**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “PARENTAL RIGHT TO REFUSE ASSESSMENTS ACT” BY ADDING SECTION 59‑18‑335 SO AS TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE THE PARENT OF A STUDENT MAY EXCUSE THE STUDENT FROM PARTICIPATING IN STANDARDIZED ASSESSMENTS THAT ARE PART OF A CERTAIN SYSTEM OF STATEWIDE ACADEMIC ASSESSMENTS, TO PROVIDE NO PENALTIES MAY BE IMPOSED FOR EXERCISING THIS RIGHT TO EXCUSE, TO REQUIRE ADOPTION AND IMPLEMENTATION OF RELATED POLICIES AND PROCEDURES BY LOCAL AND STATE‑SPONSORED EDUCATION PROVIDERS, TO PROVIDE SPECIFIC REQUIREMENTS FOR THESE POLICIES AND REQUIREMENTS FOR MAKING THEM AVAILABLE TO PARENTS AND STUDENTS, AND TO DEFINE NECESSARY TERMINOLOGY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 3, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑335. (A) The provisions of this section must be known and may be cited as the ‘Parental Right to Refuse Assessments Act’.

(B) The General Assembly finds that parents in South Carolina have the fundamental right to control the education of their children, and because a child’s education should be determined at the local level between parents and teachers, it is the desire of the General Assembly to ensure that the federal government never dictate education decisions for South Carolina through federal assessment mandates.

(C) Notwithstanding any provision of this article or rules of the State Board of Education to the contrary, the parent of a student may excuse the student from participating in a standardized assessment that is part of the system of assessments adopted pursuant to Section 59‑18‑320 and administered pursuant to Section 59‑18‑325 and Section 59‑139‑60.

(D) The State Department of Education, any other state agency, or any law enforcement agency shall not prosecute or in any manner penalize the parent, the student, the student’s teacher, the principal of the public school that the student attends, the public school that the student attends, or the local education provider that enrolls the student because of the parent’s choice to excuse his student from participating in the standardized assessment.

(E) Each local education provider and other state‑sponsored education providers shall adopt and implement a written policy and procedure by which a student’s parent may excuse the student from participating in one or more of the standardized assessments that the department administers as part of the state system of assessments adopted pursuant to Section 59‑18‑320 and administered pursuant to Section 59‑18‑325 and Section 59‑139‑60. At a minimum, the written policy must specify:

(1) the purpose and use of the standardized assessments and the student academic performance information that the local education provider receives as a result of administering the standardized assessments;

(2) the manner by which a parent may excuse his student from participating in a standardized assessment;

(3) the timing by which a parent must submit the excuse to the local education provider;

(4) whether a single excuse may apply to standardized assessments in multiple instructional areas or multiple administrations of one or more standardized assessments or whether a parent must submit a separate excuse for the standardized assessments administered in each instructional area and each administration of a standardized assessment;

(5) alternatives for meeting graduation requirements in lieu of standardized testing where required;

(6) alternatives for meeting grade promotion requirements in lieu of standardized testing where required; and

(7) approved accommodations for meaningful alternative activities or assignments that will continue to promote academic and intellectual growth during standardized testing windows for students whose parent chooses to excuse them from standardized tests.

(F) Each local education provider, before classes commence in the fall semester of each school year, shall make available to the parents of the students enrolled in each public school operated by the local education provider paper and electronic copies of the written policy for excusing students from taking standardized assessments, and the local education provider shall post a copy of the written policy on its Internet website, and the local education provider may not penalize the student, the student’s teacher, the principal of the public school that the student attends, or the public school that the student attends because of the parent’s choice to excuse his student from participating in the standardized assessment.

(G) For the purposes of this section, ‘parent’ means a biological parent, adoptive parent, or legal guardian unless the context otherwise requires.”

SECTION 2. This act takes effect upon approval by the Governor.

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