**South Carolina General Assembly**

125th Session, 2023-2024

**A127, R142, H3295**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Collins, Erickson, Bradley and Alexander

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Introduced in the House on January 10, 2023

Introduced in the Senate on March 30, 2023

Last Amended on March 29, 2023

Currently residing in the House

Governor's Action: May 13, 2024, Signed

Summary: Education: Competency-based education

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/8/2022 House Prefiled

 12/8/2022 House Referred to Committee on **Education and Public Works**

 1/10/2023 House Introduced and read first time (House Journal‑page 124)

 1/10/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 124)

 2/21/2023 House Member(s) request name added as sponsor:
 Erickson, Bradley

 3/1/2023 House Committee report: Favorable **Education and Public Works** (House Journal‑page 34)

 3/7/2023 House Requests for debate-Rep(s). Beach, May, Killmartin, McCabe, TA Morgan, JL Johnspm, McDaniel, Jefferson, Tedder, JA Moore, Bauer, Bradley, Erickson, Kirby, Cromer, Harris, Magnuson (House Journal‑page 30)

 3/8/2023 House Member(s) request name added as sponsor: Alexander

 3/8/2023 House Debate adjourned (House Journal‑page 71)

 3/29/2023 House Amended (House Journal‑page 27)

 3/29/2023 House Read second time (House Journal‑page 27)

 3/29/2023 House Roll call Yeas-114 Nays-0 (House Journal‑page 28)

 3/30/2023 House Read third time and sent to Senate (House Journal‑page 48)

 3/30/2023 Senate Introduced and read first time (Senate Journal‑page 7)

 3/30/2023 Senate Referred to Committee on **Education** (Senate Journal‑page 7)

 3/31/2023 Scrivener's error corrected

 2/28/2024 Senate Committee report: Favorable **Education** (Senate Journal‑page 17)

 3/1/2024 Scrivener's error corrected

 3/20/2024 Senate Read second time (Senate Journal‑page 21)

 3/20/2024 Senate Roll call Ayes-43 Nays-0 (Senate Journal‑page 21)

 3/21/2024 Senate Read third time and enrolled (Senate Journal‑page 12)

 5/8/2024 Ratified R 142

 5/13/2024 Signed By Governor

 5/29/2024 Effective date 05/13/24

 5/29/2024 Act No. 127

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3295_20221208.docx)

[03/01/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3295_20230301.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3295_20230329.docx)

[03/31/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3295_20230331.docx)

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3295_20240228.docx)

[03/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3295_20240301.docx)

**NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.**

(A127, R142, H3295)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑1‑210 SO AS TO PROVIDE NECESSARY DEFINITIONS; BY ADDING SECTION 59‑39‑290 SO AS TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT, ESTABLISH, AND PROMULGATE NECESSARY RULES AND REGULATIONS; BY ADDING SECTION 59‑19‑360 SO AS TO PROVIDE A PROCESS for exempting 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; BY AMENDING SECTION 59‑1‑425, RELATING TO THE STATUTORY ANNUAL SCHOOL CALENDAR and instruction time requirements, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 59‑39‑100, RELATING TO REQUIRED UNITS FOR A HIGH SCHOOL DIPLOMA, SO AS TO MAKE CONFORMING CHANGES.

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

Definitions

SECTION 1. Article 1, Chapter 1, Title 59 of the S.C. 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.

Regulations

SECTION 2. Article 1, Chapter 39, Title 59 of the S.C. 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.

Competency‑based education systems

SECTION 3. Article 1, Chapter 19, Title 59 of the S.C. 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, measurable, 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.

 (J) The State Department of Education shall establish a definition for competency‑based education that must be published on the website of each school district that implements this system of education.

School calendars and instruction time requirements, conforming changes

SECTION 4. Section 59‑1‑425(A) and (E) of the S.C. 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 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. 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 shall exclude lunch. The instructional day calculation for elementary students may include lunch.

Diploma requirements, conforming changes

SECTION 5. Section 59‑39‑100(B) of the S.C. 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 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.

 (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.

Time effective

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

Ratified the 8th day of May, 2024.

Approved the 13th day of May, 2024.

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