**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑39‑105 SO AS TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL AWARD A SPECIAL EDUCATION DIPLOMA INSTEAD OF A CERTIFICATE OF ATTENDANCE OR OTHER CERTIFICATE TO A HANDICAPPED HIGH SCHOOL STUDENT LAWFULLY ASSIGNED TO A SPECIAL EDUCATION PROGRAM AND WHO COMPLETES AN INDIVIDUAL EDUCATION PLAN IN CERTAIN CIRCUMSTANCES BEGINNING WITH THE 2017‑2018 SCHOOL YEAR, TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP AND TO ADOPT RELATED ALTERNATE ASSESSMENTS TO EXISTING STATEWIDE ASSESSMENTS, TO PROVIDE THESE ALTERNATE ASSESSMENTS MUST BE ADMINISTERED TO SPECIAL EDUCATION STUDENTS IN CERTAIN CIRCUMSTANCES, TO PROVIDE A SPECIAL EDUCATION STUDENT’S INDIVIDUALIZED EDUCATION PROGRAM MUST SERVE AS AN ALTERNATE ASSESSMENT FOR THE STUDENT, AND TO PROVIDE REQUIREMENTS FOR SPECIAL EDUCATION DIPLOMAS AND THE STATUS OF RECIPIENTS OF SPECIAL EDUCATION DIPLOMAS AS BEING HIGH SCHOOL GRADUATES; TO AMEND SECTION 59‑33‑20, RELATING TO DEFINITIONS CONCERNING SPECIAL EDUCATION FOR HANDICAPPED CHILDREN, SO AS TO DEFINE NECESSARY TERMINOLOGY.

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

SECTION 1. Article 1, Chapter 39, Title 59 of the 1976 Code is amended by adding:

“Section 59‑39‑105. (A)(1) Beginning with the 2017‑2018 school year, the State Department of Education shall award a special education diploma to a handicapped student who is lawfully assigned to a special education program and completes an Individualized Education Program, regardless of whether the student:

(a) achieves a passing score, where applicable, on any assessments administered pursuant to Chapter 18, Title 59; or

(b) completes all of the requirements for a high school diploma.

(2) A special education diploma must be issued instead of a certificate of attendance or other certificate.

(B)(1) The State Board of Education shall adopt alternate assessments to the statewide assessments provided in Chapter 18, Title 59, and must administer those assessments to each student:

(a) who receives special education services;

(b) for whom these statewide assessments would not provide an appropriate measure of student achievement, as determined by the student’s Individualized Education Program team; and

(c) who does not receive instruction in the essential knowledge and skills identified in the core academic areas provided in Section 59‑18‑300.

(2) A student’s Individualized Education Program must serve as an alternate assessment for that student for purposes of graduating with a special education certificate.

(C) The student’s Individualized Education Program team shall determine appropriate participation in assessment and identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act.

(D) A special education diploma awarded pursuant to this section must be identical to the uniform high school diploma for accredited high schools in this State pursuant to Section 59‑39‑100(A) except that it must indicate that it is a ‘Special Education Diploma’ where the uniform high school diploma indicates that it is a ‘Diploma’. A person who receives a special education diploma is considered to have graduated from high school.”

SECTION 2. Section 59‑33‑20 of the 1976 Code is amended to read:

“Section 59‑33‑20. As used in this chapter:

~~(a)~~(1) ‘Handicapped children ~~shall mean~~ means those children who deviate from the normal either psychologically or physiologically to ~~such~~ an extent that special classes, special facilities, or special services are needed for their maximum development, including educable mentally handicapped, trainable mentally handicapped, emotionally handicapped, hearing handicapped, visually handicapped, orthopedically handicapped, speech handicapped, and those handicapped by learning disabilities as defined in ~~item (1),~~ Section 59‑21‑510(1).

~~(b)~~(2) ‘Professional workers’ ~~shall mean~~ means personnel certified and approved by the Department of Education and shall include, but not be limited to, speech and hearing specialists, mobility instructors, special education interns, special education administrators, supervisors or coordinators devoting full time to special education, and teachers of any class or program defined in this chapter who meet the requirements of the chapter.

(3) ‘Special education diploma’ means a diploma awarded to a handicapped child as provided in this chapter.

~~(c)~~(4) ‘Special education services’ ~~shall mean~~ means, but is not ~~be~~ limited to, special classes, special housing, homebound instruction, special rental facilities, braillists and typists for visually handicapped children, transportation, maintenance, instructional materials, therapy, professional consultant services, psychological services, itinerant services, and resource services.”

SECTION 3. This act takes place upon approval of the Governor.

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