

RESOLUTION OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT BOARD OF TRUSTEES  
January 10, 2019

At previous regularly scheduled board meetings of the South Carolina Public Charter School District (District) Board of Trustees, the Board has discussed the recent South Carolina Attorney General's Opinion dated October 16, 2018. The Attorney General issued this opinion in response to a request from the SC State Ethics Commission. The Attorney General opinion stated "It is this Office's opinion that a court would likely find S.C. Code Ann. 8-13-1110(B)(11) does not authorize the Commission to require charter school board members or charter committee members to file a Statement of Economic Interest..." Consequently, the Attorney General opined that the State Ethics Commission could not compel members of a charter school board of directors or charter committee to file a Statement of Economic Interests (The Statement) pursuant to South Carolina's Ethics Act.

Additionally, both the Ethics Commission request and the Attorney General's Opinion did not address the issue of whether District Board members must continue to annually complete the Statement of Economic Interests. In recognition of that, and of the facts that the District's annual budgets involve the pass through of tens of millions of federal and state dollars to individual charter schools, and that each District school is entrusted with millions of State and Federal funds for the purpose of providing a high quality education, the issues of financial transparency, reporting, responsibility and charter school board make up are of considerable importance. In recognition of this importance, the District Board resolves as follows:

WHEREAS, The District is responsible for oversight and monitoring of the South Carolina public charter schools to whom it has awarded a Charter ("District Schools");

WHEREAS, monitoring for financial conflicts of interest is part of the District's oversight responsibility;

WHEREAS, statutory requirements regarding the membership of charter school boards and the disclosures by those members are important to monitoring for financial conflicts;

WHEREAS, the question has been raised regarding whether members of the District's respective charter school boards are required to file Statements of Economic Interest;

WHEREAS, the South Carolina Charter School Act currently requires all charter school board members to be residents of the state of South Carolina but does not specify that members must be citizens of the United States of America;

WHEREAS, the District Board wishes to both set and meet its expectation and commitment to financial disclosures by its District Board members and to hold out that standard as an example to its respective school boards,

NOW, THEREFORE, BE IT RESOLVED, THAT the District Board (Board) hereby expresses the following:

1. The Board commits to requiring each of its Board members to continue filing an annual Statement of Economic Interest;
2. The Board strongly encourages each of its charter school boards to also adopt a policy requiring all board members to file an annual Statements of Economic Interest;

3. The Board believes that all charter school board members must be legal citizens of the United States in addition to all other statutory requirements in order to properly safeguard the taxpayer funds entrusted to charter schools;

4. The Board encourages the Legislature to develop legislation that would codify the requirements of all statewide sponsor/authorizer board members and all charter school board members to file annual Statements of Economic Interests; and

5. The Board encourages the Legislature to amend the Charter School Act to clarify that all charter school board members and statewide sponsor/authorizer board members must be United States Citizens as well as residents of the State of South Carolina.

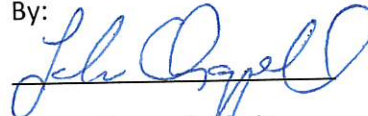
SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT BOARD OF TRUSTEES

Attest:



Kathleen Bounds, Secretary

By:



Laban Chappell, Chair