**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA COURSE ACCESS ACT” BY ADDING CHAPTER 8 TO TITLE 59 SO AS TO PROVIDE A CITATION, TO DEFINE NECESSARY TERMS, TO CREATE A STATE COURSE ACCESS PROGRAM THROUGH WHICH ELIGIBLE STUDENTS MAY TAKE COURSES APPROVED BY THE COMMISSION ON HIGHER EDUCATION TO BE OFFERED BY CERTAIN PROVIDERS, TO PROVIDE CRITERIA AND PROCEDURES RELATED TO THE AUTHORIZATION OF THESE COURSES, TO PERMIT RECIPROCITY AGREEMENTS WITH OTHER STATES, TO PROVIDE FOR THE DETERMINATION OF TUITION RATES, AND TO PROVIDE RELATED DUTIES OF THE COMMISSION AND SCHOOL DISTRICTS.

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

SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 8

South Carolina Course Access Act

Section 59‑8‑110. This act must be known and may be cited as the ‘South Carolina Course Access Act’.

Section 59‑8‑120. (A) As used in this chapter:

(1) ‘State course access program’ means the program created by this chapter.

(2) ‘State course access catalog’ means the website developed for the Education Oversight Committee that provides a listing of all courses authorized and available to students in the State, detailed information about the courses to inform student enrollment decisions, and the ability for students to submit their course enrollments. The data in this catalog must be published online in an open format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications. The data in the catalog is owned by the committee.

(3) ‘Course provider’ means an entity authorized by the Education Oversight Committee to offer individual courses in‑person, online, or both, including, but not limited to, online education providers, public or private elementary and secondary education institutions, education service agencies, private for profit or not for profit providers, postsecondary education institutions, and vocational or technical course providers.

(4) ‘Committee’ means the Education Oversight Committee.

(5) ‘Eligible participating student’ means a K‑12 student who resides in this State.

(6) ‘Eligible funded student’ means an eligible participating student who is currently enrolled in a public school, including a public charter school.

(7) ‘Local Education Agency’ or ‘LEA’ means:

(a) a school district organized and existing pursuant to law;

(b) a board of cooperative services or intermediate school district;

(c) a publicly funded agency established by the State for the express purpose of authorizing charter schools;

(d) a public charter school authorized pursuant to state statutes; or

(e) another local education agency in the State that has administrative control of public education.

(8) ‘Open format’ means a format that is platform‑independent, machine‑readable, and available to the public without restrictions that would impede repeated use of that information.

Section 59‑8‑130. (A) An eligible participating student may enroll in state course access program courses.

(B) An eligible funded student may enroll in state course access program courses that are funded by the program up to the following levels, unless additional courses are approved by the school where they are enrolled:

(1) Year 1 ‑ Students entering the school year with credits equal to junior or senior level of high school may take up to two courses each semester;

(2) Year 2 ‑ Students entering the school year with credits equal to sophomore, junior, or senior level of high school may take up to two courses each semester;

(3) Year 3 ‑ Students in grades 9 through 12 may take up to two courses each semester; and

(4) Year 4 and beyond ‑ Students may take up to two courses each semester.

(C) The families of eligible funded students and other eligible participating students may pay to enroll in state course access program courses above the levels specified in subsection (B).

(D)(1) An LEA where an eligible funded student is enrolled full‑time may review enrollment requests to ensure courses:

(a) are academically appropriate;

(b) are logistically feasible;

(c) keep the student on track for an on‑time graduation; and

(d) do not extend a student beyond a full-time course load.

(2) The LEA only may reject enrollment requests for those reasons.

(E) An LEA shall inform students and families of their right to appeal an enrollment denial in a state course access program course to the committee, which shall provide a final enrollment decision within seven calendar days.

Section 59‑8‑140. (A) The committee shall:

(1) establish an authorization process for course providers that includes multiple opportunities for submission each year;

(2) no later than ninety calendar days after the initial submission date authorize course providers that:

(a) meet the criteria established pursuant to Section 59‑8‑150; and

(b) provide courses which offer the instructional rigor and scope required pursuant to Section 59‑8‑150; and

(3) not later than ninety calendar days after the initial submission date, provide a written explanation to a course provider who is denied authorization.

(B) If a course provider is denied authorization, the provider may reapply in the future.

(C) The committee shall publish the process established pursuant to this section, including deadlines and guidelines applicable to the submission and authorization process for providers.

(D) If the committee determines sufficient funds are not available to evaluate and authorize course providers, the committee may charge applicant providers a fee that does not exceed than the amount of the costs in order to ensure that evaluation can be made. The committee shall establish and publish a fee schedule for the purposes of this subsection.

Section 59‑8‑150. (A) To be authorized to offer a course through the program, a provider must:

(1) comply with applicable antidiscrimination provisions and applicable state and federal student data privacy provisions, including the Family Educational Rights and Privacy Act (FERPA);

(2) provide an assurance that all online information and resources for online or blended courses are fully accessible for students of all abilities, including assurances that courses submitted for approval are reviewed to ensure they meet legal accessibility standards, and that the provider has:

(a) created and promulgated an accessibility online learning policy;

(b) designated a 504 coordinator, a grievance policy, and annual notifications;

(c) implemented policies and activities to ensure their organizational and course websites meet accessibility requirements; and

(d) no gateway exam or test where a specific score is required to participate in course access program courses beyond completion of prerequisite coursework or demonstrated mastery of prerequisite material;

(3) demonstrate either:

(a) prior evidence of delivering quality outcomes for students as demonstrated by completion rates, student level growth, proficiency, or other quantifiable outcomes; or

(b) for course providers applying to offer a subject or grade level for the first time, provide a detailed justification, in a manner determined by the committee, of how their organization’s subject matter, instructional, and technical expertise are expected to lead to successful outcomes for students;

(4) ensure instructional and curricular quality through a detailed curriculum and student performance accountability plan that aligns with, and measures student attainment of, relevant state academic standards or other relevant standards in courses without state academic standards;

(5) provide an assurance that the course provider will electronically provide, in a manner and format determined by the committee, a detailed student record of enrollment, performance, completion, and grading information with the school systems where eligible participating students are enrolled full time.

(B) Additional criteria developed by the committee must be used to evaluate providers, and may include nationally recognized, third‑party quality standards.

Section 59‑8‑160. (A) The committee shall establish a course review and approval process. The process may be implemented by the committee or its designee.

(B) In order to be approved and added to the state course access catalog, a course must:

(1) be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting;

(2) be aligned to relevant state academic standards or industry standards;

(3) include an assessment component for determining student proficiency and, where applicable, student growth; and

(4) be designed and implemented consistently with nationally recognized, third-party quality standards.

(C) The committee may negotiate changes in the proposal to offer a course, if the committee determines that changes are necessary to authorize the course.

Section 59‑8‑170. (A) The initial authorization of the course provider and approved courses must be for a period of three years.

(B) A provider annually shall report the following information as directed by the committee:

(1) student enrollment data;

(2) student outcomes, growth measures when available, proficiency rates, and completion rates for each subject area and grade level; and

(3) student and parental feedback on overall satisfaction and quality, including availability of support from teachers, and their comments.

(C) After the second year of the initial authorization period, the committee shall conduct a thorough review of the course provider’s activities and the academic performance of the students enrolled in courses offered by the course provider.

(D) If the performance of the students enrolled in courses offered by the course provider does not meet agreed upon performance standards, the course provider must be placed on probation and shall submit a plan for improvement. The committee shall determine the terms of the probation and if the course provider has met the specified results necessary to return to good standing. If a course provider on probation fails to return to good standing within the timeframe of their probation, the committee may revoke their status as an approved course provider.

(E) After the initial three‑year authorization period, the committee may reauthorize the course provider for additional periods of not less than three years after thorough review of the course provider’s activities and the achievement of students enrolled in courses offered by the course provider.

(F) The committee may exclude a course provided by an authorized provider at any time if the committee determines that the course:

(1) is no longer adequately aligned with the state academic standards;

(2) no longer provides a detailed and quality curriculum and accountability plan; or

(3) fails to deliver outcomes as measured by course completion or student outcomes and performance on state or nationally accepted assessments.

Section 59‑8‑180. The committee may enter into a reciprocity agreement with other states for the purpose of authorizing and approving high quality providers and courses for the program and the operation of the catalog.

Section 59‑8‑190. (A) The committee shall:

(1) publish the criteria required by Section 59‑8‑150 for courses that may be offered through the program;

(2) create the catalog, in the process of which the committee may enter into an agreement with other states or organizations to develop and operate one or more aspects of the catalog and program;

(3) publish a link to the catalog in a prominent location on the committee’s website, which includes a listing of courses offered by authorized providers available through the program, a detailed description of the courses, and available student completion and outcome data; and

(4) establish and publish a timeframe or specific dates by which students are able to withdraw from a course provided through the program without the student, LEA, or course provider incurring a penalty.

(B) The committee shall maintain on its official website, in a prominent location, an ‘informed choice’ report. A report under this section must:

(1) be updated within thirty calendar days of additional provider authorizations;

(2) describe each course offered through the program and include information concerning course requirements and the school year calendar for the course, including options for continued participation outside of the standard school year calendar;

(3) include student and parental comments and feedback as detailed pursuant to Section 59‑8‑170; and

(4) be published online in an open format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications.

(D) The committee shall submit an annual report on the program and the participation of entities to the Governor, the chair and ranking member of the Senate Education Committee, and the chair and ranking member of the House Education and Public Works Committee. At a minimum, a report must include:

(1) the annual number of unique students participating in courses authorized under this chapter and the total number of courses in which students are enrolled;

(2) the number of authorized providers;

(3) the number of authorized courses and the number of students enrolled in each course;

(4) the number of courses available by subject and grade level;

(5) the number of students enrolled in courses by subject and grade level;

(6) student outcome data, including completion rates, student learning gains, student performance on state or nationally accepted assessments, by subject and grade level by provider. This outcome data must be published in a manner that protects student privacy; and

(7) expected data that is not available at the time of publication and when it will become available. The committee shall include this data in future reports.

(E) The report and underlying data must be published online in an open format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications.

Section 59‑8‑200. (A) A school district or charter school shall:

(1) notify students and parents as part of any course enrollment period or process of the availability of state course access program courses in correspondence that is written in simple and accurate language;

(2) provide information by letter or email to students and parents at home and by at least two other means, such as community flyers, newspaper postings, on student report cards, or other methods; and

(3) publish information and eligibility guidelines on the school and school district’s websites.

(B) Each local school system shall establish policies and procedures whereby, for each eligible participating student as identified in Section 59‑8‑130, the following shall apply:

(1) credits earned through the course provider shall appear on each student’s official transcript and count fully towards the requirements of an approved South Carolina diploma.

(2) coordinate with course providers to ensure that required state assessments are administered to each such student attending a public school.

(C) The performance data of students who are enrolled in a course pursuant to this chapter and in accordance with subsection (A) must be counted in the school performance score for the school in which the student is enrolled full time.

(D) The committee shall adopt rules necessary to implement this chapter including, but not limited to, the requirements of school governing authorities or local school systems whose students enroll in courses offered by authorized course providers.

(E) Nothing in this chapter may be construed to prevent a school entity from establishing its own online course or program in accordance with this chapter.

Section 59‑8‑210. (A) Per course tuition must be determined as follows:

(1) The course provider shall receive per course tuition for each eligible funded student at a fair and reasonable rate negotiated by the committee and the course provider that is inclusive of all required course materials. Determinations of course prices may take into account prices for similar levels of service in other jurisdictions. Transfers of course payments must be made by the committee on behalf of the responsible school district in which the student resides to the authorized course provider.

(2) The course provider shall receive payment from the committee only for the courses in which an eligible funded student is enrolled. The remaining funds for each student must remain with the local school system in which the student is enrolled full time.

(3) The course provider shall accept the amount specified in item (1) as total tuition and fees for the eligible funded student.

(4) The course provider may charge tuition to an eligible participating student up to an amount determined by the course provider and committee.

(B) Payment of tuition to course providers must be based upon student success and made as follows:

(1) Seventy percent of the amount of tuition to be paid or transferred to the course provider must be transferred upon student enrollment in a course and thirty percent must be dependent upon student success in the course. Student success initially may be measured based on course completion, but the committee shall create new measures of student success by Year 3 for use in courses where externally validated measures are available. These measures of student outcomes, based on either proficiency or growth, shall include results from independent end of course exams, Advanced Placement exams, receipt of industry recognized credentials, receipt of credit from institutions of higher education, or other externally validated measures.

(2) If a student does not successfully complete a course according to the published course length in which the course provider has received the first payment pursuant to item (1), the provider must receive thirty percent of the tuition that is dependent upon student success as defined in item (1), but only if the student completes and receives credit for the course within one additional semester. At that point, remaining tuition must be returned to the LEA where a student is enrolled full time.”

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

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