**A** **BILL**

TO AMEND CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO THE EDUCATION ACCOUNTABILITY ACT, TO PROVIDE THAT A PARENT OF A STUDENT MAY EXCUSE THE STUDENT FROM PARTICIPATING IN A STANDARDIZED ASSESSMENT THAT IS PART OF THE SYSTEM OF ASSESSMENTS ADOPTED PURSUANT TO SECTION 59‑18‑310 OF THE 1976 CODE, AND ADMINISTERED PURSUANT TO SECTIONS 59‑18‑320, 59‑18‑325 AND 59‑139‑60 OF THE 1976 CODE; TO PROVIDE THAT NO PROSECUTION OR PENALTY SHALL RESULT FOR THE PARENT’S CHOICE TO EXCUSE THE STUDENT; TO PROVIDE THAT EACH SCHOOL DISTRICT SHALL ADOPT AND IMPLEMENT A POLICY AND PROCEDURE BY WHICH THE STUDENT’S PARENT MAY EXCUSE THE STUDENT FROM PARTICIPATION IN A STANDARDIZED ASSESSMENT; AND TO PROVIDE THAT THE SCHOOL DISTRICT MUST MAKE THIS POLICY AVAILABLE TO THE PARENTS OF THE STUDENTS ENROLLED IN EACH PUBLIC SCHOOL OPERATED BY THE SCHOOL DISTRICT.

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

SECTION 1. Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑380. (A) The provisions of this section must be known and may be cited as the ‘Parental Right to Refuse Assessments Act’.

(B) ‘Parent’, unless the context otherwise requires, means a biological parent, adoptive parent, or legal guardian.

(C) The General Assembly finds that South Carolina parents have the fundamental right to control the education of their children and because a child’s education should be determined at the local level, between parents and teachers, it is the desire of the General Assembly to ensure that the federal government never dictates education decisions for South Carolina through federal assessment mandates.

(D) Notwithstanding any provision of this article, or the rules of the State Board of Education to the contrary, the parent of a student may excuse the student from participating in a standardized assessment that is part of the system of assessments adopted pursuant to Section 59‑18‑310, and administered pursuant to Sections 59‑18‑320, 59‑18‑325 and 59‑139‑60.

(E)(1) The Department of Education, any other state agency, or any law enforcement agency shall not prosecute or in any manner penalize the parent, the student, the student’s teacher, the principal of the public school that the student attends, the public school that the student attends, or the school district that enrolls the student because of the parent’s choice to excuse his student from participating in the standardized assessment.

(2) The school district shall not penalize the student, the student’s teacher, the principal of the public school that the student attends, or the public school that the student attends because of the parent’s choice to excuse his student from participating in the standardized assessment.

(F) Each school district shall adopt and implement a written policy and procedure by which a student’s parent may excuse the student from participating in one or more of the standardized assessments that the Department of Education administers as part of the state system of assessments adopted pursuant to Section 59‑18‑310, and administered pursuant to Sections 59‑18‑320, 59‑18‑325 and 59‑139‑60. At a minimum, the written policy must specify:

(1) the purpose and use of the standardized assessments and the student academic performance information that the local education provider receives as a result of administering the standardized assessments;

(2) the manner by which a parent may excuse his or her student from participating in a standardized assessment;

(3) the timing by which a parent must submit the excuse to the school district;

(4) whether a single excuse may apply to standardized assessments in multiple instructional areas or multiple administrations of one or more standardized assessments or whether a parent must submit a separate excuse for the standardized assessments administered in each instructional area and each administration of a standardized assessment;

(5) alternatives for meeting graduation requirements in lieu of standardized testing where required;

(6) alternatives for meeting grade promotion requirements in lieu of standardized testing where required; and

(7) approved accommodations for meaningful alternative activities or assignments that will continue to promote academic and intellectual growth during standardized testing windows for students whose parent chooses to excuse them from standardized tests.

(G) Each school district, before classes commence in the fall semester of each school year, shall make available to the parents of the students enrolled in each public school operated by the school district, paper and electronic copies of the written policy for excusing students from taking standardized assessments. The school district shall also post a copy of the written policy on its web site.”

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

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