blvd.
Myrtle Beach, SC 29588

RE: Coastal Leadership Academy Transfer Request

Dear Ms. Fowler:

The Charter Institute at Erskine (the “Charter Institute”) is in receipt of your letter dated October 1, 2021 regarding the resolution to transfer the charter of Coastal Leadership Academy (“CLA” or the “School”) to another authorizer. The Charter Institute values all of its schools and recognizes that requests to transfer authorizers do happen.

The Charter Institute has adopted a Transfer Policy to establish a transparent process for receiving and evaluating requests by schools to transfer their charter to another authorizer. The Transfer Policy outlines the eligibility requirements, deadlines, and process for schools seeking to transfer to another sponsor. LCA is required to comply with all Charter Institute policies, including the Transfer Policy, pursuant to its contract with the Charter Institute. (See Contract, § 1.2.) Enclosed with our letter is a copy of the Charter Institute’s Transfer Policy, which is also available on the Charter Institute’s website under Authorization. (See **Appendix 1.**)

Pursuant to the Transfer Policy, schools requesting to transfer from the Charter Institute to another sponsor must submit a completed *Transfer Out Request* form by **September 1st 5:00 PM EST of the school year prior** to the school year in which the school wishes the transfer to become effective. This timeline is important because it allows decisions to be made in advance of budget requests being submitted to the House, Senate and Governor’s office, and allows sufficient time to ensure a smooth transition for schools approved for transfer.

As the deadline for transfer requests for the 2022-23 school year has passed, the School is not eligible to transfer for the 2022-2023 school year, and the School’s request would be for the 2023-2024 school year. However, because the 2023-2024 school year is LCA’s charter renewal year, LCA would not be required to request a transfer, and may choose which authorizer LCA would like to apply to renew its charter with at that time.

The Institute would also like to express its concern that the CLA Board’s vote to transfer may have violated the South Carolina Freedom of Information Act.

Pursuant to Section 30-4-80 of the South Carolina Freedom of Information Act, once an agenda for a board meeting “is posted pursuant to this subsection, no items may be added to the agenda without an additional twenty-four hours notice to the public” Additionally, “[a]fter the meeting begins, an item upon which action can be taken only may be added to the agenda by a two-thirds vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, **it may only be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda. Nothing herein relieves a public body of any notice requirement with regard to any statutorily required public hearing.**”

S.C. Code § 30-4-80 (emphasis added). Furthermore, the School Board “shall keep written minutes of all their public meetings” which “shall include . . . [t]he substance of all matters proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken.” S.C. Code § 30-4-90.

Here, the School Board’s agenda for the August 31, 2021 board meeting was posted and did not include the transfer request as an agenda item. (*See Appendix 2* (please note the date on the August 31st Agenda appears to be incorrect.)) The minutes for the August 31, 2021 board meeting state that the School Board went into executive session “to discuss contract matters and obtain legal advice,” then the School Board exited executive session and voted unanimously on the resolution for CLA to transfer from its current sponsor. (*See Appendix 3.*)

There was no vote to amend the Agenda, no finding by the board of emergency or exigent circumstances necessary to amend the agenda without the twenty-four hour public notice requirement, and no opportunity for public comment on the transfer. Furthermore, there is no record in the minutes of any vote to amend, any finding of emergency or exigent circumstances, nor any discussion on the decision to transfer prior to the Board’s vote on the transfer resolution. Therefore, the School board’s actions as shown in the minutes would have violated the South Carolina Freedom of Information Act and would require correction.

Finally, the Charter Institute wants to make sure you are aware that the Board-adopted Institute *Transfer Policy* requires the following types of documents be communicated to parents and posted on the Institute website:

1. Transfer Process Documents (Board resolution, Institute recommendation, etc)
2. School History including Academics
3. School Compliance History (if any)

Please let us know if the CLA Board intends to rescind or modify its request, so that we may know whether to proceed under the Transfer Policy.

Sincerely,



Vamshi Rudrapati, Director

CC Dr. Tom Hellams, Board Chair
Cameron Runyan, Superintendent