**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “EDUCATION MAXIMUM ACT” OR “EDUMAX ACT”; TO AMEND SECTION 59‑18‑310, AS AMENDED, RELATING TO THE STATEWIDE STUDENT LEARNING AND PERFORMANCE ASSESSMENT PROGRAM, SO AS TO PROVIDE THAT BEGINNING WITH THE 2014‑2015 SCHOOL YEAR, EACH ELEMENTARY, MIDDLE, AND HIGH SCHOOL STUDENT MUST DEMONSTRATE PERFORMANCE AT HIS GRADE LEVEL IN ENGLISH/LANGUAGE ARTS AND MATHEMATICS BEFORE PROMOTION TO THE NEXT GRADE, AND THAT A STUDENT MAY SATISFY THIS REQUIREMENT BY SUCCESSFULLY COMPLETING ADDITIONAL COURSEWORK AND TESTING IN SUMMER SCHOOL AT THE EXPENSE OF HIS PARENT OR GUARDIAN, PAYABLE OVER A PERIOD OF TIME AS ESTABLISHED BY THE DISTRICT; TO EXEMPT ELEVENTH AND TWELFTH GRADE STUDENTS FROM OTHER EXIT EXAMINATIONS, TO REQUIRE ELEVENTH GRADE STUDENTS TO TAKE THE ACT EXAM AND ACHIEVE A MINIMUM SCORE ON THAT TEST AS DETERMINED BY THE DEPARTMENT OF EDUCATION, AND TO REQUIRE TWELFTH GRADERS TO TAKE THE WORKKEYS EXAM AND ACHIEVE A MINIMUM SCORE ON THAT TEST AS DETERMINED BY THE DEPARTMENT OF EDUCATION; TO AMEND SECTION 59‑31‑210, RELATING TO A REQUIREMENT THAT THE STATE BOARD OF EDUCATION PROVIDE TEXTBOOKS TO PUBLIC SCHOOLS BY MEANS OF A RENTAL SYSTEM, SO AS TO PROVIDE THAT A SCHOOL DISTRICT MAY OPT OUT OF THE STATE TEXTBOOK RENTAL SYSTEM AND INSTEAD PURCHASE THE DIGITAL EQUIVALENT OF A TEXTBOOK AND SUPPORT EQUIPMENT DIRECTLY FROM VENDOR CONTRACTS APPROVED BY THE STATE; TO AMEND SECTION 59‑26‑30, AS AMENDED, RELATING TO TEACHER CERTIFICATION, SO AS TO ALLOW SPECIAL PART‑TIME CERTIFICATES ALLOWING PROFESSIONALS OR EXPERTS TO TEACH SUBJECTS RELATED THEIR PROFESSION OR EXPERTISE; TO AMEND SECTION 59‑18‑900, AS AMENDED, RELATING TO ACADEMIC PERFORMANCE RATINGS, SO AS TO PROVIDE THAT REAL STUDENT PERFORMANCE AND TEST SCORES BUT NOT GRADUATION RATES BE USED FOR THESE RATINGS; AND BY ADDING SECTION 59‑65‑48 SO AS TO PROVIDE THAT THE PARENT OR LEGAL GUARDIAN OF A CHILD MAY ENROLL THE CHILD IN THE SCHOOL CONSIDERED BY THE PARENT OR GUARDIAN TO BE MOST SUITABLE FOR THE ACADEMIC NEEDS OF THE CHILD UPON THE SHOWING OF CERTAIN INFORMATION AND PAYMENT OF A FEE, AND TO REQUIRE DIFFERENT STANDARDS AND NO FEE FOR A CHILD NEEDING SPECIAL EDUCATION SERVICES.

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

SECTION 1. This act must be know and may be cited as the “Education Maximum Act” or “EduMax Act” or (EMA).

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

“Section 59‑18‑310. (A) Notwithstanding any other provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and:

(1) identify areas in which students, schools, or school districts need additional support;

(2) indicate the academic achievement for schools, districts, and the State;

(3) satisfy federal reporting requirements; and

(4) provide professional development to educators.

Assessments required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable.

(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, or, except as provided in subsection (G)(1), for retaining the student in his current grade. 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.

(C) To facilitate the reporting of strand level information and the reporting of student scores prior to the beginning of the next school year, beginning with the 2009 administration, multiple choice items must be administered as close to the end of the school year as possible and the writing assessment must be administered earlier in the school year.

(D) While assessment is called for in the specific areas mentioned above, this should not be construed as lessening the importance of foreign languages, visual and performing arts, health, physical education, and career or occupational programs.

(E) The State Board of Education shall create a statewide adoption list of formative assessments for grades one through nine aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information in a timely manner to all school districts for each student during the course of the school year. For use beginning with the 2009‑2010 school year, and subject to appropriations by the General Assembly for the assessments, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.

(F) The State Department of Education shall provide on‑going professional development in the development and use of classroom assessments, the use of formative assessments, and the use of the end‑of‑year state assessments so that teaching and learning activities are focused on student needs and lead to higher levels of student performance.

(G) Beginning with the 2014‑2015 school year:

(1) Each elementary, middle, and high school student must demonstrate his ability to perform at his grade level in English/language arts and mathematics before he may advance to the next grade. A student who fails to demonstrate this level of performance during the school year may demonstrate this level of performance by taking remedial coursework during the summer following that school year, successfully completing this coursework, and demonstrating achievement of the requisite level of performance by means of testing required under this chapter or a version of it developed and approved by the State Department of Education for these summer school students. A school district shall require the parent or guardian of a student to pay one hundred twenty‑five dollars for each summer school course taken under this section, payable over a three‑ or six‑month period, as the district determines.

(2) Except as provided in item (1), no exit examination provided in subsection (B) is required for an eleventh grade student to advance to the twelfth grade or for a twelfth grade student to graduate. Instead, all eleventh grade students shall take the ACT exam and achieve a minimum score as determined by the department through regulation to advance to the twelfth grade, and each twelfth grade student shall take the WorkKeys skills assessment test and achieve a minimum score as determined by the department through regulation to graduate.”

SECTION 3. Section 59‑31‑210 of the 1976 Code is amended to read:

“Section 59‑31‑210. The State Board of Education ~~shall~~ may provide all the textbooks for use in the public schools of the State on a rental system whereby the pupils in the public schools will pay an annual rental in an amount to be fixed by the State Board of Education, in its discretion, graduated as to grades, sufficient to pay all the costs of the administration of this article and the purchase of any books necessary to be acquired by the State Board of Education. But the Board shall not be required to furnish materials which shall be consumed or rendered worthless in any one year, such as pencils, tablets, workbooks, drawing materials and other similar articles. A school district that wishes to purchase digital equivalent textbooks or support digital devices may opt out of the state rental purchase system and purchase directly from a vendor who has an approved state contract.”

SECTION 4. Section 59‑26‑30(A) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“(10) award a special part‑time teaching certificate for professionals licensed by Title 40 or recognized experts in various fields of business and industry to teach two hours each month to bring real‑world knowledge to the classroom, and to provide instruction in medicine, business, technology, real estate, banking, start‑up funding for new businesses, investing, science, or math, based on their expertise.”

SECTION 5. Section 59‑18‑900(B) of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“(B) 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~~ Real performance and test 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~~, along with real performance test scores and student performance at grade level, shall 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.

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.”

SECTION 6. Article 1, Chapter 65, Title 59 of the 1976 Code is amended by adding:

“Section 59‑65‑48. (A) The parent or legal guardian of a child may apply to have the child enrolled in a school district that the parent or legal guardian considers best suited for their child’s learning if the parent or legal guardian can demonstrate through the presentation of written statistical information or other pertinent collected data that the school that their child would normally attend is not suitable for learning, has poor conditions, has a history of low academic performance by its students, has a history of poor teacher performance or lack of leadership, that the school is considered a failing school by the department, or if their child is being bullied in the school he attends, provided the parent or legal guardian shall pay a one‑time registration fee of twenty‑five dollars to the school in which they seek to enroll their child. When approved, that child will have all the privileges of a child in that school district.

(B) The parent or legal guardian of a child who needs special education services may apply to have the child enrolled in a school district that the parent or legal guardian considers best suited for their child’s learning if the parent or legal guardian can demonstrate that the teacher, academics, and class environment of the school the child would normally attend is not suitable for their child’s educational needs, and no registration fee may be required.”

SECTION 7. This act takes effect upon approval by the Governor.

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