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AMENDED

April 6, 2021

**H. 3883**

Introduced by Rep. Collins

S. Printed 4/6/21--H.

Read the first time February 11, 2021.

**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.

Amend Title To Conform

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

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.

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