**A** **BILL**

TO AMEND SECTION 59‑1‑425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INSTRUCTIONAL DAY IN A PUBLIC SCHOOL, SO AS TO PROVIDE THAT IN THE FIRST, SECOND, AND THIRD GRADES AT LEAST FIVE HOURS OF THE INSTRUCTIONAL DAY MUST BE DEVOTED TO INSTRUCTION IN WRITING, ENGLISH/LANGUAGE ARTS, AND MATHEMATICS; TO AMEND SECTION 59‑18‑310, AS AMENDED, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM, SO AS TO DELETE A PROVISION CONNECTING STUDENT ASSESSMENT SCORES AND RETENTION IN THE CURRENT GRADE LEVEL; AND TO AMEND SECTION 59‑18‑900, AS AMENDED, RELATING TO ACADEMIC PERFORMANCE RATINGS, SO AS TO PROVIDE THAT A THIRD GRADE STUDENT WHO DOES NOT ACHIEVE A “MET” OR “EXEMPLARY” PERFORMANCE STANDARD ON CERTAIN SECTIONS OF THE ASSESSMENT MAY NOT BE PROMOTED TO THE FOURTH GRADE UNTIL HE ACHIEVES THOSE STANDARDS, AND TO PROVIDE AN EXCEPTION.

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

SECTION 1. Section 59‑1‑425(E) of the 1976 Code, as added by Act 260 of 2006, is amended to read:

“(E) The instructional day for secondary students must be at a minimum six hours a day, or its equivalent weekly, excluding lunch. The school day for elementary students must be at a minimum six hours a day, or its equivalent weekly, including lunch. In the first, second, and third grades of the public schools of this State, at least five hours of the instructional day must be devoted to instruction in the subjects of writing, English/language arts, and mathematics.”

SECTION 2. Section 59‑18‑310(B) of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“(B) The statewide assessment program must include the subjects of English/language arts, mathematics, science, and social studies in grades three through eight, as delineated in Section 59‑18‑320(B), to be first administered in 2009, an exit examination in English/language arts and mathematics to be first administered in a student’s second year of high school enrollment beginning with grade nine, and end‑of‑course tests for gateway courses awarded units of credit in English/language arts, mathematics, science, and social studies. Student performance targets must be established following the 2009 administration. The assessment program must be used for school and school district accountability purposes beginning with the 2008‑2009 school year. The publication of the annual school and school district report card may be delayed for the 2008‑2009 school year until no later than February 15, 2010. ~~A student’s score on an end‑of‑year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school.~~ Beginning with the graduating class of 2010, students are required to pass a high school credit course in science and a course in United States history in which end‑of‑course examinations are administered to receive the state high school diploma.”

SECTION 3. Section 59‑18‑900(B) of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“(B)(1) The Education Oversight Committee, working with the State Board of Education and a broad‑based group of stakeholders, including, but not limited to, parents, business and industry persons, community leaders, and educators, shall determine the criteria for and establish five academic performance ratings of excellent, good, average, below average, and school/district at‑risk. Schools and districts shall receive a rating for absolute and growth performance. Only the scores of students enrolled in the school at the time of the forty‑five‑day enrollment count shall be used to determine the absolute and growth ratings. Graduation rates must be used as an additional accountability measure for high schools and school districts. The Oversight Committee, working with the State Board of Education, shall establish three student performance indicators which will be those considered to be useful for assessing a school’s overall performance and appropriate for the grade levels within the school.

(2) The student performance levels are: Not Met, Met, and Exemplary. ‘Not Met’ means that the student did not meet the grade level standard. ‘Met’ means the student met the grade level standard. ‘Exemplary’ means the student demonstrated exemplary performance in meeting the grade level standard. For purposes of reporting as required by federal statute, ‘proficiency’ shall include students performing at Met or Exemplary.

(3) A third grade student who does not achieve a ‘met’ or ‘exemplary’ performance standard on the writing, English/language arts, and mathematics sections of the assessment program may not be promoted to the fourth grade until he achieves a ‘met’ performance standard on the writing, English/language arts, and mathematics sections of the assessment program. This subsection does not apply to a third grade student with disabilities who has an Individualized Education Plan pursuant to the federal Individuals with Disabilities Act.”

SECTION 4. This act takes effect upon approval by the Governor.

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