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Indicates New Matter

COMMITTEE REPORT

March 17, 2021

**H. 3883**

Introduced by Rep. Collins

S. Printed 3/17/21--H. [SEC 3/18/21 1:31 PM]

Read the first time February 11, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3883) 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, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ “SECTION 1. Article 3, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑210. For purposes of this title:

(1) ‘Instructional day’ shall include in‑person instruction, virtual instruction, self‑guided learning, and experiential learning through approved off‑campus educational opportunities.

(2) ‘Hours of Instruction’ requirements shall include in‑person instruction, virtual instruction, self‑guided learning, and experiential learning through approved off‑campus educational opportunities.”

SECTION 2. Chapter 39, Title 59 of the 1976 Code is amended by adding:

“Section 59‑39‑290. The State Board of Education shall adopt, establish, and promulgate such rules and regulations as may be necessary to carry out the intent and purpose of this article.”

SECTION 3. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑360. (A)(1) If a district or school is seeking to implement competency‑based education, the State Board of Education may exempt the school from state laws, policies, and regulations that hinder the implementation of certain competency‑based practices. A district that wishes to obtain an exemption may 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 the strategies described in the waiver application for all students in the school, which may be implemented in phases over a period of five or fewer years.

(2) A district must show evidence of the meaningful steps already taken to engage parents and community stakeholders. A district also must include a continued plan to 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) Competency‑based education is designed to improve educational outcomes for students by advancing their mastery of concepts and skills. A competency‑based system in South Carolina must align with the Profile of the South Carolina Graduate and include 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 with explicit, measureable, and transferable student learning objectives provide transparency and guide students, with customized support from teachers, 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) Assessments 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 operating under a waiver 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 operating under a waiver pursuant to this section, each student enrolled in the school is still considered to be a full‑time equivalent student enrolled in the school for the purpose of calculating state financial support, average daily membership, and attendance, and for accountability purposes, the department may develop a process to ensure that schools and districts are not penalized for the purposes of accreditation.

(F) If a school is operating under a waiver pursuant to this section, 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 is operating under a waiver pursuant to this section and subsequently transfers to another school within the district or to another district 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 operating under a waiver pursuant to this section. 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 waiver. The required data shall include, but not be limited to, indicators of student engagement, instructional practices, performance on assessments (formative, benchmark, and state), high school success, and postsecondary success. The review must begin at the conclusion of the second academic year of the school’s implementation of the waiver. A report summarizing the reviews including the waivers requested and how they hindered implementation shall be distributed to the Governor and the Legislature.

(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, as well as, scholarships and financial aid for graduates of schools implementing innovative school models and using nontraditional diplomas and transcripts.”

SECTION 4. Section 59‑1‑425(A) and (E) of the 1976 Code is amended to read:

“(A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty ~~days of instruction~~ instructional days covering at least nine calendar months. A local school district board of trustees may offer the required instructional days at any time during the school year, consistent with the law. Except as may be waived in this section or accompanying regulations, a local school district shall provide at least one thousand eighty instructional hours over the statutory school term. ~~However, beginning with the 2007‑2008 school year, t~~The opening date for students must not be before the third Monday in August, except for schools operating on a year‑round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59‑18‑300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers’ knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of ~~instructional~~ hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.

(E) The instructional day calculation for secondary students ~~must be at a minimum six hours a day, or its equivalent weekly, excluding~~ shall exclude lunch. The ~~school~~ instructional day calculation for elementary students ~~must be at a minimum six hours a day, or its equivalent weekly, including~~ may include lunch.”

SECTION 5. Section 59‑39‑100(B) of the 1976 Code is amended to read:

“(B) Beginning with students entering the ninth grade in School Year 1997‑1998, the number of units required for a high school diploma was increased to twenty‑four units. To support the Profile of the Graduate, for students entering the ninth grade beginning with the 2018‑2019 School Year, the twenty‑four units required are as prescribed in this section and in regulation by the State Board of Education.

(1) Students ~~will continue to be required to~~ shall earn the units of credit through course credit, as prescribed in regulation or through competency assessment and, when applicable, be offered national industry certifications or credentials.

(2) ‘For purposes of this section:

(a) ‘unit of credit’ means credit awarded for:

(i) a course taken consistent with regulations;

(ii) a course taken upon authorization by the local school board; or

(iii) demonstrated competence through assessment by approved methods; and

(b) ‘demonstrated competence’ means subject mastery as determined by local school board standards and review. Such review may include such methods and documentation as tests, interviews, peer evaluations, writing samples, reports, or portfolios.

~~(2)~~(3) Coursework must be aligned with a student’s personalized diploma pathway. The State Board of Education shall promulgate regulations that outline the process and procedures for approval of courses to personalize pathways based on students’ postsecondary plans and include an annually updated course activity coding manual listing approved courses. The individualized graduation planning process must plan each student’s personalized pathway based on his postsecondary plans.

(4) In awarding units of credit, a greater emphasis must be placed on a student’s mastery of course material rather than completion of predetermined time allotments for courses.”

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill allows the State Board of Education to exempt a competency-based school from state laws, policies, and regulations that hinder the implementation of certain competency-based practices. A district or school seeking an exemption must submit a waiver application to the State Board of Education in a format developed by SDE. 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. A district whose waiver application is approved may request additional exemptions and may request amendments to its current approved waiver on a rolling basis. A competency-based system must align with the Profile of the South Carolina Graduate and include certain principles.

A school operating under a waiver pursuant to this bill must 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. If a school operates under a waiver pursuant to this bill, 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. Additionally, if a school operates under a waiver pursuant to the provisions of this bill, each student must be enrolled in the state’s student information system.

SDE must establish procedures to ensure that a student who transfers from a school that is operating under a waiver to another school is not penalized by being required to repeat coursework that has been successfully mastered. SDE may also provide a necessary accreditation exemption to a school that launches a competency-based education program. SDE must also create evaluation criteria and guidelines for schools that are operating under a waiver pursuant to this bill. A participating school must submit required data for a biennial cyclical review on a form developed by SDE. Additionally, during the cyclical review, SDE must notify any district and school if a goal or objective is not being met.

CHE and SBTCE must establish policies to provide fair and equitable access to institutions of higher education and technical colleges for graduates of schools implementing innovative school models and using non-traditional diplomas and transcripts.  These policies must also provide fair and equitable access to scholarships and financial aid for these graduates.

**State Department of Education.** This bill will have no expenditure impact on SDE. However, SDE indicates that it would be best practice to provide support to the newly formed competency-based schools in the form of coaches, assessment development, and training. If implemented, this would increase general fund expenses of the agency by $906,720 for 2 FTEs, assessment development, and training for competency-based education.

**State Agency Schools.** This bill is not expected to have an expenditure impact on the state agency schools. The state agency schools currently offer specialized instruction within the arts and humanities, science and mathematics, an alternate high school credential, and educational services for the deaf and blind. We will update this impact statement if we receive additional information from the state agency schools.

**Commission on Higher Education.** CHE previously indicated on similar legislation that any expenses incurred as a result of developing the required policies could be managed within existing appropriations. Therefore, this bill is not expected to have an expenditure impact on the commission. We will update this impact statement if the commission provides a different response.

**State Board for Technical and Comprehensive Education.** SBTCE previously indicated on similar legislation that the agency has policies in place for students who graduate from schools that implement innovative school models and use non-traditional diplomas and transcripts. Therefore, the bill is not expected to have an expenditure impact on the agency. We will update this impact statement if the agency provides a different response.

**Local Expenditure**

The bill allows local school boards discretion in determining whether or not to allow a school in their district to apply for a waiver to become a competency-based school. Additionally, districts 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. A district whose waiver application is approved may request additional exemptions and may request amendments to its current approved waiver on a rolling basis.

A school operating under a waiver pursuant to this bill must 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. If a school operates under a waiver pursuant to this bill, 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. Additionally, if a school operates under a waiver pursuant to the provisions of this bill, each student must be enrolled in the state’s student information system. Participating schools must submit required data for a biennial cyclical review on a form developed by SDE.

SDE indicates that schools that are granted a waiver for a competency-based program are likely to incur expenses for instructional coaching, teacher professional development, tracking software, curriculum development, and assessments. Further, SDE indicates that this bill will have an undetermined expenditure impact on school districts since these expenses will vary based upon the size of the school and district, current capacity, and existing implementation of competency-based learning practices.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**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, TO PROVIDE REQUIREMENTS FOR IMPLEMENTING COMPETENCY‑BASED EDUCATION IN SCHOOLS, AND TO PROVIDE RELATED REQUIREMENTS FOR 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) If a district or school is seeking to implement competency‑based education, the State Board of Education may exempt the school from state laws, policies, and regulations that hinder the implementation of certain competency‑based practices. A district that wishes to obtain an exemption may 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 the strategies described in the waiver application for all students in the school, which may be implemented in phases over a period of five or fewer years.

(2) A district must show evidence of the meaningful steps already taken to engage parents and community stakeholders. A district also must include a continued plan to 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) Competency‑based education is designed to improve educational outcomes for students by advancing their mastery of concepts and skills. A competency based system in South Carolina must align with the Profile of the South Carolina Graduate and include the following core principles:

(1) Learning outcomes must emphasize competencies that include:

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

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(2) Competencies with explicit, measureable, and transferable student learning objectives provide transparency and guide students, with customized support from teachers, 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) Assessments 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 operating under a waiver 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 operating under a waiver pursuant to this section, each student enrolled in the school is still considered to be a full‑time equivalent student enrolled in the school for the purpose of calculating state financial support, average daily membership, and attendance, and for accountability purposes, the department may develop a process to ensure that schools and districts are not penalized for the purposes of accreditation.

(F) If a school is operating under a waiver pursuant to this section, 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 is operating under a waiver pursuant to this section and subsequently transfers to another school within the district or to another district 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 operating under a waiver pursuant to this section. 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 waiver. The required data shall include, but not be limited to, indicators of student engagement, instructional practices, performance on assessments (formative, benchmark, and state), high school success, and postsecondary success. The review must begin at the conclusion of the second academic year of the school’s implementation of the waiver. A report summarizing the reviews including the waivers requested and how they hindered implementation shall be distributed to the Governor and the Legislature.

(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, as well as, 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 of the Governor.

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