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Summary: Parent Empowerment Act

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[3/20/2013](file:///p:\pprever\2013-14\556_20130320.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT “THE PARENT EMPOWERMENT ACT” BY ADDING CHAPTER 42 TO TITLE 59 SO AS TO PROVIDE THAT THE PARENTS OF CHILDREN ATTENDING A SCHOOL RATED BELOW AVERAGE OR LOCATED IN A SCHOOL DISTRICT RATED AT‑RISK UNDER THE EDUCATION ACCOUNTABILITY ACT MAY CONVERT THE SCHOOL INTO A CHARTER SCHOOL OR TRANSFORM THE SCHOOL UNDER A TURNAROUND MODEL, RESTART MODEL, OR TRANSFORMATION MODEL; TO PROVIDE A CITATION, AND TO PROVIDE RELATED DEFINITIONS, PROCEDURES, AND POLICIES.

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

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

“CHAPTER 42

The Parent Empowerment Act

Section 59‑42‑100. This chapter must be known and may be cited as the ‘The Parent Empowerment Act’.

Section 59‑42‑110. For the purposes of this chapter:

(1) ‘Charter management organization’ or ‘CMO’ means a nonprofit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools.

(2) ‘Education management organization’ or ‘EMO’ means a for‑profit or nonprofit organization that provides ‘whole‑school operation’ services to a school district.

Section 59‑42‑120. The parents of children who would attend a school designated below average or worse, or a school located in a school district designated at‑risk under the Education Accountability Act may petition to convert the school into a charter school or to transform it under one of the following transformation models:

(1) turnaround model;

(2) restart model; or

(3) transformation model.

Section 59‑42‑130. (A) A turnaround model is one in which a school district must:

(1) replace the principal and grant the principal sufficient operational flexibility to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;

(2) use locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students by screening all existing staff and rehiring no more than fifty percent and selecting new staff members;

(3) implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school;

(4) provide staff with ongoing, high quality, job‑embedded professional development that is aligned with the school’s comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(5) adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new ‘turnaround office’ in the school district and hire a ‘turnaround leader’ who reports directly to the Superintendent, or enter into a multiyear contract with the school district to obtain added flexibility in exchange for greater accountability;

(6) use data to identify and implement an instructional program that is research‑based and ‘vertically aligned’ from one grade to the next as well as aligned with state academic standards;

(7) promote the continuous use of student data gathered from assessments to inform and differentiate instruction in order to meet the academic needs of individual students;

(8) establish schedules and implement strategies that provide increased learning time; and

(9) provide appropriate social, emotional, and community‑oriented services and supports for students.

(B) A turnaround model also may implement other strategies including, but not limited to:

(1) any of the required and permissible activities under the transformation model; or

(2) a new school model, such as a themed, dual language academy.

Section 59‑42‑140. A restart model is one in which a school district converts a school or closes and reopens a school under a charter school operator, a CMO, or an EMO that has been selected through a rigorous review process. A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.

Section 59‑42‑150. (A) A transformation model is one in which a school district implements each of the following strategies:

(1) developing and increasing teacher and school leader effectiveness;

(2) achieving comprehensive instructional reform;

(3) increasing learning time and creating community‑oriented schools; and

(4) providing operational flexibility and sustained support.

(B) With respect to strategies for developing and increasing teacher and school leader effectiveness, a school district:

(1) shall replace the principal who led the school prior to commencement of the transformation model;

(2) shall use rigorous, transparent, and equitable evaluation systems for teachers and principals that take into account data on student growth as a significant factor as well as other factors such as multiple observation‑based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high school graduations rates; and are designed and developed with teacher and principal involvement;

(3) shall identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high school graduation rates and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not;

(4) shall provide staff with ongoing, high quality, job‑embedded professional development that is aligned with the school’s comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(5) shall implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in a transformation school; and

(6) also may implement other strategies to develop teachers’ and school leaders’ effectiveness, including but not limited to:

(a) providing additional compensation to attract and retain staff with the skills necessary to meet the needs of the students in a transformation school;

(b) instituting a system for measuring changes in instructional practices resulting from professional development; and

(c) ensuring that the school is not required to accept a teacher without the mutual consent of the teacher and principal, regardless of the teacher’s seniority.

(C) With respect to strategies for achieving comprehensive instructional reform, a school district:

(1) shall use data to identify and implement an instructional program that is research‑based and ‘vertically aligned’ from one grade to the next as well as aligned with state academic standards;

(2) shall promote the continuous use of student data to inform and differentiate instruction in order to meet the academic needs of individual students; and

(3) also may implement comprehensive instructional reform strategies, including but not limited to:

(a) conducting periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;

(b) implementing a school‑wide ‘response‑to‑intervention’ model;

(c) providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that limited English‑proficient students acquire language skills to master academic content;

(d) using and integrating technology‑based supports and interventions as part of the instructional program;

(e) increasing rigor in secondary schools by offering opportunities for students to enroll in advanced coursework, dual enrollment programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports designed to ensure that low achieving students can take advantage of these programs and coursework;

(f) improving student transition from middle to high school through summer transition programs or freshman academies;

(g) increasing graduation rates from secondary schools through, for example, credit‑recovery programs, reengagement strategies, smaller learning communities, competency‑based instruction and performance‑based assessments, and acceleration of basic reading and mathematics skills; and

(h) establishing early‑warning systems in secondary schools to identify students who may be at risk of failing to achieve to high standards or graduate.

(D) With respect to strategies for increasing learning time and creating community‑oriented schools, a school district:

(1) shall establish schedules and implement strategies that provide increased learning time;

(2) shall provide ongoing mechanisms for family and community engagement; and

(3) also may implement other strategies that extend learning time and create community‑oriented schools including, but not limited to:

(a) partnering with parents and parent organizations, faith‑based and community‑based organizations, health clinics, other state or local agencies, and others to create safe school environments that meet students’ social, emotional, and health needs;

(b) extending or restructuring the school day so as to add time for such strategies as advisory periods that build relationships between students, faculty, and other school staff;

(c) implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment; and

(d) expanding the school program to offer full‑day kindergarten or prekindergarten.

(E) With respect to strategies for providing operational flexibility and sustained support, a school district:

(1) shall give the school sufficient operational flexibility to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates;

(2) shall ensure that the school receives ongoing, intensive technical assistance and related support from the school district, the State Department of Education, or a designated external lead partner organization, such as a school turnaround organization or an EMO; and

(3) also may implement other strategies for providing operational flexibility and intensive support including, but not limited to:

(a) allowing the school to be run under a new governance arrangement, such as a turnaround division within the school district; and

(b) implementing a per‑pupil school‑based budget formula that is weighted based on student needs.

Section 59‑42‑160. The provisions of this chapter do not apply to an existing public elementary or secondary school that the local educational agency has scheduled for closure.

Section 59‑42‑170. (A) If parents representing at least fifty‑one percent of the pupils attending the school, or a combination of parents representing at least fifty‑one percent of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting one of the interventions mentioned in Section 59‑42‑120, the local educational agency shall implement the option requested by the parents, except as provided in subsection (F). Each parent shall sign the petition once for each child they have in an eligible school.

(B) Petitioning parents shall not submit signatures for any school until they have already surpassed the fifty‑one percent threshold of support. Once the local educational agency receives the petitions, they shall have no more than forty‑five calendar days to review and verify the signatures as legitimate. Local educational agencies must initially attempt to verify all signatures by simply comparing the petitions to their existing files for parents, and only may contact parents about their signature in the case of a perceived discrepancy. If enough discrepancies exist to put the total support level below fifty‑one percent, parents shall have an additional thirty calendar day window to clear up such discrepancies, add the signatures of additional supportive parents, or both. Petitions may not be discarded over technicalities if the clear intent of the parent was to support the petition.

(C) If the petitioning parents select conversion to a charter school under the restart model, they may select a specific, existing charter school operator by writing the operator’s name onto the petition and circulating the petition with the completed charter application for the school. Parents also may decline to select a specific operator, choosing instead to select the operator after the petition is submitted to the district. In cases where the parents decline, they shall have ninety calendar days after their majority is certified by the district to solicit charter proposals from potential operators and select one.

(D) In order to implement the charter conversion option under the restart model, the charter application must be approved by the appropriate authorizing body. The charter application will still have access to the same appellate process as normal charter applications.

(E) Only nonprofit charter school operators are eligible to participate in school transformations under this chapter. A petition may not select a for‑profit charter school operator to transform an existing school.

(F) Once the signatures have been verified, the local educational agency shall have no more than thirty calendar days to reach a decision on the final disposition of the petition.

(G) Unless the parent petitioners explicitly request otherwise, the local educational agency shall plan the conversion or transformation and shall implement the plan no later than one hundred eighty days after the petition is received or, in the case where a petition is received after March first, no later than the first day of school of the school year beginning in the next calendar year.

(H) If the local educational agency approves a parent petition to convert the school into a charter school, any parents who do not want their child to attend the charter school shall have the right to enroll their student in a different publicly funded school within the jurisdiction.

(I) Only nonprofit charter school operators are eligible to participate in school transformations under this chapter. A petition may not select a for‑profit charter school operator to transform an existing school.

(J) A charter school established pursuant to this chapter is subject to the same accountability and other standards in place for charters in that jurisdiction. Any charter school that takes over the operation of a school under this chapter must continue to serve the entire attendance boundary of the school, subject to space considerations. Parents petitioning to establish a charter pursuant to this chapter do not need signatures from any other party.

(K) A school that implements any one of the turnaround options including, but not limited to, charter conversion, must continue to serve the entire attendance boundary and must continue to serve all students who attended the school in the year prior to the transformation.

(L) The local educational agency must implement the specific option that parents request in their petition unless they make a finding in writing, presented at a public meeting, stating the reason it is logistically impossible to do so. In such a case, they also must state which of the other conversion or transformation options described in this section it will implement within the timeframe in subsection (D).

(M) If a local educational agency determines that it is logistically impossible to implement the specific option requested by petitioning parents and instead designates a different option, the petitioning parents shall have the right to an expedited appeal to the state superintendent to determine whether or not the parents’ request is or is not logistically impossible. The local educational agency shall defend the option selected. The state superintendent will provide guidelines for the appointment of counsel to represent the petitioning parents during the appeals process.

(N) After a designated school has been reorganized, another petition for the reorganization of the designated school under this section may not be submitted to the governing body for at least two years after the school year in which the reorganization takes place.

(O) Parents and legal guardians must be free from harassment, threats, and intimidation related to circulation or signature of a petition, or to the discouraging of signing a petition or to the revocation of signatures from the petition.

(P) School resources and district resources may not be used to support or oppose any efforts by petitioning parents.

Section 59‑42‑180. (A) The local educational agency shall notify the state superintendent and the State Department of Education upon receipt of a parental petition under this section and upon its final disposition of that petition.

(B) A local educational agency may not be required to implement the option requested by the parental petition if the request is for reasons other than improving academic achievement or pupil safety. Any denial of a petition on such ground also is subject to an expedited appeal to the state superintendent by the petitioning parents.

(C) If a local educational agency indicates in writing that it will implement an alternative governance arrangement other than that requested by the petitioning parents and the petitioning parents do not file an appeal, the local educational agency shall include plans to demonstrate that the alternative governance option selected has substantial promise of enabling the school to make adequate student achievement growth consistent with state standards.

(D) The local educational agency must be responsible for verifying the petition signatures and making a decision on its disposition.

Section 59‑42‑190. (A) Within one hundred twenty days from the effective date of this chapter, the state superintendent shall adopt regulations to implement the provisions of this law including, but not limited to:

(1) the petition format and submission process;

(2) the appeals procedure should petitioning parents appeal the decision of the local educational agency to implement an alternative governance arrangement other than that requested by the petitioning parents; and

(3) the selection of the charter operator in circumstances where a charter school is established pursuant to this chapter.

(B) The State Department of Education shall maintain records regarding the contents of and outcomes from parental petitions in order to ensure appropriate implementation of this section and address concerns identified through regulatory action.

(C) The state superintendent shall preside over appeals filed by petitioning parents under this section and issue his or her determination in writing.”

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

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