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Page 2  
March 29, 2024

has been convicted of a felony must not be elected to a board of  
directors. If the board of directors consists of an odd number of...

members, the extra member must be an individual who has a  
background in K-12 education or in business.

....

S.C. Code Ann. § 59-40-50(B) (emphasis added). As such, the Legislature clearly requires those  
serving on a charter school board to be South Carolina residents. However, you question whether  
they must also be eligible to vote.

consistent with the operation of the school including the decision  
to "select to comply with" those laws or regulations which are

applicable to a public school, a school board, or a district, ..."  
which are not otherwise specified as applicable. In essence,  
board members make policy decisions in keeping with the

and create new, innovative, and more flexible ways of educating  
children within the public school system." Clearly, board  
members exercise a portion of the sovereign power of the State

3. Public Charter School Board Elections are only voted on by members of that particular school community.

We agree charter school board members obtain their offices in a manner different than traditional public school boards. However, the requirement that they meet the qualifications of an elector does not change with how they are elected. Notably, as our Supreme Court pointed out in McLure, even if these members were appointed rather than elected, they are still required to meet the qualifications of an elector. McLure, 211 S.C. at 119, 44 S.E.2d at 108. As such, it matters only that they are officers pursuant to Article XVII, § 1 of the South Carolina Constitution and we believe they likely are.

You also point to language in section 59-40-50(A) of the South Carolina Code (2020) that states, "Except as otherwise provided in this chapter, a charter school is exempt from all provisions of law and regulations applicable to a public school, a school board, or a district, although a charter school must comply with one or more of these provisions of law or regulations." Q

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