CHAPTER 18

Education Accountability Act

ARTICLE 1

General Provisions

**SECTION 59‑18‑100.** Performance based accountability system for public education established; “accountability” defined.

 The General Assembly finds that South Carolinians have a commitment to public education and a conviction that high expectations for all students are vital components for improving academic achievement. It is the purpose of the General Assembly in this chapter to establish a performance‑based accountability system for public education which focuses on improving teaching and learning so that students are equipped with a strong academic foundation. Moreover, to meet the Profile of the South Carolina Graduate, all students graduating from public high schools in this State should have the knowledge, skills, and opportunity to be college ready, career ready, and life ready for success in the global, digital, and knowledge‑based world of the twenty‑first century as provided in Section 59‑1‑50. All graduates should have the opportunity to qualify for and be prepared to succeed in entry‑level, credit‑bearing college courses, without the need for remedial coursework, postsecondary job training, or significant on‑the‑job training. Accountability, as defined by this chapter, means acceptance of the responsibility for improving student performance and taking actions to improve classroom practice and school performance by the Governor, the General Assembly, the State Department of Education, colleges and universities, local school boards, administrators, teachers, parents, students, and the community.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008; 2017 Act No. 94 (H.3969), Section 4, eff June 10, 2017.

Effect of Amendment

The 2008 amendment reprinted this section with no apparent change.

2017 Act No. 94, Section 4, amended the section, providing additional purposes concerning the profile of the South Carolina graduate.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑110.** Objectives.

 The system is to:

 (1) use academic achievement standards to push schools and students toward higher performance by aligning the state assessment to those standards and linking policies and criteria for performance standards, accreditation, reporting, school rewards, and targeted assistance;

 (2) provide an annual report card with a performance indicator system that is logical, reasonable, fair, challenging, and technically defensible, which furnishes clear and specific information about school and district academic performance and other performance to parents and the public;

 (3) require all districts to establish local accountability systems to stimulate quality teaching and learning practices and target assistance to low performing schools;

 (4) provide resources to strengthen the process of teaching and learning in the classroom to improve student performance and reduce gaps in performance;

 (5) support professional development as integral to improvement and to the actual work of teachers and school staff; and

 (6) expand the ability to evaluate the system and to conduct in‑depth studies on implementation, efficiency, and the effectiveness of academic improvement efforts.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment reprinted this section with no apparent change.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑120.** Definitions.

 As used in this chapter:

 (1) “Oversight Committee” means the Education Oversight Committee established in Section 59‑6‑10.

 (2) “Standards‑based assessment” means an assessment where an individual’s performance is compared to specific performance standards and not to the performance of other students.

 (3) “Disaggregated data” means data broken out for specific groups within the total student population, such as by race, gender, level of poverty, limited English proficiency status, disability status, gifted and talented, or other groups as required by federal statutes or regulations.

 (4) “Longitudinally matched student data” means examining the performance of a single student or a group of students by considering their test scores over time.

 (5) “Academic achievement standards” means statements of expectations for student learning.

 (6) “Department” means the State Department of Education.

 (7) “Performance rating” means the classification a school will receive based on the percentage of students meeting standard on the state’s standards‑based assessment, student growth or student progress from one school year to the next, graduation rates, and other indicators as determined by federal guidelines and the Education Oversight Committee, as applicable. To increase transparency and accountability, the overall points achieved by a school to determine its ‘performance rating’ must be based on a numerical scale from zero to one hundred, with one hundred being the maximum total achievable points for a school.

 (8) “Objective and reliable statewide assessment” means assessments that yield consistent results and that measure the cognitive knowledge and skills specified in the state‑approved academic standards and do not include questions relative to personal opinions, feelings, or attitudes and are not biased with regard to race, gender, or socioeconomic status. The assessments must include a writing assessment and questions designed to reflect a range of cognitive abilities beyond the knowledge level. Constructed response questions may be included as a component of the writing assessment.

 (9) “Division of Accountability” means the special unit within the oversight committee established in Section 59‑6‑100.

 (10) “Formative assessment” means assessments used within the school year to analyze general strengths and weaknesses in learning and instruction, to understand the performance of students individually and across achievement categories, to adapt instruction to meet students’ needs, and to consider placement and planning for the next grade level. Data and performance from the formative assessments must not be used in the calculation of elementary, middle, or high school ratings, but may be used in determining primary school ratings.

HISTORY: 1998 Act No. 400, Section 2; 2006 Act No. 254, Sections 2.A, 2.B, eff March 24, 2006; 2008 Act No. 282, Section 1, eff June 5, 2008; 2017 Act No. 94 (H.3969), Section 5, eff June 10, 2017.

Effect of Amendment

The 2006 amendment, in item (10), rewrote the second sentence and added the third sentence; and added item (12) defining “Formative assessment”.

The 2008 amendment, in item (3), substituted “level of poverty, limited English proficiency status, disability status, or other groups as required by federal statutes or regulations” for “and family income level”; deleted item (5) defining “norm referenced assessment”; redesignated items (6) to (12) as items (5) to (11); in item (8) substituted “Growth” for “Improvement performance”; and in item (9) in the third sentence substituted “Constructed” for “Constructive”.

2017 Act No. 94, Section 5, in (3), inserted “gifted and talented,”; rewrote (7), which had related to the definition of “absolute performance”; deleted (8), which related to the definition of “Growth”, and renumbered accordingly; in (8), deleted “multiple‑choice” preceding “questions”; in (10), substituted “elementary, middle, or high school ratings, but may be used in determining primary school ratings” for “school or district ratings”; and made a nonsubstantive change.

ARTICLE 3

Academic Standards and Assessments

**SECTION 59‑18‑300.** Adoption of educational standards in core academic areas.

 The State Board of Education is directed to adopt grade specific performance‑oriented educational standards in the core academic areas of mathematics, English/language arts, social studies (history, government, economics, and geography), and science for kindergarten through twelfth grade and for grades nine through twelve adopt specific academic standards for high school credit courses in mathematics, English/language arts, social studies, and science. The standards are to promote the goals of providing every student with the competencies to:

 (1) read, view, and listen to complex information in the English language;

 (2) write and speak effectively in the English language;

 (3) solve problems by applying mathematics;

 (4) conduct research and communicate findings;

 (5) understand and apply scientific concepts;

 (6) obtain a working knowledge of world, United States, and South Carolina history, government, economics, and geography; and

 (7) use information to make decisions.

 The standards must be reflective of the highest level of academic skills with the rigor necessary to improve the curriculum and instruction in South Carolina’s schools so that students are encouraged to learn at unprecedented levels and must be reflective of the highest level of academic skills at each grade level.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment in the introductory paragraph, substituted “high school credit courses” for “benchmark courses”.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

Notes of Decisions

Constitutional issues 1

1. Constitutional issues

State’s educational funding scheme, as a whole, denied students in plaintiffs’ school districts the constitutionally required opportunity to receive a minimally adequate education, as guaranteed by the education clause of the state constitution; districts’s students received instruction in many cases from corps of unprepared teachers, were grouped by economic class into what amounted to no more than educational ghettos, rated by Department of Education’s guidelines as substandard, and large percentages of students, over half in some instances, were unable to meet minimal benchmarks on standardized tests, but were nonetheless pushed through the system to “graduate.” Abbeville County School Dist. v. State (S.C. 2014) 410 S.C. 619, 767 S.E.2d 157, rehearing denied, amended 414 S.C. 166, 777 S.E.2d 547, superseded 415 S.C. 19, 780 S.E.2d 609. Education 219

**SECTION 59‑18‑310.** Development or adoption of statewide assessment program to promote student learning and measure student performance.

 (A) Notwithstanding any other provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and:

 (1) identify areas in which students, schools, or school districts need additional support;

 (2) indicate the academic achievement for schools, districts, and the State;

 (3) satisfy federal reporting requirements; and

 (4) provide professional development to educators.

 Assessments required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable, and administered in English and in Braille for students as identified in their Individual Education Plan.

 (B)(1) The statewide assessment program must include the subjects of English/language arts, mathematics, science, and social studies in grades three through eight, as delineated in Section 59‑18‑320, and end‑of‑course tests for courses selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability, which award units of credit in English/language arts, mathematics, science, and social studies. A student’s score on an end‑of‑year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science and a course in United States history in which end‑of‑course examinations are administered to receive the state high school diploma. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma.

 (2) A person who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements pursuant to this section and State Regulation may petition the local school board to determine the student’s eligibility to receive a high school diploma pursuant to this chapter. The local school board will transmit diploma requests to the South Carolina Department of Education in accordance with department procedures. Petitions under this section must be submitted to the local school district. Students receiving diplomas in accordance with this section shall not be counted as graduates in the graduation rate calculations for affected schools and districts, either retroactively or in current or future calculations. On or before January 31, 2019, the South Carolina Department of Education shall report to the State Board of Education and the General Assembly the number of diplomas granted, by school district, under the provision. The State Board of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations. The department shall advertise the provisions of this item in at least one daily newspaper of general circulation in the area of each school district within forty‑five days after this enactment. After enactment, the department may continue to advertise the provisions of this item, but it shall not be required to advertise after December 31, 2017. At a minimum, this notice must consist of two columns measuring at least ten inches in length and measuring at least four and one‑half inches combined width, and include:

 (a) a headline printed in at least a twenty‑four point font that is boldfaced;

 (b) an explanation of who qualifies for the petitioning option;

 (c) an explanation of the petition process;

 (d) a contact name and phone number; and

 (e) the deadline for submitting a petition.

 (C) While assessment is called for in the specific areas mentioned above, this should not be construed as lessening the importance of foreign languages, visual and performing arts, health, physical education, and career or occupational programs.

 (D) The State Board of Education shall create a statewide adoption list of formative assessments for grades kindergarten through nine aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information in a timely manner to all school districts for each student during the course of the school year. For use beginning with the 2009‑2010 School Year, and subject to appropriations by the General Assembly for the assessments, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.

 (E) The State Department of Education shall provide on‑going professional development in the development and use of classroom assessments, the use of formative assessments, and the use of the end‑of‑year state assessments so that teaching and learning activities are focused on student needs and lead to higher levels of student performance.

HISTORY: 1998 Act No. 400, Section 2; 2001 Act No. 39, Section 3; 2006 Act No. 254, Section 3, eff March 24, 2006; 2008 Act No. 282, Section 1, eff June 5, 2008; 2014 Act No. 155 (H.3919), Section 1, eff April 14, 2014; 2016 Act No. 207 (S.933), Section 1, eff June 3, 2016; 2017 Act No. 94 (H.3969), Section 6, eff June 10, 2017.

Effect of Amendment

The 2006 amendment, in subsection (A), in the introductory statement, added “promote student learning and to” preceding “measure student performance” and added paragraph (4) relating to professional development; rewrote subsection (B), adding the second sentence requiring science and United States history examinations; and added subsections (D) to (F) relating to formative assessments.

The 2008 amendment rewrote subsection (B); added subsection (C) relating to reporting strand level information and reporting of student scores; redesignated subsections (C) and (D) as subsections (D) and (E) and rewrote subsection (E); and deleted subsection (E) relating to adoption of a developmentally appropriate formative reading assessment for use in first and second grades.

2014 Act No. 155, Section 1, in subsection (B), added the paragraph designators; in subsection (B)(1), in the first sentence, deleted text relating to exit examinations, and added the last sentence, relating to exit examinations; and added subsection (B)(2).

2016 Act No. 207, Section 1, in (B)(2), deleted “by December 31, 2015” following “submitted to the local school district” in the third sentence; substituted “2019” for “2017” following “January 31,” in the fifth sentence; added the second to last sentence, relating to advertisement after December 31, 2017; and made a nonsubstantive change.

2017 Act No. 94, Section 6, amended the section, deleting obsolete language and deleting provisions concerning the timing for administering certain assessments.

CROSS REFERENCES

Assessment program, see S.C. Code of Regulations R. 43‑262.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑320.** Review of field test; general administration of test; accommodations for students with disabilities; adoption of new standards.

 (A) After the first statewide field test of the assessment program in each of the four academic areas, and after the field tests of the end of course assessments of high school credit courses, the Education Oversight Committee, established in Section 59‑6‑10, will review the state assessment program and the course assessments for alignment with the state standards, level of difficulty and validity, and for the ability to differentiate levels of achievement, and will make recommendations for needed changes, if any. The review will be provided to the State Board of Education, the State Department of Education, the Governor, the Senate Education Committee, and the House Education and Public Works Committee as soon as feasible after the field tests. The Department of Education will then report to the Education Oversight Committee no later than one month after receiving the reports on the changes made to the assessments to comply with the recommendations.

 (B) After review and approval by the Education Oversight Committee, and pursuant to Section 59‑18‑325, the standards‑based assessment of mathematics, English/language arts, social studies, and science will be administered for accountability purposes to all public school students in grades three through eight, to include those students as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act. To reduce the number of days of testing, to the extent possible, field test items must be embedded with the annual assessments. To ensure that school districts maintain the high standard of accountability established in the Education Accountability Act, performance level results reported on school and district report cards must meet consistently high levels in all four core content areas. For students with documented disabilities, the assessments developed by the Department of Education shall include the appropriate modifications and accommodations with necessary supplemental devices as outlined in a student’s Individualized Education Program and as stated in the Administrative Guidelines and Procedures for Testing Students with Documented Disabilities.

 (C) After review and approval by the Education Oversight Committee, the end of course assessments of high school credit courses will be administered to all public school students as they complete each course.

 (D) Any new standards and assessments required to be developed and adopted by the State Board of Education, through the Department of Education for use as an accountability measure, must be developed and adopted upon the advice and consent of the Education Oversight Committee.

HISTORY: 1998 Act No. 400, Section 2; 2006 Act No. 254, Section 4, eff March 24, 2006; 2008 Act No. 282, Section 1, eff June 5, 2008; 2017 Act No. 94 (H.3969), Section 7, eff June 10, 2017.

Effect of Amendment

The 2006 amendment rewrote subsection (B) to add provisions relating to standards‑based annual assessments.

The 2008 amendment, in subsections (A) and (C), substituted “high school credit” for “benchmark”; rewrote subsection (B); and, in subsection (D), added “for use as an accountability measure,”.

2017 Act No. 94, Section 7, amended (B), deleting obsolete provisions concerning the No Child Left Behind Act and deleting provisions concerning performance level results in various core subject areas.

CROSS REFERENCES

College and career readiness assessment, summative assessment, see Section 59‑18‑325.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑325.** College and career readiness assessment; summative assessment.

 (A) Beginning in eleventh grade for the first time in School Year 2017‑2018 and subsequent years, all students must be offered a college entrance assessment that is from a provider secured by the department. In addition, all students entering the eleventh grade for the first time in School Year 2017‑2018 and subsequent years must be administered a career readiness assessment. The results of the assessments must be provided to each student, their respective schools, and to the State to:

 (1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student’s future ambitions;

 (2) promote South Carolina’s Work Ready Communities initiative; and

 (3) meet federal and state accountability requirements.

 (B) Students subsequently may use the results of these assessments to apply to college or to enter careers. The results must be added as part of each student’s permanent record and maintained at the department for at least ten years. The purpose of the results is to provide instructional information to assist students, parents, and teachers to plan for each student’s course selection. This course selection might include remediation courses, dual‑enrollment or dual‑credit courses, advanced placement courses/International Baccalaureate, internships, career and technology courses that are aligned with appropriate industry credentials or certificates, or other options during the remaining semesters in high school.

 (1) For purposes of this section, “eleventh grade students” means students in the third year of high school after their initial enrollment in the ninth grade.

 (2) Valid accommodations must be provided according to the students’ IEP or 504 plan. If a student also chooses to use the results of the college readiness assessment for post‑secondary admission or placement, the student, his parent, or his guardian must indicate that choice in compliance with the testing vendor’s deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college reportable score.

 (3) In the twelfth grade, and as aligned to the student’s Individual Graduation Plan, if funds are available, the State shall provide all students the opportunity to take or retake a college readiness assessment, the career readiness assessment, and/or earn industry credentials or certifications at no cost to the students. The results of the assessments must be provided to each student, the respective schools, and to the State.

 (4) A student with a disability, whose Individualized Education Program (IEP) team determines, and agrees in writing, that taking either of these assessments would not be aligned with the student’s program of study and the student should not be administered either assessment, must not be administered either assessment.

 (C) To maintain a comprehensive and cohesive assessment system that signals a student’s preparedness for the next educational level and ultimately culminates in a clear indication of a student’s preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the State Department of Education shall procure and maintain a summative assessment system.

 (1) The summative assessment must be administered to all students in grades three through eight. The summative assessment must assess students in English/language arts and mathematics, including those students as required by the federal Individuals with Disabilities Education Act and by Title I of the Elementary and Secondary Education Act. For purposes of this subsection, “English/language arts” includes English, reading, and writing skills as required by existing state standards. The assessment must be a rigorous, achievement assessment that measures student mastery of the state standards, that provides timely reporting of results to educators, parents, and students, and that measures each student’s progress toward college and career readiness. Therefore, the assessment or assessments must meet all of the following minimum requirements:

 (a) compares performance of students in South Carolina to other students’ performance on comparable standards in other states with the ability to link the scales of the South Carolina assessment to the scales from other assessments measuring those comparable standards;

 (b) be a vertically scaled, benchmarked, standards‑based system of summative assessments;

 (c) measures a student’s preparedness for the next level of their educational matriculation and individual student performance against the state standards in English/language arts, reading, writing, mathematics, and student growth;

 (d) documents student progress toward national college and career readiness benchmarks derived from empirical research and state standards;

 (e) establishes at least four student achievement levels;

 (f) includes various test questions including, but not limited to, multiple choice, constructed response, and selected response, that require students to demonstrate their understanding of the content;

 (g) be administered to all students in a computer‑based format except for students with disabilities as specified in the student’s IEP or 504 plan, and unless the use of a computer by these students is prohibited due to the vendor’s restrictions on computer‑based test security, in which case the paper version must be made available; and

 (h) assists school districts and schools in aligning assessment, curriculum, and instruction.

 (2)(a) Beginning in the 2017‑2018 School Year, each school district shall administer the statewide summative assessment, with the exception of alternate assessments, for grades three through eight during the last twenty days of school as determined by the district’s regular instructional calendar, not including make‑up days. If an extension to the twenty‑day time period is needed, the school district or charter school may submit a request for an extension to the State Board of Education before December first of the school year for which the waiver is requested. The request must clearly document the scope and rationale for the extension. The request also must be accompanied by an action plan showing how the district or charter school will be able to comply with the twenty‑day time frame for the following school year.

 (b) Statewide summative testing for each student may not exceed eight days each school year, with the exception of students with disabilities as specified in their IEPs or 504 plans.

 (c) The State Board of Education shall promulgate regulations outlining the procedures to be used during the testing process to ensure test security, including procedures for make‑up days, and to comply with federal and state assessment requirements where necessary.

 (d) In the event of school closure due to extreme weather or other disruptions that are not the fault of the district, or significant school or district technology disruptions that impede computer‑based assessment administration, the school district or charter school may submit a request to the department to provide a paper‑based administration to complete testing within the last twenty days of school. The request must clearly document the scope and cause of the disruption.

 (3) Beginning with the 2017‑2018 School Year, the department shall procure and administer the standards‑based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards‑based assessment in science to students in grades four, six, and eight, and the standards‑based assessment in social studies to students in grades five and seven.

 (4) The State Department of Education shall reimburse districts for the administration of the college entrance and career readiness assessments.

 (5) Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59‑18‑310.

 (6) Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end‑of‑course assessments in a format agreed upon by the department and the Oversight Committee. The results of these assessments must be included in state ratings for each school beginning in the 2017‑2018 School Year. The Oversight Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of 2017. While developing the single accountability system that will be implemented in the 2017‑2018 School Year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the Fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district, and statewide student assessment results in reading and mathematics in grades three through eight; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.

 (7) When standards are subsequently revised, the Department of Education, the State Board of Education, and the Education Oversight Committee shall approve assessments pursuant to Section 59‑18‑320.

HISTORY: 2014 Act No. 155 (H.3919), Section 4, eff April 14, 2014; 2014 Act No. 200 (H.3893), Section 3, eff June 19, 2014; 2016 Act No. 281 (H.5140), Section 2, eff June 22, 2016; 2017 Act No. 94 (H.3969), Section 8, eff June 10, 2017.

Code Commissioner’s Note

2014 Act No. 200 becomes effective June 19, 2014 pursuant to Section 2‑7‑10, i.e. 20 days following the Governor’s signature, which was on May 30, 2014.

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

Editor’s Note

2014 Act No. 200, Section 5, provides as follows:

“SECTION 5. On the effective date of this act, South Carolina will no longer be a governing or advisory state in the Smarter Balanced Assessment Consortium. Furthermore, South Carolina may not adopt or administer the Smarter Balanced Assessment.”

Effect of Amendment

2014 Act No. 200, Section 3, added subsection (C), relating to summative assessment.

2016 Act No. 281, Section 2, rewrote (C), revising various assessments used, manner of procurement, implementation, and administration of these assessments, among other things.

2017 Act No. 94, Section 8, amended the section, revising procurement and administration provisions and the time after which results of such assessments may be included in school ratings.

CROSS REFERENCES

Review of field test, general administration of test, accommodations for students with disabilities, adoption of new standards, see Section 59‑18‑320.

Federal Aspects

Elementary and Secondary Education Act of 1965 (ESEA); Pub.L. 89‑10, Apr. 11, 1965, 79 Stat. 27; see 20 U.S.C.A. Section 6301.

Individuals with Disabilities Education Act (Education of the Handicapped Act) (IDEA); Pub.L. 91‑230, Title VI, Apr. 13, 1970, 84 Stat. 175 to 188; see 20 U.S.C.A. Section 1400.

**SECTION 59‑18‑330.** Coordination and annual administration of National Assessment of Education Progress (NAEP).

 The State Department of Education is directed to coordinate the annual administration of the National Assessment of Education Progress (NAEP) to obtain an indication of student and school performance relative to national performance levels. A school randomly selected by NAEP must comply with the administration of the assessment to obtain an indication of state performance relative to national performance levels.

HISTORY: 1998 Act No. 400, Section 2; 2006 Act No. 254, Section 5, eff March 24, 2006; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2006 amendment rewrote this section by deleting the second sentence which provided “The first administration of this test must occur no later than the 2000‑2001 school year” and added the fourth sentence relating to teacher training and the fifth sentence relating to modifications to the readiness assessment to provide literacy development information.

The 2008 amendment omitted Section 59‑18‑330 relating to first grade readiness tests and renumbered this section from Section 59‑18‑340; in the first sentence substituted “Department” for “Board” and “coordinate the annual administration of” for “administer annually” and added the second sentence.

LIBRARY REFERENCES

Schools 163.

Westlaw Key Number Search: 345k163.

C.J.S. Schools and School Districts Section 780.

**SECTION 59‑18‑340.** PSAT, pre‑ACT, or tenth grade Aspire tests to assess tenth grade students; availability; use of results.

 High schools shall offer state‑funded PSAT, pre‑ACT, or tenth grade Aspire tests to each tenth grade student in order to assess and identify curricular areas that need to be strengthened and reinforced. Schools and districts shall use these assessments as diagnostic tools to provide academic assistance to students whose scores reflect the need for such assistance. Schools and districts shall use these assessments to provide guidance and direction for parents and students as they plan for postsecondary experiences.

HISTORY: 1998 Act No. 400, Section 2; 2006 Act No. 254, Section 6, eff March 24, 2006; 2008 Act No. 282, Section 1, eff June 5, 2008; 2017 Act No. 94 (H.3969), Section 9, eff June 10, 2017.

Effect of Amendment

The 2006 amendment rewrote this section.

The 2008 amendment renumbered this section from Section 59‑18‑350 without text changes.

2017 Act No. 94, Section 9, substituted “, pre‑ACT, or tenth grade Aspire” for “PLAN” and “reinforced” for “reenforced”.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑350.** Cyclical review of state standards and assessments; analysis of assessment results.

 (A) The State Board of Education, in consultation with the Education Oversight Committee, shall provide for a cyclical review by academic area of the state standards and assessments to ensure that the standards and assessments are maintaining high expectations for learning and teaching. At a minimum, each academic area should be reviewed and updated every seven years. After each academic area is reviewed, a report on the recommended revisions must be presented to the Education Oversight Committee and the State Board of Education for consideration. The previous content standards shall remain in effect until the recommended revisions are adopted pursuant to Section 59‑18‑355. As a part of the review, a task force of parents, business and industry persons, community leaders, and educators, to include special education teachers, shall examine the standards and assessment system to determine rigor and relevancy.

 (B) For the purpose of developing new college and career readiness English/language arts and mathematics state content standards, a cyclical review must be performed pursuant to subsection (A) for English/language arts and mathematics state content standards not developed by the South Carolina Department of Education. The review must begin on or before January 1, 2015, and the new college and career readiness state content standards must be implemented for the 2015‑2016 school year.

 (C) The State Department of Education annually shall convene a team of curriculum experts to analyze the results of the assessments, including performance item by item. This analysis must yield a plan for disseminating additional information about the assessment results and instruction and the information must be disseminated to districts not later than January fifteenth of the subsequent year.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008; 2014 Act No. 200 (H.3893), Section 4, eff June 19, 2014.

Code Commissioner’s Note

2014 Act No. 200 becomes effective June 19, 2014 pursuant to Section 2‑7‑10, i.e. 20 days following the Governor’s signature, which was on May 30, 2014.

Editor’s Note

2014 Act No. 200, Section 5, provides as follows:

“SECTION 5. On the effective date of this act, South Carolina will no longer be a governing or advisory state in the Smarter Balanced Assessment Consortium. Furthermore, South Carolina may not adopt or administer the Smarter Balanced Assessment.”

Effect of Amendment

The 2008 amendment renumbered this section from Section 59‑18‑360; in subsection (A), deleted the second sentence requiring initial review by 2005; in the second and third sentences added “and the State Board of Education”; and added the fifth sentence relating to the previous content standards remaining in place; and, at the beginning of subsection (B), deleted “Beginning with the 2005 assessment results,”.

2014 Act No. 200, Section 4, in subsection (A), deleted the former fourth sentence, relating to approval by the Education Oversight Committee, and rewrote the 4th sentence, relating to the previous content standards; added subsection (B); and redesignated former subsection (B) as subsection (C).

CROSS REFERENCES

Content standards revisions, approval by Education Oversight Committee and General Assembly required, see Section 59‑18‑355.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑355.** Content standards revisions, approval by Education Oversight Committee and General Assembly required.

 (A)(1) A revision to a state content standard recommended pursuant to Section 59‑18‑350(A), as well as a new standard or a change in a current standard that the State Board of Education otherwise considers for approval as an accountability measure, may not be adopted and implemented without the:

 (a) advice and consent of the Education Oversight Committee; and

 (b) approval by a Joint Resolution of the General Assembly.

 (2) General Assembly approval required by item (1)(b) does not apply to a revision recommended pursuant to Section 59‑18‑350(A), other approval of a new standard, and other changes to an old standard if the revision, new standard, or changed standard is developed by the State Department of Education.

 (B) A revision to an assessment recommended pursuant to Section 59‑18‑350(A), as well as a new assessment or a change in a current assessment that the State Board of Education otherwise considers for approval as an accountability measure, may not be adopted and implemented without the advice and consent of the Education Oversight Committee.

 (C) Upon initiating a change to an existing standard, including a cyclical review, the Education Oversight Committee and the Department of Education shall provide notice of their plans and intent to the General Assembly and the Governor.

 (D) Nothing in this section may be interpreted to prevent the Department of Education, Board of Education, and Education Oversight Committee from considering best practices in education standards and assessments while developing its own standards and assessments.

HISTORY: 2014 Act No. 200 (H.3893), Section 2, eff June 19, 2014.

Code Commissioner’s Note

2014 Act No. 200 becomes effective June 19, 2014 pursuant to Section 2‑7‑10, i.e. 20 days following the Governor’s signature, which was on May 30, 2014.

Editor’s Note

2014 Act No. 200, Section 5, provides as follows:

“SECTION 5. On the effective date of this act, South Carolina will no longer be a governing or advisory state in the Smarter Balanced Assessment Consortium. Furthermore, South Carolina may not adopt or administer the Smarter Balanced Assessment.”

CROSS REFERENCES

Cyclical review of state standards and assessments, analysis of assessment results, see Section 59‑18‑350.

**SECTION 59‑18‑360.** Dissemination of assessment results.

 Beginning with the 2010 assessment administration, the Department of Education is directed to provide assessment results annually on individual students and schools by August first, except when assessments are being updated and new achievement standards are being set, in a manner and format that is easily understood by parents and the public. In addition, the school assessment results must be presented in a format easily understood by the faculty and in a manner that is useful for curriculum review and instructional improvement. The department is to provide longitudinally matched student data from the standards‑based assessments and include information on the performance of subgroups of students within the school. The department must work with the Division of Accountability in developing the formats of the assessment results. Schools and districts are responsible for disseminating this information to parents.

HISTORY: 1998 Act No. 400, Section 2; 2003 Act No. 89, Section 5, eff July 23, 2003; 2006 Act No. 254, Section 7, eff March 24, 2006; 2008 Act No. 282, Section 1, eff June 5, 2008; 2017 Act No. 94 (H.3969), Section 10, eff June 10, 2017.

Effect of Amendment

The 2003 amendment substituted “seven” for “four” preceding “years” in the second sentence.

The 2006 amendment designated subsection (A) and added subsection (B) relating to analysis of assessment results.

The 2008 amendment renumbered this section from Section 59‑18‑370 and in the first sentence, added “Beginning with the 2010 assessment administration,” and “by August first,”.

2017 Act No. 94, Section 10, inserted “except when assessments are being updated and new achievement standards are being set,”, and made a nonsubstantive change.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑370.** Renumbered as Section 59‑18‑360 by 2008 Act No. 282, Section 1, eff June 5, 2008.

ARTICLE 5

Academic Plans for Students [Omitted]

**SECTION 59‑18‑500.** Omitted by 2008 Act No. 282, Section 1, eff June 5, 2008.

Editor’s Note

Former Section 59‑18‑500 was entitled “Academic plan for student lacking skills to perform at current grade level; review of results; development of statewide policies” and was derived from 1998 Act No. 400, Section 2; 1999 Act No. 100, Part II, Section 5.

ARTICLE 7

Materials and Accreditation

**SECTION 59‑18‑700.** Alignment of criteria for instructional materials with educational standards.

 The criteria governing the adoption of instructional materials must be revised by the State Board of Education to require that the content of such materials reflect the substance and level of performance outlined in the grade specific educational standards adopted by the state board.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment substituted “must” for “shall”.

LIBRARY REFERENCES

Schools 167.

Westlaw Key Number Search: 345k167.

C.J.S. Schools and School Districts Sections 781, 786.

**SECTION 59‑18‑710.** Recommendations regarding state’s accreditation system.

 The State Department of Education shall provide recommendations regarding the state’s accreditation system to the State Board of Education. The recommendations must be derived from input received from broad‑based stakeholder groups. In developing the criteria for the accreditation system, the State Board of Education shall consider including the function of school improvement councils and other school decision‑making groups and their participation in the school planning process.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008; 2008 Act No. 353, Section 2, Pt 1A.B, eff July 1, 2009.

Effect of Amendment

The first 2008 amendment rewrote this section.

The second 2008 amendment made identical changes.

ARTICLE 9

Reporting

**SECTION 59‑18‑900.** Development of comprehensive annual report cards; performance ratings; promulgation of regulations.

 (A) The Education Oversight Committee, working with the State Board of Education, is directed to establish the format of a comprehensive, web‑based, annual report card to report on the performance for the State and for individual primary, elementary, middle, high schools, career centers, and school districts of the State. The comprehensive report card must be in a reader‑friendly format, using graphics whenever possible, published on the state, district, and school websites, and, upon request, printed by the school districts. The school’s rating must be emphasized and an explanation of its meaning and significance for the school also must be reported. The annual report card must serve at least six purposes:

 (1) inform parents and the public about the school’s performance including, but not limited to, that on the home page of the report there must be each school’s overall performance rating in a font size larger than twenty‑six and the total number of points the school achieved on a zero to one hundred scale;

 (2) assist in addressing the strengths and weaknesses within a particular school;

 (3) recognize schools with high performance;

 (4) evaluate and focus resources on schools with low performance;

 (5) meet federal report card requirements; and

 (6) document the preparedness of high school graduates for college and career.

 (B)(1) The Education Oversight Committee, working with the State Board of Education and a broad‑based group of stakeholders, including, but not limited to, parents, business and industry persons, community leaders, and educators, shall determine the criteria for and establish performance ratings of excellent, good, average, below average, and unsatisfactory for schools to increase transparency and accountability as provided below:

 (a) Excellent—School performance substantially exceeds the criteria to ensure all students meet the Profile of the South Carolina Graduate;

 (b) Good—School performance exceeds the criteria to ensure all students meet the Profile of the South Carolina Graduate;

 (c) Average—School performance meets the criteria to ensure all students meet the Profile of the South Carolina Graduate;

 (d) Below Average—School performance is in jeopardy of not meeting the criteria to ensure all students meet the Profile of the South Carolina Graduate; and

 (e) Unsatisfactory—School performance fails to meet the criteria to ensure all students meet the Profile of the South Carolina Graduate.

 (2) The same categories of performance ratings also must be assigned to individual indicators used to measure a school’s performance including, but not limited to, academic achievement, student growth or progress, graduation rate, English language proficiency, and college and career readiness.

 (3) Only the scores of students enrolled continuously in the school from the time of the forty‑five‑day enrollment count to the first day of testing must be included in calculating the rating. Graduation rates must be used as an additional accountability measure for high schools and school districts.

 (4) The Oversight Committee, working with the State Board of Education, shall establish student performance indicators which will be those considered to be useful for inclusion as a component of a school’s overall performance and appropriate for the grade levels within the school.

 (C) In setting the criteria for the academic performance ratings and the performance indicators, the Education Oversight Committee shall report the performance by subgroups of students in the school and schools similar in student characteristics. Criteria must use established guidelines for statistical analysis and build on current data‑reporting practices.

 (D) The comprehensive report card must include a comprehensive set of performance indicators with information on comparisons, trends, needs, and performance over time which is helpful to parents and the public in evaluating the school. In addition, the comprehensive report card must include indicators that meet federal law requirements. Special efforts are to be made to ensure that the information contained in the report card is provided in an easily understood manner and a reader‑friendly format. This information should also provide a context for the performance of the school. Where appropriate, the data should yield disaggregated results to schools and districts in planning for improvement. The report card should include information in such areas as programs and curriculum, school leadership, community and parent support, faculty qualifications, evaluations of the school by parents, teachers, and students. In addition, the report card must contain other criteria including, but not limited to, information on promotion and retention ratios, disciplinary climate, dropout ratios, dropout reduction data, dropout retention data, access to technology, student and teacher ratios, and attendance data.

 (E) After reviewing the school’s performance on statewide assessments and results of other report card criteria, the principal, in conjunction with the School Improvement Council established in Section 59‑20‑60, must write an annual narrative of a school’s progress in order to further inform parents and the community about the school and its efforts to ensure that all students graduate with the knowledge, skills, and opportunity to be college ready, career ready, and life ready for success in the global, digital, and knowledge‑based world of the twenty‑first century as provided in Section 59‑1‑50. The narrative must be reviewed by the district superintendent or appropriate body for a local charter school. The narrative must cite factors or activities supporting progress and barriers which inhibit progress. The school’s report card must be furnished to parents and the public no later than November fifteenth for the 2016‑2017 and 2017‑2018 School Years. To further increase transparency and accountability, for the 2018‑2019 School Year, the school’s report card must be furnished to parents and the public no later than October first. For the 2019‑2020 School Year, and every subsequent year, the school’s report card must be furnished to parents and the public no later than September first.

 (F) The percentage of new trustees who have completed the orientation requirement provided in Section 59‑19‑45 must be reflected on the school district website.

 (G) The State Board of Education shall promulgate regulations outlining the procedures for data collection, data accuracy, data reporting, and consequences for failure to provide data required in this section.

 (H) The Education Oversight Committee, working with the State Board of Education, is directed to establish a comprehensive annual report concerning the performance of military‑connected children who attend primary, elementary, middle, and high schools in this State. The comprehensive annual report must be in a reader‑friendly format, using graphics whenever possible, published on the state, district, and school websites, and, upon request, printed by the school districts. The annual comprehensive report must address at least attendance, academic performance in reading, math, and science, and graduation rates of military‑connected children.

HISTORY: 1998 Act No. 400, Section 2; 2001 Act No. 40, Section 1; 2002 Act No. 265, Section 2; 2005 Act No. 88, Section 3, eff May 27, 2005; 2006 Act No. 274, Section 3, eff May 3, 2006; 2008 Act No. 282, Section 1, eff June 5, 2008; 2014 Act No. 289 (S.825), Pt V, Section 5, eff June 23, 2014; 2017 Act No. 94 (H.3969), Section 11, eff June 10, 2017.

Effect of Amendment

The 2005 amendment, in subsection (D), in the sixth sentence added “dropout reduction data”.

The 2006 amendment added subsection (G) relating to promulgation of regulations.

The 2008 amendment rewrote subsections (A), (B), and (E).

2014 Act No. 289, Section 5, added subsection (H), relating to the annual report on educational performance of military‑connected children.

2017 Act No. 94, Section 11, rewrote the section, providing that the annual comprehensive annual report card is web‑based, revising the purposes of the report card, revising provisions relating to categories of academic performance ratings, and revising requirements for related school improvement council reports.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑910.** Cyclical review of accountability system; stakeholders; development of necessary skills and characteristics.

 Beginning in 2020, the Education Oversight Committee, working with the State Board of Education and a broad‑based group of stakeholders, selected by the Education Oversight Committee, shall conduct a comprehensive cyclical review of the accountability system at least every five years and shall provide the General Assembly with a report on the findings and recommended actions to improve the accountability system and to accelerate improvements in student and school performance. The stakeholders must include the State Superintendent of Education and the Governor, or the Governor’s designee. The other stakeholders include, but are not limited to, parents, business and industry persons, community leaders, and educators. The cyclical review must include recommendations of a process for determining if students are graduating with the world‑class skills and life and career characteristics of the Profile of the South Carolina Graduate to be successful in postsecondary education and in careers. The accountability system needs to reflect evidence that students have developed these skills and characteristics.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008; 2017 Act No. 94 (H.3969), Section 12, eff June 10, 2017.

Effect of Amendment

The 2008 amendment rewrote this section.

2017 Act No. 94, Section 12, substituted “Beginning in 2020” for “Beginning in 2013”, and added provisions requiring that the cyclical review must include recommendations of a process for determining if students are graduating with certain skills and characteristics.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑920.** Report card requirements for charter, alternative, and career and technology schools.

 A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card and a rating. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District must be included in the overall performance ratings of each school in the South Carolina Public Charter School District. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district’s report card. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.

HISTORY: 1998 Act No. 400, Section 2; 2005 Act No. 49, Section 7, eff May 3, 2005; 2006 Act No; 274, Section 2, eff May 3, 2006; 2008 Act No. 282, Section 1, eff June 5, 2008; 2012 Act No. 164, Section 16, eff May 14, 2012; 2017 Act No. 94 (H.3969), Section 13, eff June 10, 2017.

Effect of Amendment

The 2005 amendment made nonsubstantive language changes throughout and in the second sentence substituted “career and technology” for “vocational”.

The 2006 amendment rewrote this section.

The 2008 amendment reprinted this section without apparent change.

The 2012 amendment inserted “, unless there is a mutual agreement to include the scores in the local school district ratings”.

2017 Act No. 94, Section 13, amended the section, deleting provisions prohibiting the use of charter school student performance in a district’s overall performance ratings.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑930.** Publication of report cards; date for issuance; advertising results.

 (A) The State Department of Education annually shall publish on its website home page the report card to all schools and districts of the State no later than November fifteenth, for the 2016‑2017 and 2017‑2018 School Years. To further increase transparency and accountability, for the 2018‑2019 School Year, the school’s report card must be furnished to parents and the public no later than October first. For the 2019‑2020 School Year, and every subsequent year, the school’s report card must be furnished to parents and the public no later than September first. The home page report card must be capable of being downloaded into a portable document format (PDF) and must contain National Assessment of Educational Progress (NAEP) scores or other national scores or comparisons, if available. The report card summary must be made available to all parents of the school and the school district.

 (B) The school, in conjunction with the district board, also must inform the community of the school’s report card by advertising the results in at least one South Carolina daily newspaper of general circulation in the area. This notice must be published within forty‑five days of receipt of the report cards issued by the State Department of Education and must be a minimum of two columns by ten inches (four and one‑half by ten inches) with at least a twenty‑four point bold headline.

 (C) If an audited newspaper of general circulation in a school district’s geographic area has previously published the entire school report card results as a news item, the requirement of subsection (B) may be waived.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008; 2008 Act No. 353, Section 2, Pt 1A.C.1 eff July 1, 2008; 2009 Act No. 34, Section 1, eff June 2, 2009; 2017 Act No. 94 (H.3969), Section 14, eff June 10, 2017.

Effect of Amendment

The first 2008 amendment created the second undesignated paragraph from the third and fourth sentences of the existing section; rewrote the first undesignated paragraph to require an executive summary of the annual report card; and in the second sentence of the second undesignated paragraph substituted “forty‑five days” for “ninety days”.

The second 2008 amendment made identical changes.

The 2009 amendment designated subsections (A) and (B) and added subsection (C) relating to waiving the advertising requirement.

2017 Act No. 94, Section 14, amended (A), providing the department may publish the report card on its website in a certain manner, and providing certain national assessment scores may be included.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑950.** Repealed.

HISTORY: Former Section, titled Criteria for school district and high school ratings, had the following history: 2008 Act No. 353, Section 2, Pt 1A.D, eff July 1, 2009; 2014 Act No. 155 (H.3919), Section 5, eff April 14, 2014. Repealed by 2017 Act No. 94, Section 15, eff June 10, 2017.

ARTICLE 11

Awarding Performance

**SECTION 59‑18‑1100.** Palmetto Gold and Silver Awards Program established; criteria.

 The State Board of Education, working with the division and the Department of Education, must establish the Palmetto Gold and Silver Awards Program to recognize and reward schools for academic achievement and for closing the achievement gap. Awards will be established for schools attaining high levels of absolute performance, for schools attaining high rates of growth, and for schools making substantial progress in closing the achievement gap between disaggregated groups. The award program must base improved performance on longitudinally matched student data and may include such additional criteria as:

 (1) student attendance;

 (2) teacher attendance;

 (3) graduation rates; and

 (4) other factors promoting or maintaining high levels of achievement and performance. Schools shall be rewarded according to specific criteria established by the division. In defining eligibility for a reward for high levels of performance, student performance should exceed expected levels of improvement. The State Board of Education shall promulgate regulations to ensure districts of the State utilize these funds to improve or maintain exceptional performance according to their school’s plans established in Section 59‑139‑10. Funds may be utilized for professional development support.

 Special schools for the academically talented are not eligible to receive an award pursuant to the provisions of this section unless they have demonstrated improvement and high absolute achievement for three years immediately preceding.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment added “and for closing the achievement gap” at the end of the first sentence, in the second sentence, substituted “growth, and for schools making substantial progress in closing the achievement gap between disaggregated groups” for “improvement”, and, in item (3), substituted “graduation” for “student dropout”.

LIBRARY REFERENCES

Schools 47.

Westlaw Key Number Search: 345k47.

C.J.S. Schools and School Districts Sections 81 to 92, 174.

**SECTION 59‑18‑1110.** Grant of flexibility of receiving exemption from regulations; criteria; continuation of and removal from flexibility status.

 (A) Notwithstanding any other provision of law, a school is given the flexibility of receiving exemptions from those regulations and statutory provisions governing the defined program provided that, during a three‑year period, the following criteria are satisfied:

 (1) the school has twice been a recipient of a Palmetto Gold or Silver Award, pursuant to Section 59‑18‑1100;

 (2) the school has met annual improvement standards for subgroups of students in reading and mathematics; and

 (3) the school has exhibited no recurring accreditation deficiencies.

 (B) Schools receiving flexibility status are released from those regulations and statutory provisions referred to above including, but not limited to, regulations and statutory provisions on class scheduling, class structure, and staffing.

 (C) To continue to receive flexibility pursuant to this section, a school must annually exhibit school improvement at or above the state average as computed in the school recognition program pursuant to Section 59‑18‑1100 and must meet the gains required for subgroups of students in reading and mathematics. A school which does not requalify for flexibility status due to extenuating circumstances may apply to the State Board of Education for an extension of this status for one year.

 (D) In the event that a school is removed from flexibility status, the school is not subject to regulations and statutory provisions exempted under this section until the beginning of the school year following notification of the change in status by the State Department of Education. Subsequent monitoring by the State Department of Education in a school that is removed from flexibility status shall not include a review of program records exempted under this section for the period that the school has received flexibility status or for the school year during which the school was notified of its removal from flexibility status.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment, in subsection (B), deleted the second sentence relating to promulgation of regulations.

CROSS REFERENCES

Flexibility through deregulation program, see S.C. Code of Regulations R. 43‑303.

LIBRARY REFERENCES

Schools 47.

Westlaw Key Number Search: 345k47.

C.J.S. Schools and School Districts Sections 81 to 92, 174.

**SECTION 59‑18‑1120.** Grant of flexibility of exemption from regulations and statutes to school designated as school/district at‑risk; extension to other schools.

 (A) Notwithstanding any other provision of law, a school designated as school/district at‑risk while in such status is given the flexibility of receiving exemptions from those regulations and statutory provisions governing the defined program or other State Board of Education regulations, dealing with the core academic areas as outlined in Section 59‑18‑120, provided that the review team recommends such flexibility to the State Board of Education.

 (B) Other schools may receive flexibility when their school renewal plan explains why such exemptions are expected to improve the academic performance of the students and the plan meets the approval by the State Board of Education. To continue to receive flexibility pursuant to this section, a school must annually exhibit overall school improvement as outlined in its revised plan and must meet the gains set for subgroups of students in content areas included in the accountability assessments. A school which does not requalify for flexibility status due to extenuating circumstances may apply to the State Board of Education for an extension of this status for one year according to the provisions of Section 59‑18‑1110(D).

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment, in subsection (A), substituted “school/district at‑risk” for “unsatisfactory”; and, in subsection (B), in the first sentence substituted “school renewal” for “strategic”, and in the second sentence “content areas included in the accountability assessments” for “reading and mathematics”.

CROSS REFERENCES

Flexibility through deregulation program, see S.C. Code of Regulations R. 43‑303.

LIBRARY REFERENCES

Schools 47.

Westlaw Key Number Search: 345k47.

C.J.S. Schools and School Districts Sections 81 to 92, 174.

**SECTION 59‑18‑1130.** Use of funds appropriated for professional development.

 (A) Notwithstanding another provision of law to the contrary, funds appropriated for professional development must be used for certificated instructional and instructional leadership personnel in grades kindergarten through twelve in the academic areas for which State Board of Education standard documents have been approved to better link instruction and lesson plans to the standards and to statewide adopted readiness assessment tests, to develop classroom assessments consistent with the standards and testing measures, and to analyze assessment results for needed modification in instructional strategies. No more than five percent of funds appropriated for professional development may be retained by the State Department of Education for administration of the program; however, a district may choose to purchase professional development services provided by the State Department of Education with the funds allocated to the districts for professional development. Funds also may be expended for certificated instructional and instructional leadership personnel in grades six through twelve to achieve competency in teaching reading to students who score below proficient on the reading component of assessment tests.

 (B) Two hundred fifty thousand dollars of the funds allocated to professional development must be provided to the State Department of Education to implement successfully the South Carolina Readiness Assessment by creating a validation process for teachers to ensure reliable administration of the assessment, providing professional development on effective utilization, and establishing the relationship between the readiness measure and third grade standards‑based assessments. Multi‑day work sessions must be provided around the State during the summer, fall, and winter using staff development days and teacher workdays. Two of the remaining professional development days must be set aside for the specific purpose of preparing and opening schools. District instructional leaders, regional service centers, consortia, development personnel, university faculty, contracted providers, and the resources of the Educational Television Network may be used to implement the professional development initiative. Teachers participating in the program shall receive credit toward recertification according to State Board of Education guidelines. Funds provided for professional development on standards may be carried forward into the current fiscal year to be expended for the same purpose. No less than twenty‑five percent of the funds allocated for professional development may be expended on the teaching of reading, which includes teaching reading across content areas in grades three through eight.

HISTORY: 2008 Act No. 353, Section 2, Pt 1A.A, eff July 1, 2009.

ARTICLE 13

District Accountability Systems

**SECTION 59‑18‑1300.** District accountability system; development and review.

 The State Board of Education, based on recommendations of the division, must develop regulations requiring that each district board of trustees must establish and annually review a performance based accountability system, or modify its existing accountability system, to reinforce the state accountability system. Parents, teachers, and principals must be involved in the development, annual review, and revisions of the accountability system established by the district. The board of trustees shall ensure that a district accountability plan be developed, reviewed, and revised annually. In order to stimulate constant improvement in the process of teaching and learning in each school and to target additional local assistance for a school when its students’ performance is low or shows little improvement, the district accountability system must build on the district and school activities and plans required in Section 59‑139‑10. In keeping with the emphasis on school accountability, principals should be actively involved in the selection, discipline, and dismissal of personnel in their particular school. The date the school improvement reports must be provided to parents is changed to February first.

 The Department of Education shall offer technical support to any district requesting assistance in the development of an accountability plan. Furthermore, the department must conduct a review of accountability plans as part of the peer review process required in Section 59‑139‑10(H) to ensure strategies are contained in the plans that shall maximize student learning.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment deleted obsolete provisions throughout.

LIBRARY REFERENCES

Schools 164.

Westlaw Key Number Search: 345k164.

C.J.S. Schools and School Districts Sections 701, 782 to 785, 817.

**SECTION 59‑18‑1310.** Consolidation of strategic plans and improvement reports; submission dates.

 The strategic plans and improvement reports required of the public schools and districts in Sections 59‑18‑1300, 59‑18‑1500, and 59‑20‑60 are consolidated and reported as follows: district and school five‑year plans and annual updates and district programmatic reports, and school reports developed in conjunction with the school improvement council to parents and constituents to include recommendations of Education Accountability Act external review teams as approved by the State Board of Education and the steps being taken to address the recommendations, and the advertisement of this report are due on a date established by the Department of Education, but no later than April thirtieth annually; schools reviewed by external review teams shall prepare a report to the parents and constituents of the school, to be developed in conjunction with the School Improvement Council, and this report must be provided and advertised no later than April thirtieth annually. The school report card narrative in Section 59‑18‑900 continues on its prescribed date.

HISTORY: 2003 Act No. 89, Section 4, eff July 23, 2003; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment made nonsubstantive changes.

CROSS REFERENCES

State Reading Proficiency Plan, see Section 59‑155‑140.

ARTICLE 15

Intervention and Assistance

**SECTION 59‑18‑1500.** Schools rated below average or school/district at‑risk; renewal plan and compensation packages; notice to parents and publication in newspaper; department support; regional workshops.

 (A) When a school receives a rating of below average or school/district at‑risk, the following actions must be undertaken by the school, the district, and the board of trustees:

 (1) The faculty of the school with the leadership of the principal must review its renewal plan and revise it with the assistance of the school improvement council established in Section 59‑20‑60. The revised plan should look at every aspect of schooling, and must outline activities that, when implemented, can reasonably be expected to improve student performance and increase the rate of student progress. The plan must include actions consistent with each of the alternative researched‑based technical assistance criteria as approved by the Education Oversight Committee and the State Department of Education and consistent with the external review team report. The plan should provide a clear, coherent plan for professional development, which has been designed by the faculty, that is ongoing, job related, and keyed to improving teaching and learning. A school renewal plan must address professional development activities that are directly related to instruction in the core subject areas and may include the use of funds appropriated for technical assistance to provide compensation incentives in the form of salary supplements to classroom teachers who are certified by the State Board of Education. The purpose of the compensation packages is to improve student achievement and to improve the recruitment and retention of teachers with advanced degrees in schools designated as below average or school/district at‑risk. If the school renewal plan is approved, the school shall be permitted to use technical assistance funds to provide the salary supplements. A time line for implementation of the activities and the goals to be achieved must be included.

 (2) Once the revised plan is developed, the district superintendent and the local board of trustees shall review the school’s strategic plan to determine if the plan focuses on strategies to increase student academic performance. Once the district board has approved the plan, it must delineate the strategies and support the district will give the plan.

 (3) After the approval of the revised plan, the principals’ and teachers’ professional growth plans, as required by Section 59‑26‑40 and Section 59‑24‑40, should be reviewed and amended to reflect the professional development needs identified in the revised plan and must establish individual improvement criteria on the performance dimensions for the next evaluation.

 (4) The school, in conjunction with the district board, must inform the parents of children attending the school of the ratings received and must outline the steps in the revised plan to improve performance, including the support which the board of trustees has agreed to give the plan. This information must go to the parents no later than February first. This information also must be advertised in at least one South Carolina daily newspaper of general circulation in the area. This notice must be published within ninety days of receipt of the report cards issued by the State Department of Education and must be a minimum of two columns by ten inches (four and one‑half by ten inches) with at least a twenty‑four point bold headline. The notice must include the following information: name of school district, name of superintendent, district office telephone number, name of school, name of principal, telephone number of school, school’s absolute performance rating and growth performance rating on student academic performance, and strategies which must be taken by the district and school to improve student performance.

 (5) Upon a review of the revised plan to ensure it contains sufficiently high standards and expectations for improvement, the Department of Education is to delineate the activities, support, services, and technical assistance it will make available to support the school’s plan and sustain improvement over time. Schools meeting the criteria established pursuant to Section 59‑18‑1550 will be eligible for the grant programs created by that section.

 (B) The Department of Education shall provide regional workshops to assist schools in formulating school renewal plans based on best practices that positively improve student achievement. The chairman of the local board of education or a board member designee, the superintendent or district instructional leader, and the principal of any school receiving technical assistance funds must attend at least one of the workshops in order to receive any state aid for technical assistance.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment, in subsection (A), in the introductory paragraph substituted “school/district at‑risk” for “unsatisfactory”, in paragraph (1), in the first sentence substituted “renewal plan” for “improvement plan” and added the third, fifth, sixth, and seventh sentences relating to the contents of the plan and development of compensation packages, in paragraph (4), in the first sentence deleted “from the State Board of Education” following “ratings received” and in the fifth sentence substituted “rating and growth performance rating” for “rating and improvement performance rating”, and, in paragraph (5), substituted “59‑18‑1550” for ‘59‑18‑1560”; and added subsection (B) relating to regional workshops.

LIBRARY REFERENCES

Schools 45.

Westlaw Key Number Search: 345k45.

C.J.S. Schools and School Districts Sections 7, 74, 76.

**SECTION 59‑18‑1510.** Implementation of external review team process; activities and recommendations.

 (A) When a school receives a rating of school/district at‑risk or upon the request of a school rated below average, an external review team process must be implemented by the Department of Education to examine school and district educational programs, actions, and activities. The Education Oversight Committee, in consultation with the State Department of Education, shall develop the criteria for the identification of persons to serve as members of an external review team which shall include representatives from selected school districts, respected retired educators, State Department of Education staff, higher education representatives, parents from the district, and business representatives.

 (B) The activities of the external review team may include:

 (1) examining all facets of school operations, focusing on strengths and weaknesses, determining the extent to which the instructional program is aligned with the content standards, and recommendations which draw upon strategies from those who have been successful in raising academic achievement in schools with similar student characteristics;

 (2) consulting with parents, community members, and members of the School Improvement Council to gather additional information on the strengths and weaknesses of the school;

 (3) identifying personnel changes, if any, that are needed at the school and/or district level and discuss such findings with the board;

 (4) working with school staff, central offices, and local boards of trustees in the design of the school’s plan, implementation strategies, and professional development training that can reasonably be expected to improve student performance and increase the rate of student progress in that school;

 (5) identifying needed support from the district, the State Department of Education, and other sources for targeted long‑term technical assistance;

 (6) reporting its recommendations, no later than three months after the school receives the designation of school/district at‑risk to the school, the district board of trustees, and the State Board of Education; and

 (7) reporting annually to the local board of trustees and state board over the next four years, or as deemed necessary by the state board, on the district’s and school’s progress in implementing the plans and recommendations and in improving student performance.

 (C) Within thirty days, the Department of Education must notify the principal, the superintendent, and the district board of trustees of the recommendations approved by the State Board of Education. After the approval of the recommendations, the department shall delineate the activities, support, services, and technical assistance it will provide to the school. With the approval of the state board, this assistance will continue for at least three years, or as determined to be needed by the review committee to sustain improvement.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment, in subsection (A), in the first sentence substituted “school/district at‑risk” for “unsatisfactory” and “external review team process must be implemented” for “external review team must be assigned”; and, in subsection (B) made nonsubstantive changes and in paragraph (6) substituted “school/district at‑risk” for “unsatisfactory”.

LIBRARY REFERENCES

Schools 45.

Westlaw Key Number Search: 345k45.

C.J.S. Schools and School Districts Sections 7, 74, 76.

**SECTION 59‑18‑1520.** Declaration of emergency; hearing; courses of action.

 If the recommendations approved by the state board, the district’s plan, or the school’s revised plan are not satisfactorily implemented by the school rated school/district at‑risk and its school district according to the time line developed by the State Board of Education or if student academic performance has not met expected progress, the principal, district superintendent, and members of the board of trustees must appear before the State Board of Education to outline the reasons why a state of emergency should not be declared in the school. The state superintendent, after consulting with the external review committee and with the approval of the State Board of Education, shall be granted the authority to take any of the following actions:

 (1) furnish continuing advice and technical assistance in implementing the recommendations of the State Board of Education;

 (2) declare a state of emergency in the school and replace the school’s principal; or

 (3) declare a state of emergency in the school and assume management of the school.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment in the first sentence substituted “school/district at‑risk” for “unsatisfactory”.

LIBRARY REFERENCES

Schools 45.

Westlaw Key Number Search: 345k45.

C.J.S. Schools and School Districts Sections 7, 74, 76.

**SECTION 59‑18‑1530.** Teacher and principal specialists; recruitment, eligibility, duties, and incentives.

 (A) Teacher specialists on site may be assigned to an elementary, middle, or high school designated as below average or school/district at‑risk. Teacher specialists may be placed across grade levels and across subject areas when placement meets program criteria based on external review team recommendations, need, number of teachers receiving support, certification, and experience of the specialist. The Department of Education, in consultation with the Division of Accountability, shall develop a program for the identification, selection, and training of teachers with a history of exemplary student academic achievement to serve as teacher specialists on site. Retired educators may be considered for specialists.

 (B) In order to sustain improvement and help implement the review team’s recommendations, the specialists will teach and work with the school faculty on a regular basis throughout the school year for up to three years, or as recommended by the review team and approved by the state board. Teacher specialists are limited to three years of service at one school unless the specialist submits application for an extension, the application is accepted by the State Department of Education, and placement is made. Upon acceptance and placement, the specialist can receive the salary and supplement for two additional years but is no longer attached to the home district or guaranteed placement in the home district upon leaving the teacher specialist program. Teacher specialists must teach a minimum of three hours per day on average in team teaching or teaching classes. Teacher specialists shall not be assigned administrative duties or other responsibilities outside the scope of this section. The specialists will assist the school in gaining knowledge of best practices and well‑validated alternatives, demonstrate effective teaching, act as coach for improving classroom practices, give support and training to identify needed changes in classroom instructional strategies based upon analyses of assessment data, and support teachers in acquiring new skills. School districts are asked to cooperate in releasing employees for full‑time or part‑time employment as a teacher specialist.

 (C) To encourage and recruit teachers for assignment to below average and school/district at‑risk schools, those assigned to such schools will receive their salary and a supplement equal to fifty percent of the current southeastern average teacher salary as projected by the Office of Research and Statistics of the Revenue and Fiscal Affairs Office. The salary and supplement is to be paid by the State for three years. Teacher specialists may be employed, pursuant to subsection (B), as a component of the technical assistance strategy.

 (D) In order to attract a pool of qualified applicants to work in low‑performing schools, the Education Oversight Committee, in consultation with the South Carolina Department of Education, shall develop criteria for the identification, selection, and training of principals with a history of exemplary student academic achievement. Retired educators may be considered for a principal specialist position. A principal specialist may be hired for a school designated as school/district at‑risk, if the district board of trustees chooses to replace the principal of that school. The principal specialist will assist the school in gaining knowledge of best practices and well‑validated alternatives in carrying out the recommendations of the review team. The specialist will demonstrate effective leadership for improving classroom practices, assist in the analyses of assessment data, work with individual members of the faculty emphasizing needed changes in classroom instructional strategies based upon analyses of assessment data, and support teachers in acquiring new skills designed to increase academic performance. School districts are asked to cooperate in releasing employees for full‑time or part‑time employment as a principal specialist.

 (E) In order to attract a pool of qualified principals to work in low‑performing schools, the principal specialists hired in such schools will receive their salary and a supplement equal to 1.25 times the supplement amount calculated for teachers. Principal specialists may be employed as a component of the technical assistance strategy for two years. A principal specialist may be continued for a third year if requested by the local school board, recommended by the external review team, and approved by the State Board of Education. If employed for the third year, technical assistance funds may only be used for payment of the principal specialist salary supplement.

 (F) The supplements are to be considered part of the regular salary base for which retirement contributions are deductible by the South Carolina Retirement System pursuant to Section 9‑1‑1020. Principal and teacher specialists on site who are assigned to below average and school/district at‑risk schools shall be allowed to return to employment with their home district at the end of the contract period with the same teaching or administrative contract status as when they left but without assurance as to the school or supplemental position to which they may be assigned.

 (G) The Department of Education shall work with school districts and schools to broker the services of technical assistance personnel delineated in Section 59‑18‑1590 as needed, and as stipulated in the school renewal plan.

 (H) Within the parameters herein, the school district will have final determination on individuals who are assigned as teacher specialists and principal specialists.

HISTORY: 1998 Act No. 400, Section 2; 1999 Act No. 100, Part II, Section 76; 2008 Act No. 282, Section 1, eff June 5, 2008.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1).

Effect of Amendment

The 2008 amendment rewrote this section.

LIBRARY REFERENCES

Schools 45.

Westlaw Key Number Search: 345k45.

C.J.S. Schools and School Districts Sections 7, 74, 76.

**SECTION 59‑18‑1540.** Mentoring program for principals.

 Each principal continued in employment in schools designated as below average or school/district at‑risk must participate in a formal mentoring program with a principal. The Department of Education, working with the Education Oversight Committee, shall design the mentoring program. A principal mentor may be employed as a component of the technical assistance strategy.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment rewrote this section.

LIBRARY REFERENCES

Schools 128.

Westlaw Key Number Search: 345k128.

C.J.S. Schools and School Districts Sections 191, 264.

**SECTION 59‑18‑1550.** Grant programs for schools designated as below average and for schools designated as unsatisfactory; funding.

 (A) The State Board of Education, working with the Accountability Division and the Department of Education, must establish grant programs for schools designated as below average and for schools designated as unsatisfactory. A school designated as below average will qualify for a grant to undertake needed retraining of school faculty and administration once the revised plan is determined by the State Department of Education to meet the criteria on high standards and effective activities. In order to implement the school district and school renewal plan, a school must be eligible to receive the technical assistance funding over the next three years in order to implement fully systemic reform and to provide opportunity for building local education capacity. Should student performance not improve, any revisions to the plan must meet high standards prior to renewal of the grant. The revised plan must be reviewed by the district board of trustees and the State Department of Education to determine what other actions, if any, need to be taken. Technical assistance funds previously received must be expended based on the revised plan. If deficient use is determined, those deficiencies must be identified, noted, and corrective action taken before additional funding will be given.

 (B) A public school assistance fund must be established as a separate fund within the state general fund for the purpose of providing financial support to assist poorly performing schools. The fund may consist of grants, gifts, and donations from any public or private source or monies that may be appropriated by the General Assembly for this purpose. Income from the fund shall be retained in the fund. All funds may be carried forward from fiscal year to fiscal year. The State Treasurer shall invest the monies in this fund in the same manner as other funds under his control are invested. The State Board of Education, in consultation with the commission, shall administer and authorize any disbursements from the fund. The State Board of Education shall promulgate regulations to implement the provisions of this section.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment omitted Section 59‑18‑1550 relating to recertification credits for teachers participating in professional development activities and renumbered this section from Section 59‑18‑1560; rewrote subsection (A); deleted subsection (B) relating to development of guidelines outlining eligibility; and redesignated subsection (C) as subsection (B).

LIBRARY REFERENCES

Schools 130.

Westlaw Key Number Search: 345k130.

C.J.S. Schools and School Districts Sections 196 to 199, 201 to 203.

**SECTION 59‑18‑1560.** School district rated below average; appointment of external review committee; duties; recommendations; composition.

 (A) When a district receives a rating of below average, the state superintendent, with the approval of the State Board of Education, shall appoint an external review committee to study educational programs in that district and identify factors affecting the performance of the district. The review committee must:

 (1) examine all facets of school and district operations, focusing on strengths and weaknesses, determining the extent to which the instructional program is aligned with the content standards and shall make recommendations which draw upon strategies from those who have been successful in raising academic achievement in schools with similar student characteristics;

 (2) consult with parents and community members to gather additional information on the strengths and weaknesses of the district;

 (3) identify personnel changes, if any, that are needed at the school and/or district level and discuss such findings with the board;

 (4) work with school staff, central offices, and local boards of trustees in the design of the district’s plan, implementation strategies, and professional development training that can reasonably be expected to improve student performance and increase the rate of student progress in the district;

 (5) identify needed support from the State Department of Education and other sources for targeted long‑term technical assistance;

 (6) report its recommendations, no later than three months after the district receives the designation of school/district at‑risk, to the superintendent, the district board of trustees, and the State Board of Education; and

 (7) report annually over the next four years to the local board of trustees and state board, or as deemed necessary by the state board, on the district’s and school’s progress in implementing the plans and recommendations and in improving student performance.

 (B) Within thirty days, the Department of Education must notify the superintendent and the district board of trustees of the recommendations approved by the State Board of Education. Upon the approval of the recommendations, the Department of Education must delineate the activities, support, services, and technical assistance it will provide to support the recommendations and sustain improvement over time. The external review committee must report annually to the local board of trustees and the state board over the next four years, or as deemed necessary by the state board, on the district’s progress in implementing the recommendations and improving student performance.

 (C) The review committee shall be composed of State Department of Education staff, representatives from selected school districts, higher education, and business.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment renumbered this section from Section 59‑18‑1570; and, in paragraph (A)(6), substituted “school/district at‑risk” for “unsatisfactory”.

LIBRARY REFERENCES

Schools 45.

Westlaw Key Number Search: 345k45.

C.J.S. Schools and School Districts Sections 7, 74, 76.

**SECTION 59‑18‑1570.** Designation of state of emergency in school district designated as school/district at‑risk; remedial actions.

 (A) If recommendations approved by the State Board of Education are not satisfactorily implemented by the school district according to the time line developed by the State Board of Education, or if student performance has not made the expected progress and the school district is designated as school/district at‑risk, the district superintendent and members of the board of trustees shall appear before the State Board of Education to outline the reasons why a state of emergency must not be declared in the district.

 (B) The state superintendent, with the approval of the State Board of Education, is granted authority to:

 (1) furnish continuing advice and technical assistance in implementing the recommendations of the State Board of Education to include establishing and conducting a training program for the district board of trustees and the district superintendent to focus on roles and actions in support of increases in student achievement;

 (2) mediate personnel matters between the district board and district superintendent when the State Board of Education is informed by majority vote of the board or the superintendent that the district board is considering dismissal of the superintendent, and the parties agree to mediation;

 (3) recommend to the Governor that the office of superintendent be declared vacant. If the Governor declares the office vacant, the state superintendent may furnish an interim replacement until the vacancy is filled by the district board of trustees. District boards of trustees negotiating contracts for the superintendency shall include a provision that the contract is void should the Governor declare that office of superintendency vacant pursuant to this section. This contract provision does not apply to existing contracts but to new contracts or renewal of contracts; and

 (4) declare a state of emergency in the school district and assume management of the school district.

 (C) The district board of trustees may appoint at least two nonvoting members to the board from a pool nominated by the Education Oversight Committee and the State Department of Education. The appointed members shall have demonstrated high levels of knowledge, commitment, and public service, must be recruited and trained for service as appointed board members by the Education Oversight Committee and the State Department of Education, and shall represent the interests of the State Board of Education on the district board. Compensation for the nonvoting members must be paid by the State Board of Education in an amount equal to the compensation paid to the voting members of the district board.

HISTORY: 1998 Act No. 400, Section 2, eff June 10, 1998; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment renumbered this section from Section 59‑18‑1580; and, in subsection (A), substituted “school/district at‑risk” for “unsatisfactory”.

LIBRARY REFERENCES

Schools 45.

Westlaw Key Number Search: 345k45.

C.J.S. Schools and School Districts Sections 7, 74, 76.

**SECTION 59‑18‑1575.** Technical assistance to underperforming schools and districts.

 The Department of Education shall implement the provisions of this section through the Office of Transformation. The office shall provide technical assistance to underperforming schools and districts as directed by the Superintendent of Education. Underperforming schools and districts are identified with a rating of below average or at risk on the most recent annual school report card or with the lowest percentages of students meeting state standards on state assessments on the most recent state assessments or with the lowest high school graduation rates. Assistance includes, but is not limited to:

 (1) implementation of the external review team process;

 (2) a diagnostic review of operations and academics that must include a leadership capacity report;

 (3) a review of five systems consisting of mission/vision, governance, teaching and learning, resource allocation, and continuous improvement practices;

 (4) an analysis of student achievement data; and

 (5) an analysis of culture and climate including stakeholder surveys.

HISTORY: 2016 Act No. 178 (H.4940), Section 1, eff May 23, 2016.

**SECTION 59‑18‑1580.** Continuing review of instructional and organizational practices and delivery of technical assistance by Department of Education.

 To assist schools and school districts as they work to improve classroom practice and student performance, the Department of Education must increase the delivery of quality technical assistance services and the assessment of instructional programs. The department may need to reshape some of its organization and key functions to make them more consistent with the assistance required by schools and districts in developing and implementing local accountability systems and meeting state standards. The Department of Education must:

 (1) establish an ongoing state mechanism to promote successful programs found in South Carolina schools for implementation in schools with similar needs and students, to review evidence on instructional and organizational practices considered to be effective, and to alert schools and classroom teachers to these options and the sources of training and names of implementing schools;

 (2) provide information and technical assistance in understanding state policies, how they fit together, and the best practice in implementing them; and

 (3) establish a process for monitoring information provided for accountability and for assessing improvement efforts and implementation of state laws and policies which focuses on meeting the intent and purpose of those laws and policies.

HISTORY: 1998 Act No. 400, Section 2; 2004 Act No. 282, Section 1, eff July 22, 2004; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2004 amendment designated subsections (A) and (B) from existing text; in paragraph (B)(1), added the provision relating to establishing and conducting training programs; added paragraph (B)(2); redesignated paragraphs (B)(2) and (B)(3) as paragraphs (B)(3) and (B)(4); in paragraph (B)(3), deleted from the end of the second sentence the provision of for election of a new superintendent; and added subsection (C).

The 2008 amendment renumbered this section from Section 59‑18‑1590 with no textual changes.

LIBRARY REFERENCES

Schools 45.

Westlaw Key Number Search: 345k45.

C.J.S. Schools and School Districts Sections 7, 74, 76.

**SECTION 59‑18‑1590.** Reallocation of technical assistance funding.

 Notwithstanding any other provision of law, and in order to provide assistance at the beginning of the school year, schools may qualify for technical assistance based on the criteria established by the Education Oversight Committee for school ratings and on the most recently available end‑of‑year assessment scores. In order to best meet the needs of low‑performing schools, the funding provided for technical assistance under the Education Accountability Act may be reallocated among the programs and purposes specified in this section. The State Department of Education shall establish criteria for reviewing and assisting schools rated school/district at‑risk or below average. Funds must be expended on strategies and activities expressly outlined in the school plan. The activities may include, but are not limited to, teacher specialist, principal specialist, curriculum specialist, principal leader, principal mentor, professional development, compensation incentives, homework centers, formative assessments, or comprehensive school reform efforts. The State Department of Education shall provide information on the technical assistance strategies and their impact to the State Board of Education, the Education Oversight Committee, the Senate Education Committee, the Senate Finance Committee, the House of Representatives Education and Public Works Committee, and the House of Representatives Ways and Means Committee annually.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment renumbered this section from Section 59‑18‑1595 and rewrote it.

LIBRARY REFERENCES

Schools 45.

Westlaw Key Number Search: 345k45.

C.J.S. Schools and School Districts Sections 7, 74, 76.

**SECTION 59‑18‑1595.** Renumbered as Section 59‑18‑1590 by 2008 Act No. 282, Section 1, eff June 5, 2008.

**SECTION 59‑18‑1600.** Parent orientation classes.

 (A) A school that has received a school/district at‑risk absolute academic performance rating on its most recent report card shall offer an orientation class for parents. The orientation class must focus on the following topics:

 (1) the value of education;

 (2) academic assistance programs that are available at the school and in the community;

 (3) student discipline;

 (4) school policies;

 (5) explanation of information that will be presented on the school’s report card issued in November; and

 (6) other pertinent issues.

 (B) The school shall offer the orientation class each year the school receives a school/district at‑risk absolute academic performance rating on the school report card and shall provide parents with written notification of the date and time of the meeting. Schools are encouraged to offer the orientation class at a time in which the majority of parents would be able to attend. Additionally, schools are encouraged to provide orientation classes in community settings or workplaces so that the needs of parents with transportation difficulties or scheduling conflicts can be met.

 (C) A parent or guardian of each student who is registered to attend the school shall attend the orientation class each year it is offered.

HISTORY: 2007 Act No. 105, Section 1, eff June 20, 2007; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment, in subsections (A) and (B), substituted “school/district at‑risk” for “unsatisfactory”.

**SECTION 59‑18‑1610.** Assistance to districts; monitoring of performance.

 (A) The State Department of Education shall develop a system for providing services and technical assistance to districts that shall include academic assistance and assistance with finances. The State Superintendent of Education shall report the design of the system to the General Assembly no later than December 31, 2016. Every year thereafter, the Superintendent shall report on the progress of the system in regard to assistance provided to the local school districts and data documenting the impact of the assistance on student academic achievement and on high school graduation rates.

 (B) In addition to the provisions of subsection (A), the State Department of Education shall monitor the professional development of teachers, staff, and administrators in districts it determines are underperforming to ascertain what improvements and changes are necessary in accordance with the provisions of the Education Accountability Act. The department also shall monitor the operations of school boards in underperforming districts in order to determine if they are operating efficiently and effectively. These improvements and changes must be communicated to the school districts and other parties or entities involved.

HISTORY: 2016 Act No. 241 (H.4939), Section 2, eff June 5, 2016.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner.

Editor’s Note

2016 Act No. 291, provides as follows:

“Student surveys

“SECTION 1. The State Department of Education and the Center for Educator Recruitment, Retention and Advancement (CERRA), working in collaboration with the Commission on Higher Education, shall survey students enrolled in the state’s colleges of education. This survey shall be administered to those college students who have been fully admitted into their institution’s teacher education program. At a minimum, the survey shall include questions inquiring as to whether students have ever considered teaching in a rural and economically challenged district. Students must be asked what incentives, if any, would cause them to move to, and work in, such a district. The State Department of Education and CERRA may include additional questions in the survey as considered useful. Results of the survey must be reported to the General Assembly by December 1, 2016.

“Additionally, the Department of Education, CERRA, and the Commission on Higher Education together shall explore a practical and effective means of obtaining similar survey information from students in other programs at the state’s institutions of higher learning as a means of planning and promoting teaching career information and employment options and in accordance with the general intentions of Section 13‑1‑1840 of the 1976 Code. A report summarizing the recommendations for this survey must be submitted to the General Assembly by February 1, 2017, to include whether the focus should be on students in the state’s two‑year as well as four‑year institutions, and whether improvements facilitating transfer and articulation into teacher education programs could enhance recruitment into the teaching profession.

“Time effective

“SECTION 2. This joint resolution takes effect upon approval by the Governor [June 5, 2016].”

ARTICLE 17

Public Information

**SECTION 59‑18‑1700.** Public information campaign; development and approval; funding.

 (A) An on‑going public information campaign must be established to apprise the public of the status of the public schools and the importance of high standards for academic performance for the public school students of South Carolina. A special committee must be appointed by the chairman of the Education Oversight Committee to include two committee members representing business and two representing education and others representing business, industry, and education. The committee shall plan and oversee the development of a campaign, including public service announcements for the media and other such avenues as deemed appropriate for informing the public.

 (B) A separate fund within the state general fund will be established to accept grants, gifts, and donations from any public or private source or monies that may be appropriated by the General Assembly for the public information campaign. Members of the Oversight Committee representing business will solicit donations for this fund. Income from the fund must be retained in the fund. All funds may be carried forward from fiscal year to fiscal year. The State Treasurer shall invest the monies in this fund in the same manner as other funds under his control are invested. The Oversight Committee shall administer and authorize any disbursements from the fund. Private individuals and groups shall be encouraged to contribute to this endeavor.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment deleted the last sentence which was outdated.

LIBRARY REFERENCES

Schools 17.

Westlaw Key Number Search: 345k17.

C.J.S. Schools and School Districts Section 10.

ARTICLE 19

Miscellaneous

**SECTION 59‑18‑1910.** Homework centers.

 Schools receiving below average or school/district at‑risk designations may use technical assistance funds allocated pursuant to Section 59‑18‑1590 to provide homework centers that go beyond the regular school hours where students can come and receive assistance in understanding and completing their school work. Technical assistance funds provided for these centers may be used for salaries for certified teachers and for transportation costs.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment rewrote this section.

LIBRARY REFERENCES

Schools 45.

Westlaw Key Number Search: 345k45.

C.J.S. Schools and School Districts Sections 7, 74, 76.

**SECTION 59‑18‑1920.** Modified school year or school day schedule; grant program established; application; implementation plan.

 (A) The State Board of Education, through the Department of Education, shall establish a grant program to encourage school districts to pilot test or implement a modified school year or school day schedule. The purpose of the grant is to assist with the additional costs incurred during the intersessions for salaries, transportation, and operations, or for additional costs incurred by lengthening the school day. For a district to qualify for a grant, all the schools within a specific feeder zone or elementary‑to‑middle‑to‑high‑school attendance area, must be pilot testing or implementing the modified year or day schedule.

 (B) To obtain a grant, a district shall submit an application to the state board in a format specified by the Department of Education. The application shall include a plan for implementing a modified year or day that provides the following: more time for student learning, learning opportunities that typically are not available in the regular student day, targeted assistance for students whose academic performance is significantly below promotion standards, more efficient use of facilities and other resources, and evaluations of the impact of the modified schedule. Local district boards of trustees shall require students whose performance in a core subject area, as defined in Section 59‑18‑300, is the equivalent of a “D” average or below to attend the intersessions or stay for the lengthened day and receive special assistance in the subject area. Funding for the program is as provided by the General Assembly in the annual appropriations act. Each grant award for program pilot testing or implementation may not exceed a three‑year period.

HISTORY: 1998 Act No. 400, Section 2; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment, in subsection (A), deleted the fourth sentence giving districts declared to be impaired a priority in obtaining the grants.

LIBRARY REFERENCES

Schools 162.1.

Westlaw Key Number Search: 345k162.1.

C.J.S. Schools and School Districts Section 778.

**SECTION 59‑18‑1930.** Review of state and local professional development; recommendations for improvement.

 The Education Oversight Committee shall provide for a comprehensive review of state and local professional development to include principal leadership development and teacher staff development. The review must provide an analysis of training to include what professional development is offered, how it is offered, the support given to implement skills acquired from professional development, and how the professional development enhances the academic goals outlined in district and school strategic plans. The Oversight Committee shall recommend better ways to provide and meet the needs for professional development, to include the use of the existing five contract days for in‑service. Needed revisions shall be made to state regulations to promote use of state dollars for training which meets national standards for staff development.

 Upon receipt of the recommendations from the comprehensive review of state and local professional development, the State Department of Education shall develop an accountability system to ensure that identified professional development standards are effectively implemented. As part of this system the department shall provide information on the identified standards to all principals and other professional development leaders. Training for all school districts in how to design comprehensive professional development programs that are consistent with the standards also shall be a part of the implementation. A variety of staff development options that address effective teaching and assessment of state academic standards and workforce preparation skills shall be included in the information provided to principals and other professional development leaders to ensure high levels of student achievement.

HISTORY: 1998 Act No. 400, Section 2; 2001 Act No. 39, Section 4; 2008 Act No. 282, Section 1, eff June 5, 2008.

Effect of Amendment

The 2008 amendment made no apparent changes.

LIBRARY REFERENCES

Schools 45.

Westlaw Key Number Search: 345k45.

C.J.S. Schools and School Districts Sections 7, 74, 76.

**SECTION 59‑18‑1940.** Pilot district accountability models.

 Working with the Education Oversight Committee, the State Department of Education shall design and pilot district accountability models that focus on competency‑based education for a district or school or on regional or county economic initiatives to improve the postsecondary success of students. A district may apply to the department and the committee to participate in the pilot.

HISTORY: 2017 Act No. 94 (H.3969), Section 1, eff June 10, 2017.

**SECTION 59‑18‑1950.** Longitudinal data system.

 (A) The General Assembly recognizes the importance of having a state longitudinal data system to inform policy and fiscal decisions related to early childhood education, public education, postsecondary preparedness and success, and workforce development.

 (B)(1) The Revenue and Fiscal Affairs Office, working with the Office of First Steps to School Readiness, the South Carolina Department of Education, the South Carolina Commission on Higher Education, the Department of Social Services, the South Carolina Technical College System, the Department of Commerce, the Department of Employment and Workforce, and other state agencies or institutions of higher education, shall develop, implement, and maintain a universal identification system that includes, at a minimum, the following information for measuring the continuous improvement of the state public education system and the college and career readiness and success of its graduates:

 (a) students graduating from public high schools in the State who enter postsecondary education without the need for remediation;

 (b) working‑aged adults in South Carolina by county who possess a postsecondary degree or industry credential;

 (c) high school graduates who are gainfully employed in the State within five and ten years of graduating from high school; and

 (d) outcome data regarding student achievement and student growth that will assist colleges of education in achieving accreditation and in improving the quality of teachers in classrooms.

 (2) All information disseminated will conform to state and federal privacy laws.

HISTORY: 2017 Act No. 94 (H.3969), Section 2, eff June 10, 2017.

**SECTION 59‑18‑1960.** School growth measurement system.

 In measuring annual school growth, with approval of the State Board of Education and the Education Oversight Committee, the State shall use a value‑added system that calculates student progress or growth. A local school district may, in its discretion, use the value‑added system to evaluate classroom teachers using student progress or growth. The estimates of specific teacher effects on the educational progress of students will not be a public record and will be made available only to the specific teacher, principal, and superintendent. Furthermore, the estimates of specific teacher effects also may be made to any teacher preparation programs approved by the State Board of Education. The estimates made available to the teacher preparation programs shall not be a public record and shall be used only in evaluation of the respective teacher preparation programs. Furthermore, educator effectiveness data must be exempt from public disclosure pursuant to Section 30‑4‑30, and may not be subject to the South Carolina Freedom of Information Act. An institution or postsecondary system receiving the estimates shall develop a policy to protect the confidentiality of the data.

HISTORY: 2017 Act No. 94 (H.3969), Section 3, eff June 10, 2017.