**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑360 SO AS TO PROVIDE A PROCESS FOR THE EXEMPTION OF COMPETENCY‑BASED SCHOOLS FROM CERTAIN APPLICABLE LAWS AND REGULATIONS, AND PROVIDE RELATED REQUIREMENTS FOR COMPETENCY‑BASED SCHOOLS, THE STATE DEPARTMENT OF EDUCATION, AND THE COMMISSION ON HIGHER EDUCATION.

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

SECTION 1. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑360. (A)(1) When a competency‑based school is being launched by a district, the State Board of Education may exempt the school from certain applicable state laws and regulations. A district that wishes to obtain an exemption shall submit a waiver application to the State Board of Education in a format developed by the State Department of Education. To be considered, a waiver application must:

(a) be approved by the local school district board of trustees;

(b) be aligned to the district strategic plan; and

(c) provide for the implementation of competency‑based education for all students in the school, which may be implemented in phases over a period of five or fewer years.

(2) A district must seek parental outreach and consultation using guidelines approved by the State Board of Education when submitting a waiver application for approval by its local board of trustees and the State Board of Education, or the application may not be considered.

(3) A district whose waiver application is approved may request additional exemptions and may request amendments to its current approved waiver on a rolling basis.

(B) A competency‑based education school is designed to improve educational outcomes for students by advancing their mastery of concepts and skills through the following core principles:

(1) Learning outcomes must emphasize competencies that include:

(a) application and creation of World Class Knowledge; and

(b) the development and application of the World Class Skills and Life and Career Characteristics identified in the Profile of the South Carolina Graduate.

(2) Competencies must include explicit, measureable, and transferable student learning objectives that provide transparency and guide students as the students pursue their own inquiries, understanding, and ownership of learning.

(3) A student shall master competencies along a personalized and flexible pathway before he may advance. A student may demonstrate his mastery of competencies through his performance of the competencies, application of the competencies, or both.

(4) An assessment must be meaningful and used to personalize learning experiences with a student.

(5) A student must receive timely and personalized support based on his individual learning needs.

(C) A local school board of trustees and the State Board of Education may not exempt a school from:

(1) federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin, religion, ancestry, or need for special education services;

(2) health, safety, civil rights, and disability rights requirements as applied to other public schools operating in the district; or

(3) state and federal assessment requirements.

(D) A school created pursuant to this section shall admit all children eligible to attend the school, subject to space limitations, and may not limit or deny admission or show preference in an admission decision to an individual or group of individuals.

(E) If a school is selected to become a competency‑based education school, each student enrolled in the school is considered to be a full‑time equivalent student enrolled in the school while participating in the competency‑based education system for the purpose of calculating state financial support, average daily membership, and attendance, and for accountability purposes, to be a full‑time equivalent student enrolled in the school while participating in the competency‑based education system. The department shall develop a process to ensure that schools and districts are not penalized for the purposes of accreditation.

(F) If a school is selected to become a competency‑based education school, each student must remain enrolled in the state’s student information system.

(G) The State Department of Education shall establish procedures to ensure that a student who attends a school that establishes a competency‑based education system and subsequently transfers to another school within the district or to another district that does not have a competency‑based system is not penalized by being required to repeat coursework that he successfully has mastered. The department may provide a necessary accreditation exemption to a school that launches a competency‑based education program.

(H)(1) The State Department of Education shall create evaluation criteria and guidelines for schools that are implementing competency‑based education. A participating school shall submit required data for a biennial cyclical review on a form developed by the department. The review must begin at the conclusion of the second academic year of the school’s implementation of the program.

(2) If upon the cyclical review the department determines that a goal or objective is not being met, the department shall notify the district and school in writing. The district and school have sixty days to respond, after which the department may recommend revocation of the flexibility provisions to the State Board of Education.

(I) The Commission on Higher Education and State Board for Technical and Comprehensive Education shall establish policies to provide fair and equitable access to institutions of higher education and technical colleges for students with competency‑based credits or diplomas, scholarships, and financial aid for graduates of schools implementing innovative school models and using nontraditional diplomas and transcripts.”

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

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