**South Carolina General Assembly**

126th Session, 2025-2026

**S. 423**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Ott and Walker

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Introduced in the Senate on March 5, 2025

Currently residing in the Senate Committee on **Education**

Summary: Statewide assessments

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/5/2025 Senate Introduced and read first time ([Senate Journal‑page 18](h:\sj\20250305.docx))

3/5/2025 Senate Referred to Committee on **Education** ([Senate Journal‑page 18](h:\sj\20250305.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=423&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/05/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/423_20250305.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑18‑130 SO AS TO PROVIDE STUDENTS FOUND TO BE ENGLISH LANGUAGE LEARNERS ARE ENTITLED TO TAKE CERTAIN ASSESSMENTS IN THEIR NATIVE LANGUAGE AND MAY NOT BE REQUIRED TO TAKE ENGLISH/LANGUAGE ARTS ASSESSMENTS OTHERWISE REQUIRED UNDER THE EDUCATION ACCOUNTABILITY ACT; AND BY AMENDING SECTION 1‑1‑698, RELATING TO EXCEPTIONS TO THE PROHIBITION AGAINST USE OF LANGUAGES OTHER THAN ENGLISH, SO AS TO MAKE A CONFORMING CHANGE.

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

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

Section 59‑18‑130. (A) As used in this chapter, “English language learner” or “ELL” means an individual:

(1) who is aged three through twenty‑one;

(2) who is enrolled or preparing to enroll in an elementary school or secondary school;

(3)(a) whose native language is a language other than English;

(b)(i) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (ii) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or

(c) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(4) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:

(a) the ability to meet the challenging state academic standards;

(b) the ability to successfully achieve in classrooms where the language of instruction is English; or

(c) the opportunity to participate fully in society.

(B) A student found to be an English language learner based on their completion of a home language survey and an assessment of their English language proficiency is entitled to:

(1) have directions read in their native language and an oral translation in their native language for math assessments required under this chapter;

(2) receive an oral translation in their native language of science and social studies assessments required under this chapter; and

(3) receive a language arts assessment in their native language instead of taking the grade‑appropriate ELA assessment required under this chapter.

(C) An ELL student may not be required to take an ELA assessment required under this chapter.

SECTION 2. Section 1‑1‑698 of the S.C. Code is amended to read:

Section 1‑1‑698. Sections 1‑1‑696 through 1‑1‑698 do not prohibit any law, ordinance, regulation, order, decree, program, assessment required by state law, assessment used for the purposes of meeting state and federal accountability requirements, or policy requiring educational instruction in a language other than English for the purpose of making students who use a language other than English proficient in English or making students proficient in a language in addition to English.

SECTION 3. The provisions of the act apply beginning the 2026‑2027 School Year.

SECTION 4. This act takes effect upon approval by the Governor.

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