

## Charter Institute at Erskine Transfer Out Policy

**S.C. Code Section 59-40-115** of the *Charter Schools Act of 1996* (the “Act”) and the charter contract 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, including the current Sponsor, agree to the termination and transfer.**<sup>1</sup>

The Charter Institute at Erskine (the “Institute”) is committed to collaboration and cooperation in the best spirit, so schools may continue to have a positive impact on the children of South Carolina. 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 until the execution of the school’s transfer to the new authorizer at the end of the fiscal year on June 30. To ensure a smooth transition and no disruption to the education of students, there will be no transfers approved for the middle of the fiscal year. The Institute will collaborate with the receiving Sponsor to ensure a smooth, transparent, and timely transition of student records, transcripts, data files, finances, etc., via the execution of a Memorandum of Agreement between all parties to the transfer. 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 schools accountable to their charters, contracts, 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 Sponsor and local education agency, a charter school meeting any of the following Ineligibility Criteria is ineligible to request a transfer:

### **Transfer Review Process and Ineligibility Criteria**

- Any school that has received written notice from the sponsor or any third party of any violation of the charter, the charter contract, or 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 required the school to comply with an active Corrective Action Plan, which resulted in ongoing sanctions, or included notice that the school’s charter may be revoked as a result of the violation, and which remains unresolved.

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<sup>1</sup> Pursuant to S.C. Code 59-40-120 a School may voluntarily terminate its contract and dissolve its charter, which constitutes a dissolution event.

- 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 resulted in an active Corrective Action Plan, or a declaration by the Institute or SCDE of Fiscal Watch or Fiscal Emergency, and 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, which is unresolved.
- 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, which is unresolved.
- Any school which is under current investigation by local, state, or federal authorities.
- Any school receiving two Unsatisfactory overall school ratings on the State Report Card from the South Carolina Department of Education or receiving two overall “Does Not Meet” ratings on the annual evaluation tool from the Charter Institute at Erskine in the previous three school years prior to the transfer request.
- Any school that has not reached its third year of operation or received three final evaluation ratings from the South Carolina Department of Education

The Institute Board will review and consider each transfer application on a case-by-case basis at a regularly scheduled board meeting after all academic, fiscal, and organizational performance data for the most recently completed school year becomes available and in accordance with the Transfer Application Process outlined below. The Institute Board shall take into consideration the performance data from 1) the most recently completed school year; 2) previous years of operation; and 3) the current school year. The Institute Board may consider additional information, without limitation, such as the impact of the transfer on Institute students and families, the reasons for the transfer, the readiness of the receiving sponsor to accept the transferring school, the capacity of the school to implement the transfer, whether the transfer 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 Institute may, but is not required to, grant the transfer request, even if the School is eligible under the Ineligibility Criteria.

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

### **Transfer Application Process**

Schools requesting to transfer from the Charter Institute at Erskine (“the Institute”) to another sponsor must submit a completed *Transfer Out Request* form (located at [https://erskinecharters.formstack.com/forms/transfer\\_out\\_request](https://erskinecharters.formstack.com/forms/transfer_out_request)) 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 Board must provide notice to parents/guardians of students and place the Transfer Out Request on its agenda and vote on same in a public board meeting in compliance with S.C. Freedom of Information Act.
2. The school must complete and submit the Institute’s *Transfer Out Request* form by the **September**

This is a live document. As such, the most updated version can be found on the [Charter Institute at Erskine website](#).

**1<sup>st</sup> 5:00PM EST** deadline. The Institute will confirm timely (or untimely) receipt of the *Transfer Out Request* within five (5) business days of receipt.

3. The Institute will review the *Transfer Out Request* form for timely receipt, completeness, accuracy, and applicant eligibility.
4. The Institute determines applicant eligibility based on the Transfer Out Policy.
5. The Institute will provide a written Recommendation Report for the School's Transfer Out Request and will notify the school Board of the staff recommendation by **October 15<sup>th</sup>**.
6. The School may submit a written response and any materials it wishes the Institute Board to consider no later than November 10<sup>th</sup>
7. The Institute's *Transfer Out Request* Recommendation Report and any materials timely submitted by the School shall be submitted to the Institute Board prior to full Board's consideration of the request at the Institute Board meeting.
8. The Institute Board shall either approve or deny the *Transfer Out Request* by **January 30<sup>th</sup> of the current school year**. The School Board will receive written notice of the Institute Board's decision within ten (10) business days of the Board Hearing.
9. If the Institute Board approves the Transfer Out Request, the Institute, the School, and the receiving Sponsor shall execute a Memorandum of Agreement to govern the transfer of the school to another Sponsor **no later than March 1<sup>st</sup>** of the current fiscal year. The transfer to the receiving Sponsor shall be effective at the end of the fiscal year on June 30.

#### **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.



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