**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑1‑430 SO AS TO PROVIDE THE DEPARTMENT OF EDUCATION SHALL IMPLEMENT A THREE‑YEAR PILOT PROGRAM IN CERTAIN COUNTIES TO DETERMINE THE EFFECTIVENESS OF OPERATING ON A YEAR‑ROUND MODIFIED CALENDAR CONSISTING OF NINE‑WEEK SESSIONS OF TRADITIONAL STUDY FOR ALL STUDENTS BETWEEN WHICH ARE THREE‑WEEK INTERSESSIONS OF REMEDIAL STUDY FOR AT‑RISK STUDENTS, AMONG OTHER THINGS, AND TO PROVIDE PROCEDURES DISTRICTS MUST FOLLOW TO COMPLY WITH THE PROVISIONS OF THIS ACT.

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

SECTION 1. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑430. (A) Beginning with the 2020‑2021 School Year, the Department of Education shall develop and implement a pilot program to determine the effectiveness of operating on a year‑round modified calendar consisting of four nine‑week sessions of traditional study for all students between which are three‑week intersessions of remedial study in one of the four core academic areas for at‑risk students. For purposes of this section, a student who is not identified as being ‘on level’ at the end of a nine‑week session is considered ‘at‑risk’ for purposes of attending intersession remedial study. During these intersessions, districts also may offer academic enrichment programs that are optional for students who are not at‑risk. All intersessions are subject to the availability of state funding, with full funding of the at‑risk student remedial study being a prerequisite to any optional academic enrichment programs for students who are not at‑risk.

(B) The pilot program must be implemented in schools located in what were the eight trial districts in Abbeville County School District, et al. v. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, the former Marion 7, and the former Orangeburg 3.

(C) A public school in the districts enumerated in subsection (B) will operate on the year‑round modified calendar provided in subsection (A) unless the district in which it is located applies to the department for an exemption. The department only may grant an exemption to an applicant district that provides plans to use a documented, mastery‑based learning methodology as its rationale for the exemption, which must be approved by the department. An exempt school annually shall report to the department the progress that the school has made during the preceding year toward reaching the student achievement goals that the school stated as the rational for seeking the waiver. The department shall review the annual report of each exempt school and make a finding as to whether this progress is satisfactory. A school that receives a waiver from the year‑round modified calendar used in the district is not required to request a renewal of the waiver annually or otherwise, and the waiver must remain in full effect as long as the school demonstrates improvement at a rate of progress considered satisfactory by the department. If the State Board of Education determines that satisfactory progress is not being made it may revoke the exemption for the remaining period of the pilot program. A school whose exemption has been revoked is not eligible for a subsequent exemption.

(D) At the end of the three‑year pilot program, the department shall report the effectiveness of the program to the General Assembly with recommendations for its continuation, modification, or termination.

(E) The provisions of this section apply notwithstanding the provisions of Section 59‑1‑425 concerning the school calendar; provided a year‑round modified calendar or an exempted school in the pilot districts shall consist of at least one‑hundred and eighty days of instruction.

(F) Implementation of the provisions of the section depend upon the availability of appropriations by the General Assembly.”

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

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