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Chris Wooten*

South Carolina House of Representatives

*Jennifer L. Dobson  
Research Director*

Post Office Box 11867

*Charles L. Appleby, IV  
Legal Counsel*

Columbia, South Carolina 29211

*Cathy A. Greer  
Administration Coordinator*

Telephone: (803) 212-6810 • Fax: (803) 212-6811

*Lewis Carter  
Research Analyst/Auditor*

*Room 228 Blatt Building*

*Kendra H. Wilkerson  
Fiscal/Research Analyst*

January 24, 2020

The Honorable Molly Spearman  
Superintendent of Education  
1429 Senate Street  
Columbia, South Carolina 29210

*Via Email*

RE: Follow-up questions from prior subcommittee meetings

Dear Superintendent Spearman:

The Education and Cultural Subcommittee appreciates the Department of Education's continued partnership in the oversight process. As a follow-up to the November 26 and December 9, 18, and 19 meetings, please provide the requested information by Monday, March 9, 2020.

### **Performance Measures**

1. Please provide the current status for each divisional lever for success noted in the agency's Division of Federal Programs, Accountability, and School Improvement presentation on November 26. See slide four.
2. What is the current graduation rate for the state of South Carolina? Please explain the methodology for determining the graduation rate. How does South Carolina compare nationally?
3. Does the Department of Education have any authority to dictate minimum student grading policies at the local level?
4. Does the Department of Education provide recommendations to school districts regarding policy decisions made at the local level?

5. Does the Department of Education provide recommendations to school districts regarding student grading policies and grading policy best practices?
6. As a foundation for a future discussion about racial disparities in education, please identify any achievement gaps in SAT, ACT, NAEP, EOCs college admittance, and college graduation rates. What performance measures does the agency have in place, if any, to address the issue of racial disparities in education?

### **Student College and Career Readiness**

7. Does the Department of Education track specific metrics to determine whether graduating students are college and career ready at the district level? Please provide data illustrating the percentage of graduating students that are college and career ready by school district. Provide this same data as an aggregate number for the state of South Carolina.
8. How is the Department of Education assisting school districts in preparing students for college and career readiness? How can the General Assembly assist with the overall effort to ensure students are college and career ready prior to graduation?

### **Accreditation**

9. Which school districts receive accreditation from the Department of Education?
10. Has the Department of Education considered how to incorporate quality metrics into an accreditation process that focuses primarily on compliance with applicable laws? If so, has the agency determined a course of action to incorporate these quality outcomes into the accreditation process?

### **Testing: Students and Teachers**

11. For the assessments listed as part of the agency's November 26 presentation for the Office of Assessment, please indicate which ones are required by the federal government.
12. If a school district elects to require additional testing of students, how may the school district pay for this testing (i.e., is there any limitation on state or federal funds)?
13. What guidance, if any, does the Department of Education share with school districts about the potential negatives and positives of additional testing of students?
14. What are the student testing requirements for private schools, charter schools, and magnate schools? Have any trends been noted in magnate schools' student test results?
15. What are the testing requirements for those interested in teaching in areas that require specialized skills (e.g., auto mechanics, music, etc.)?

**Students**

16. How much does South Carolina pay per pupil? Please provide this information for the different categories of pupils the Department of Education may track.
17. What percentage of South Carolina students fall into the category of English learner, immigrant, migratory, and/or homeless?

**Learning Disorders Task Force**

18. How long has there been a vacancy (a slot held by a special education teacher) on the Learning Disorders Task Force? What efforts have been made to fill the vacancy?

**Special Education Services**

19. Please provide a list of Individualized Education Program (IEP) violations and sanctions by school district.
20. Can school districts use federal or state funds to pay for legal fees in cases where the district may be found to be failing to meet a student's IEP requirements?
21. How do you evaluate the effectiveness of academic programs designed specifically for disabled students?
22. Please provide clarification as to how the agency defines dyslexia in relation to the federal Individuals with Disabilities Education Act (IDEA).

**Office of General Counsel**

23. Please provide a detailed budget for the Office of General Counsel.
24. Please identify and describe all positions within the Office of General Counsel and their source of funding (e.g., IDEA, general funds, etc.).
25. Please list the types of matters handled by the Office of General Counsel and provide a flow-chart which illustrates the process to obtain disposition of each type of matter. Also, please note in the flow-chart the minimum, maximum, and mean length of time until final disposition of each matter.
26. How does the Office of General Counsel measure its effectiveness?
27. How much does the Department of Education spend annually on legal matters? How much of this total is attributable to districts currently under the purview of the Department of Education due to a declared state of emergency?

28. Does the Division of Legal Affairs contract with external law firms for services? If so, what were those services and how much was spent in the prior three fiscal years?
29. Which school districts have employed staff attorneys? Which districts have outsourced all legal services to contracted law firms?
30. What is the aggregate amount spent across all school districts on legal representation?
31. Does the Office of General Counsel conduct audits to ensure that school districts properly report the resignation or termination of teachers following allegations of unprofessional conduct?
32. Please provide a flow chart which illustrates the educator misconduct investigatory process. Please identify staff positions involved at each stage of the process (e.g. investigators, certification review committee, state board, etc.).
33. Please identify the source of complaints, by complaint type, for all complaints received in 2017-2018.
34. How many persons with a teaching certification were suspended in FY18-19? Please categorize suspensions by complaint type.
35. What type of training do teachers and staff receive regarding social media interaction with students? What type of guidance does the Department of Education provide to school districts regarding social media rules and regulations?

### **Compliance**

36. If a school district is found to be in violation of the Carl D. Perkins Career and Technical Education Act (Perkins IV), what is the process for ensuring that the district becomes compliant? What is the process for communicating these deficiencies to the Office for Civil Rights within the US Department of Education?
37. Did the Office of General Counsel find any CTE violations during district site visits at Georgetown and Barnwell 29? If so, what were the violations and what course of action was taken by the district(s) to resolve the issue?

### **Compensatory Services/Service Reimbursement**

38. How many IDEA qualified students had to receive services out of state due to insufficient services offered in South Carolina?
39. Please identify IDEA services that, due to the scarcity of resources, are not adequately provided to students that would otherwise qualify for those services.

40. If a school or school district fails to provide IDEA services, and a parent or guardian has to seek private services until compensatory services are provided, will the parent or guardian be reimbursed for the expenses they incurred for those private services?

### **Grants**

41. Has the Department of Education violated any rules or regulations, governing its grants, which resulted in the agency returning grant funding to the grantor in the past three fiscal years?
42. Do school districts have to report the receipt of grants to the Department of Education? Do districts have to report violations of rules or regulations which required the district to return grant funding to the grantor?
43. How many applicants or subgrantees, in the past three years, appealed a decision by the Department of Education related to federal programs administered by the department and subject to the Education Department General Administrative Regulations? Please note the final resolution of each appeal.

### **Procurement**

44. How does the Office of Procurement communicate with school districts regarding options for state contracting?
45. The procurement director mentioned that her office worked with districts to put school buses and cafeteria equipment on state contracts. What other items are school districts currently procuring independently that could potentially be purchased through state contracts?
46. Has there been any consideration of creating a group purchasing organization (GPO), which would consist of all statewide school districts? This model could potentially leverage the purchasing power of districts to obtain discounts from vendors based on the collective buying power of the GPO members.
47. How many Department of Education procurements were processed by State Fiscal Accountability Authority (SFAA) in fiscal year 2018-19? What was the nature of each project and were they all approved by SFAA?
48. Does the agency utilize any sole source vendors on a recurring basis for goods and/or services? If so, please identify these goods and/or services?

### **Adult Literacy**

49. Please provide statistics illustrating the adult literacy rate in South Carolina as well as any goals and metrics the Department of Education may have to address the issue of adult literacy.
50. Please share any statistics or other information the agency may have about those entering adult education. What trends, if any, has the agency identified about those entering adult education?

**Identification of Legislative Barriers**

51. The Committee asks the agency to conduct self-analysis through completion of a Program Evaluation Report (PER). The PER asks agencies to provide any recommendations for changes in law. If the agency has identified any legislative barriers for achieving its mission that are not included in the PER, please share those with the subcommittee. The subcommittee looks forward to discussing the agency's recommendations at a future meeting.

**State Board of Education**

52. In what ways, if at all, does the State Board of Education interact with local community groups and children's advocacy organizations?

**Division of Data, Technology, and Agency Operations**

53. What procedures or other mechanisms have been put in place to help prevent data breaches at the agency and in local school districts? What does the agency recommend to strengthen data breach prevention at the agency and in local school districts?

In responding to these questions, please remember the Committee's expectations, which are provided in Committee [Standard Practice 9](#). The Subcommittee looks forward to working collaboratively with the Department of Education. Thank you and your team for your service to the people of South Carolina.

Sincerely,



Joseph H. Jefferson, Jr.

cc: Education and Cultural Subcommittee