S.419 - ACCOUNTABILITY - **WORKING DRAFT** - for **8/14/19**

(& excerpts transf. from Ethics)

**V.7.3.3.a**

Subpart X

Schools of Innovation

**SECTION 33**. Section 59‑19‑350(A) of the 1976 Code is amended to read:

“(A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create ~~a school~~ ***schools*** of ~~choice~~ ***innovation*** within the district that ~~is~~ ***are*** exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two‑thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education.”

**SECTION XX**

Chapter 18, Title 59 of the 1976 Code is **amended** to read:

Section 59-18-1300. District ~~accountability system~~ ***strategic planning***; development and review.

1. The State Board of Education, based on recommendations of the *~~division~~* ***Department of Education***, ~~must~~ ***shall*** develop ***guidelines with timelines and templates, and promulgate*** regulations requiring that each district board of trustees must establish ***a consolidated district strategic plan that supports the Profile of the South Carolina Graduate, aligns to the merged state and federal accountability systems, addresses the unique needs of each school within the district, and targets assistance and intervention as defined in this chapter.***

***(1) The Department of Education shall provide the State Board of Education with a list of all state and federal plans required of schools and recommendations on how to merge these plans into a consolidated district strategic plan no later than October 1, 2020.***

***(2)The consolidated district strategic plan must be developed with the input of district and school stakeholders that shall include, but is not limited to: parents, teachers, principals, other school staff, local businesses, and local health, mental health and social services agencies and providers.***

***(a) The local board of trustees must adopt its initial consolidated strategic plan at a public meeting not later than August 31, 2021 and submit the plan to the department for approval. If the department does not approve the consolidated strategic plan it must provide notice and feedback to the district and local board chair thirty days after receipt of the plan, which then has thirty days to resubmit the plan for approval.***

***(b) Thereafter, the timeline established by the department shall be used by districts to perform an annual review and update of the consolidated strategic plan for department review and approval of required plan components.***

***(c) To support continuous improvement, districts may provide amendments and updates to the consolidated strategic plan as needed and pursuant to the format and dates established by the department.*** ~~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~~.

***(3)*** ***In keeping with the emphasis on school accountability, the department shall be actively involved with assisting districts and schools with the components of strategic plan improvements, and*** principals should be actively involved in the selection, ***professional development,*** 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~~.

1. The Department of Education shall offer technical support to any district requesting assistance in the development ***and implementation*** of ~~an accountability~~ a ***consolidated*** ***strategic*** plan. Furthermore, the department must ***establish and*** conduct a ***cyclical*** review of ~~accountability~~ ***~~district~~ consolidated strategic*** plans***, including annual updates,*** ~~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.
2. ***District strategic plans must be published on the department’s web site and in a prominent place on each district’s website***.

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

**(A) Pursuant to Act 89 of 2003 and Act 282 of 2008, the** **~~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.

**(B) Unless otherwise specified, requirements for plans, updates, and reports pursuant to Article 16 shall be followed according to the requirements and timelines specified therein, including those for consolidated district strategic plans and for tiered assistance practices.**

PART VI

Help for Students in Underperforming Schools

**SECTION 44**. Chapter 18, Title 59 of the 1976 Code is amended by **adding**:

“Article 16

Increasing Accountability

**SECTION 59‑18 1612.** Tiered assistance to schools and districts; monitoring of performance.

*(Replaces revisions needed to 59-18-1610, repealed in SEC. 56)*

(A) The State Department of Education shall develop a tiered system for providing technical and other assistance, professional development, and monitoring for schools and districts. The State Superintendent of Education shall report the design of the system to the General Assembly no later than December 31, 2020. Annually thereafter, the Superintendent shall report on the progress of the system in regard to assistance provided to schools and local school districts and data documenting the impact of the assistance on student academic achievement, college and career readiness, and high school graduation rates.

(B) As a component of ascertaining where assistance and changes are necessary, the State Department of Education shall:  
(1) monitor the professional development of teachers, staff, and administrators provided by and through districts and schools;

(2) monitor the operations of school boards in order to determine if they are operating efficiently and effectively; and

(3) communicate improvements and changes identified to the school districts, district school boards, and other parties or entities involved.

**Section 59‑18‑1615**. Responses and interventions for improving the performance of schools and districts

(A) Low-performing schools shall immediately be placed into a tiered status by the State Department of Education (the department) for the provision of tiered assistance. For state accountability purposes, low-performing schools are those schools which, according to the most recent annual school report cards, received an overall rating of below average or unsatisfactory.

(B) Immediately upon notification by the department as a low-performing school, the district Superintendent, with the leadership of the principal and in consultation with the faculty of the school, must review its strategic plan and or annual update,and with the assistance of the School Improvement Council established in Section 59‑20‑60, revise to include a component for low-performing school turnaround. The revised strategic plan targeting school turnaround must:

(1) be based on data or needs assessments to identify specific improvement strategies related to low-performing school turnaround and aligned with 59-20(60) for each school;

(2) include but not be limited to specific and measurable goals, actions, activities, resource needs, student achievement, professional development, and academic interventions as may be reasonable and necessary to improve student progress towards achieving the Profile of the Graduate for each school; and

(3) be submitted by the district superintendent to the local board of trustees for approval.

(4) Upon approval by the local board of trustees, the turnaround component of the strategic plan must be submitted to the department for review and approval pursuant to the process and timeline established by the department for all provisions in this Section.

(C) Once approved by the department, the revised plan must be immediately posted prominently on the respective websites of the department, district, and school. Annually thereafter, the district superintendent and the local board of trustees shall submit updates to the department on implementation of the plan and how it measures the impact of the activities in the plan. These annual reports must be provided to the State Board of Education and made publicly available on the respective websites of the department, the school, and the district.

(D) For schools identified in subsection (A) as low-performing, the local school district board of trustees, in consultation with the department, shall assist schools by:

(1) creating a stakeholder group that includes local representatives from the Department of Social Services, Department of Mental Health, Department of Employment and Workforce, and law enforcement; and

(2) including in the annual updates of the revised strategic plan,after considering the recommendations of the local stakeholder group, the following:

(a) steps to address social service and health needs of students at the school and their families, to help students arrive and remain at school ready to learn;

(b) steps to improve or expand child welfare services and, as appropriate, law enforcement services in the school community, in order to promote a safe and secure learning environment;

(c) steps to improve workforce development services provided to students and their families at the school, to provide students and families with meaningful employment skills and opportunities;

(d) steps to address achievement gaps for limited English proficient, special education and low‑income students;

(e) alternative English language learning programs for limited English‑proficient students; and

(f) a financial plan for the school, including any additional funds to be provided by the district, state, federal government, or other sources.

(E) The district, with the involvement of the school principal and in conjunction with the local district board, must inform the parents of children attending any school receiving a low-performance rating and must outline the steps in the revised strategic plan to improve performance, including the support which the local district board of trustees has agreed to give the plan. This information must be:

(1) provided to the parents no later than sixty days after publication of the rating; and

(2) prominently placed on the home page of the school and district web sites.

(F) The department annually before January first shall report to the General Assembly and Governor on the activities, support, services, and tiered assistance provided to each school and the projected and actual impact of such intervention.

(G) (1) The school shall offer an orientation class for parents which focuses on:

(a) the value of education;

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

(c) student discipline;

(d) school policies;

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

(f) other pertinent issues.

(2) The school shall offer the orientation class at least once each year the school receives an overall rating of unsatisfactory or below average on the school report card and shall provide parents with written notification of the date, time, and location of the class. A school shall offer the orientation class:

(a) at a time when the majority of parents are able to attend; and

(b) in community settings or workplaces to better meet the needs of parents with transportation difficulties or scheduling conflicts.

(H)(1) For schools identified as low-performing pursuant to this section, the department shall implement the provisions of this section through a community partnership-focused framework for tiered assistance as provided herein.

(2) The scope and intensity of tiered assistance in the framework and made available by and through the department for the district and schools within the district shall be in accordance with a framework that:

(a) identifies and incorporates factors, approaches, reviews, and resource needs determined to be effective best practices for each specified level of severity of low performance, as recommended by the State Superintendent of Education in consultation with districts, and approved by the State Board of Education;

(b) provides the State Superintendent of Education with the degree of innovation, authority and flexibility as may be reasonable and necessary to direct the tiers of assistance provided to each low-performing school; and

(c) if followed and implemented with fidelity can be reasonably expected to achieve timely and impactful improvement in student progress towards meeting the Profile of the Graduate; and

(d) can be clearly communicated and explained to key stakeholders.

(3) Tiered assistance may include but is not limited to:

(a) Targeted or intensive professional development, technical assistance, and monitoring;

(b) Placement of a principal mentor, literacy coach, transformational coach, or instructional leader;

(c) Redirection of State or Federal funds to address the low performance;

(d) Replacement of the principal; and

(e) Reconstitution of the school.

Low‑performing schools must be placed within the tiered assistance framework not later than one hundred twenty days after the designation.

(4) Low‑performing schools must receive, at a minimum, a needs assessment through the department. Schools designated as unsatisfactorymust also receive a diagnostic review in the year of designation, and at least every third year thereafter. These diagnostic review reports must be made available on the department’s website; any information pertaining to personnel matters or containing personally identifiable information is exempt. The revised plan in 59-18-1615(B) must include the recommendations included in the diagnostic review and must address evidence-based strategies designed to increase student achievement and must include measures to evaluate the success of implementation of the plan.

(5) The department shall:

(a) assist low‑performing schools and districts with all aspects of designing and implementing strategies and measures identified in the revised annual plans;

(b) monitor and review student academic achievement and progress on revised strategicplan implementation, based on the reports provided in subsection (C), and report their findings to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, the Chairman of the House Education and Public Works Committee, the local legislative delegation, and the Governor in the fall following the school or district designation as low‑performing. Findings may include recommendations of changes needed to any district’s strategic plan.

(6) If the school or school district does not provide the evaluation information necessary to determine effective use of, or fails to provide the required reports in, subsection (C), the district superintendent shall be subject to findings of unprofessional conduct by the State Board of Education pursuant to State Regulation 43-58, if the district superintendent is determined to be responsible for the failure to provide the required information.

(7) Funds appropriated for tiered assistance:

(a) must be used by the department to work with those schools identified as low‑performing;

(b) may not be transferred to another funding category by the school district without prior approval of the State Superintendent of Education; and

(c) are not subject to agency flexibility provisions.

**Section 59‑18‑1620**. Measures to address low-performing schools at risk of becoming or are designated as chronically underperforming.

(A) To ensure timely, adequate, and appropriate attention is given each time a school receives an overall school report card rating of unsatisfactory, and to prevent chronic underperformance and further decline in student outcomes, local district school boards and the respective district superintendents shall be required to inform and effectively engage the community being served by each applicable school of such status, and in the most severe and or chronic cases of unsatisfactory ratings, be subject to tiered assistance and or interventions pursuant to this article.

(B) Beginning with the 2019-2020 school report cards, when a school receives an overall rating of unsatisfactory, the State Department of Education shall notify the legislative delegation for the location of the school; in addition, the local school board that governs the school and the district superintendent shall:

(1) Upon the first occasion of receiving a rating of unsatisfactory:

(a) within 30 days of receiving the rating, schedule, prominently publicize, and hold a public meeting to explain the school’s rating, its implications, how it must develop and implement a revised strategicplan for improvement, and how it will involve and engage the community in its plans, including where applicable the school revised annual plan pursuant to 59-18-1310, 59-18-1615 and 59-20-60;

(b) immediately review and revise its strategicplan, which must incorporate and focus on turnaround components for each school designated as unsatisfactory in accordance with the template and guidelines provided by the department; and

(c) immediately place the revised strategic plan as a topic on the local district board meeting agenda at least once a quarter, listing each school rated unsatisfactory and the number of years in that status, which may be satisfied by fulfilling requirements in sub-item (a).

(2) Upon receiving a rating of unsatisfactory for the second consecutive year:

(a) within 30 days of receiving the rating, schedule, prominently publicize, and hold a public meeting to report the school’s continued rating as unsatisfactory, its implications to include at risk of designation as ‘chronically underperforming’, describe and explain strategies that are succeeding and those that are not, its approach to prevent continued or further decline, and how it will involve and engage the community in those efforts including a revised annual plan;

(b) scrutinize and further revise its strategic plan, in accordance with the template and guidelines provided by the department pursuant to sub item (1); and

(c) place the further revised strategic plan as a topic on a local district board meeting agenda within 45 days and at least every other month thereafter, and listing each school rated unsatisfactory and the number of consecutive years in that status.

(3) Provisions in this subsection apply, but are not limited to, schools designated as low-performing pursuant to subsection (A).

(C) Beginning with the 2019-2020 school report cards, if a school has received an overall rating of unsatisfactory for the third consecutive year, local efforts pursuant to subsection (A) will be deemed insufficient to meet the needs of the students and the school is considered to be ‘chronically underperforming’. The State Superintendent of Education, upon approval by a majority of the members of the State Board of Education and in partnership with school, district, and community leaders is authorized to, and must begin immediately to, pursue a school turnaround approach with related strategies to address weaknesses and deficiencies. The approach and strategies selected shall be commensurate with the severity of the situation and the willingness and capacity of those stakeholders to effect a turnaround.

(D) Authorized turnaround approaches required of the State Superintendent of Education pursuant to subsection (C) are to assume management of the school, including reconstitution, or to close the school, utilizing one or more strategies for the approach. Strategies to be utilized for the applicable turnaround approach may include but are not limited to the following, and shall be in accordance with an informed assessment**,** performed by the department**,** of the community and its immediate needs:

(1) The State Superintendent of Education may assume partial or full management of the school, either directly or indirectly, which shall be done in accordance with Memorandums of Agreement (MOA) between and among the department, the district, another district or district consortium, and or a third party provider secured through the state procurement process and who is demonstrably qualified to provide the services needed. Should the parties involved with the MOA fail to reach agreement on a necessary signed agreement within 30 days of the school being designated as chronically underperforming, the State Superintendent of Education may proceed with provisions pursuant to the outstanding MOA.

(a) Management of the school may include but not be limited to employment decisions by the State Superintendent of Education, reconstitution of a school, tiered assistance, and consolidation or shared services with another district.

(b) Reconstitution of a school means the redesign or reorganization of the school and may include that all positions in the school are considered vacant.

(i) Educators who were employed at a school that is being reconstituted and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. Dismissed employees may reapply for open positions.

(ii) The decision to reconstitute a school shall be made by April first, at which time notice shall be given to all employees of the school.

(iii) In the event of reconstitution of a school, the State Superintendent of Education shall hire the new principal and staff and shall develop the budget for the reconstituted school.

(c) Third party providers engaged by the State Superintendent of Education to assist with or to provide management services must have a proven record of success in working with underperforming schools and districts and shall be closely monitored by the department.

(d) Intensive technical and other tieredassistance provided by the department shall be commensurate with the school’s needs assessment, and in accordance with guidelines and best practices established by the department.

(2) Alternatively, the State Superintendent may close the school and its students shall be transferred to higher‑performing schools either in the district, or to higher performing schools in a contiguous district. If the State Superintendent of Education directs that the students be served by a school in another district he is authorized to enter into a Memorandum of Agreement with the receiving district in order to transfer all federal, state and local dollars that support the students.

(3) The State Superintendent of Education, with input from the local school district board of trustees, shall determine which alternative and action is in the best interest of the students and shall advise the State Board of Education of its determination.

(E) A school identified as ‘chronologically underperforming’ must have that designation included on the first page of its report card in a conspicuous location.

**Section 59‑18‑1640**. Measures to address low-performing districts, including declaring a state of emergency.

(A) When the State Department of Education (the department) determines that sixty-five percent or more of the schools in a district have an overall rating of below average or unsatisfactory, the State Superintendent of Education shall,for the purpose of determining if a state of emergency should be declared for the district, immediately have access to and review the district strategic plan, district finances, any other school or district records as reasonable and necessary, and may conduct a district diagnostic review.

(1) The district diagnostic review shall include, but is not limited to:

(a) examination of all facets of school and district;

(b) engagement of parents and community members;

(c) identification of personnel changes, if any, that are needed at the school level, district level, or both, and discuss such findings with the local district board;

(d) a review of the design of the district’s strategic plan, implementation strategies, and professional development training;

(e) identification of support needed from the department and other sources for targeted long‑term tiered assistance;

(f) a review of the financial management of the district; and

(g) a report of findings and recommendation no later than ninety days after the district receives the designation as a district in a state of emergency, which shall be submitted to the district superintendent, the local district board of trustees, the local delegation, and the State Board of Education.

(2) The State Superintendent of Education shall begin to, or continue to, provide the schools with tiered assistance pursuant to 59-18-1615 and 1620, and may declare the district to be in a state of emergency if he determines the district is in need of additional interventions to prevent further decline basedupon review of the district’s:

(a) trends in school report cards;

(b) strategic plan and district finances;and

(c)diagnostic review, provided a diagnostic review was completed.

(3) When a district state of emergency is declared, the home page of the district web site and the annual report card of each school in the district must identify the district as being in a state of emergency. In addition, the State Superintendent of Education shall immediately:

(a) so notify the State Board of Education, the local district school board, and the local delegation;

(b) assume management of the district and provide for, or continue to provide for, a diagnostic review of district educational programs and financial management in the district, and identify factors affecting the student performance; and

(c) take any action as reasonable and necessary to promote the educational interest of the district and support the Profile of the SC Graduate.

(4) A status report on the progress of districts toward implementing its strategic plan and recommendations, and meeting benchmarks for improving student performances shall be submitted annually by the departmentto the applicable local delegation, local district board of trustees, district parents, and also to the State Board of Education, or more frequently as considered necessary by the State Board, for:

(a) districts declared to be in a state of emergency; and

(b) districts eligible for but not declare to be in a state of emergency

(B) Management of a district under a State of Emergency may include direct or indirectmanagement, consolidation with another district, Charter Management Organization, public/private management, entering into an agreement with an educational management organization or another school district to include the Transformation District pursuant to 59-18-1650.

(C) For a district determined as eligible for, but not declared as, state of emergency:

(1) The local board of trustees shall:

(a) immediately contact the department to begin work on a mutually developed corrective action plan for turnaround;

(b) within 30 days schedule a public meeting pursuant to 59-19-90(4) to consult with electors, and to engage key stakeholders in plans for improvement; and

(c) at least quarterly place District State of Emergency Eligibility Status on its board meeting agenda.

(2) upon receipt of the annual status report pursuant to subsection (A), include the report on its next board meeting agenda, or within 90 days, whichever is sooner, and provide an update on district progress.

(D) When the State Superintendent of Education declares a state of emergency in a school district and assumes district management pursuant to this section, the Governor shall remove all members of the local district board of trustees.

(1) Upon affirmation by the State Board of Education that a district has met annual targets for sustained improvement, as identified through the district strategic plan and as approved by the department, for a minimum of three consecutive years, an interim district board consisting of five members shall be appointed to begin serving within ninety days.

(a) Of the interim board members, three shall be appointed by the Governor, one shall be appointed by the State Superintendent of Education, and one shall be appointed by the local legislative delegation.

(b) The interim district board shall remain in place and its appointed members shall continue to serve until the district has experienced consistent improvement as affirmed by the State Board of Education, as defined and communicated by the department or specified in an MOA, and aligned to the strategic plan, for an additional three consecutiveyears; until such time, any vacancy in an interim board member position shall be filled in the original manner appointed.

(2) Upon achieving affirmed annual plan targets pursuant to subsection (1):

(a) The election of new board members shall commence after the three years with two board members being elected at the next regular election and two additional board members being elected at each subsequent regular election until the entire board has transitioned back to an elected board. No more than one regular election shall occur within a twelve-month period.

(b) In consultation with the district and the interim board, the department shall develop a transition plan and timeline for returning management of the district to a local board of trustees.

(3) The district superintendent and members of the district board of trustees may appeal the declaration to the State Board of Education within ten business days of receipt of the notice of the declaration to outline the reasons why a state of emergency must not be declared in the district. The State Board of Education must hold a hearing on the appeal within thirty days after the filing of the appeal or at the next regularly scheduled State Board of Education meeting, whichever is later.

(4) SC Code 59-19-60 shall not apply to this subsection.

**Section 59‑18‑1650.** Transformation School District.

(A) The South Carolina Transformation School District (TSD) is established by the State Superintendent of Education (the Superintendent) as an organizational unit of the Department of Education for the purpose of providing an option for the Superintendent to operate and manage underperforming schools and districts, in whole or in part, pursuant to Sections 59‑18‑1620 and 59‑18‑1640. The Superintendent may develop and implement provisions in this Section by:

(1) deploying a regional approach within the TSD to maximize resources and results and to best meet the needs of the students and the communities being served under this option; and

(2) phasing in components all or in part, including a pilot, over time.

(B) The Superintendent may include direct management or indirect management, including but not limited to, an agreement with another school district to manage any or all of the daily operations of any or all schools or districts placed in the Transformation School District including, but not limited to, providing direct services to students.

(C) The Transformation School District may apply to the State Board of Education for a waiver of any regulation that inhibits or hinders the ability of the school or district under TSD governance to achieve the required adequate yearly progress benchmarks. Notwithstanding the provisions of this subsection, the State Board of Education may not waive rules relating to:

(1) federal and state civil rights;

(2) federal, state and local health and safety;

(3) federal and state public records;

(4) immunizations;

(5) possession of weapons on school grounds;

(6) background checks and fingerprinting of personnel;

(7) federal and state special education services;

(8) student due process;

(9) parental rights;

(10) federal and state student assessment and accountability; and

(11) the South Carolina Freedom of Information Act.

(D) Pursuant to the provisions in 59-18-1620, the schools served in the Transformation School District may be reconstituted partially or in whole. Any entity utilized by the Superintendent to manage the district shall have the option to extend employment to any educator or employee of the schools.

(E) For schools or districts placed in the Transformation School District whose local board of trustees have not been removed, or whose local districts have not been consolidated, the State Superintendent shall develop a transition plan for the purpose of returning the school to the jurisdiction of the local board of trustees if the school achieves the required progress benchmarks for three consecutive years.

(F) The State Superintendent shall enter into a memorandum of agreement with any district that has a school or schools being served by the Transformation School District.

(1) The memorandum shall include, at a minimum, funding, student transportation, school food service, or student assessment for special education eligibility that are compliant with all laws and regulations governing such services and facilities maintenance.

(2) The memorandum shall address state, local, and federal funds generated by the students served, needed to operate a school placed in alternative governance and to implement new initiatives and programs as appropriate.

(3) If a district refuses to agree to the funding requirements included in the memorandum of agreement, the State Department of Education is authorized to withhold an amount equal to the state and local support calculated pursuant to the Education Finance Act from the district pending an agreement. A local district is authorized to submit an appeal to the State Board of Education within 30 days of such withholding. The State Board of Education must hear the appeal at its next regularly scheduled meeting

(G) An individual, governmental entity, or nonprofit entity utilized by the State Superintendent to manage the operation of a school or district under the provisions of this section timely shall provide information to the local school board of trustees and superintendent regarding its operation of the schools or the district, including, but not limited to, matters relating to employment of personnel. The local school board of trustees may be enjoined to continue to support the educational improvement of the school, schools or district under the direction and guidance of the Superintendent and in accordance with this section and the trustees’ duties pursuant to 59-19-90. In addition, an individual, governmental entity, or nonprofit entity in an agreementwith the State Superintendent may work with the local school board of trustees to provide the schools and the district with professional development or tiered assistance, instructional and administrative support, and other support that may benefit academic progress of the school.

(H) The Transformation School District may use a building, facility, and property otherwise part of the school or district and recognized as part of the facilities or assets of the school or district before its placement in the Transformation School District and shall have access to such additional facilities as are typically available to the school or district, its students, faculty, and staff before its placement in the school district. This use is unrestricted.”

**SECTION YY *(NEW BILL SECTION)***

**59-18-YYYY** Recognizing highest level of school and district performance.

To recognize and stimulate the highest level of performance in schools and districts, by October 1, 2020, the State Superintendent of Education, through the State Board of Education, shall develop and submit a report of recommendations for a system of effective and innovative incentives targeted at the highest degree of academic outcomes at the school and district level. The report, which shall be submitted to the respective Chairs of the Senate Education Committee and the House Education and Public Works Committee, may include but is not to be limited to competitive and or all-inclusive incentives at the school and or district level in recognition of exceptional student outcomes that are directly related to school and or district plans and goals. Recommendations submitted could propose incentives such as reduced or streamlined reporting and audit requirements to the State Department of Education, reduced monitoring by the department, scheduling flexibility, or other innovative strategies, and must be consistent with federal requirements.

**SECTION ZZ *(NEW BILL SECTION)***

1. To meet provisions in this Article and pursuant to 59-5-60(9), the Superintendent may call upon the State Board of Education for its assistance and support with any district declared to be in a state of emergency.
2. The Superintendent may enter into an agreement with one or more state research institutions to:
3. review and evaluate the K-12 governance structure in this state, its impact on student outcomes, and make recommendations for strengthening capacity at the state and or local level;
4. review and evaluate the efficacy of the current accreditation process and make recommendations; and
5. assist with any reviews, evaluations, or reports required.

**DELETE SECTION 46 FROM BILL *(no changes to statute)***

~~Section 59‑39‑100 of the 1976 Code is amended to read:~~

~~“Section 59‑39‑100. (A) Diplomas issued to graduates of accredited high schools within this State must be uniform in every respect and particularly as to color, size, lettering, and marking. In accordance with Section 59‑59‑10, et seq., districts and schools shall provide students with personalized pathways for earning the uniform diploma, and students may earn endorsements based upon their course of study, which may be represented by seals added to the student’s uniform diploma. The State Board of Education shall promulgate regulations establishing these pathways and endorsements.~~

~~(B) Beginning with students entering the ninth grade in School Year 1997‑1998, the number of units required for a high school diploma was increased to twenty‑four units. To support the Profile of the Graduate, for students entering the ninth grade beginning with the 2018‑2019 School Year, the twenty‑four units required are as prescribed in this section and in regulation by the State Board of Education.~~

~~(1) Students will continue to be required to earn the units of credit as prescribed in regulation and, when applicable, be offered national industry certifications or credentials.~~

~~(2) Coursework must be aligned with a student’s personalized diploma pathway. The State Board of Education shall promulgate regulations that outline the process and procedures for approval of courses to personalize pathways based on students’ postsecondary plans and include an annually updated course activity coding manual listing approved courses. The individualized graduation planning process must plan each student’s personalized pathway based on his postsecondary plans.~~

**~~(C) Beginning with students entering ninth grade in the 2020‑2021 School Year, a local board of trustees may require additional units of credit for a high school diploma.~~**

~~(D) The State Board of Education, through the Department of Education and in collaboration with the Vocational Rehabilitation Department, the Department of Employment and Workforce, businesses, and stakeholders shall develop criteria for a uniform state‑recognized employability credential that is aligned to the program of study for students with a disability whose Individualized Education Program (IEP) team determines, and agrees in writing, that a diploma pathway would not provide a free appropriate public education. The State Board of Education, in conjunction with the department, shall develop a rubric and guidelines to identify and assess the employability skills of the students, based on appropriate standards established. The credentials must be uniform in size, shape, and design.~~

~~(E) The department shall monitor the number of diplomas and employability credentials earned by students and shall report to the State Board of Education and the General Assembly biannually by February 15, beginning in 2020.~~

~~(F) Nothing in this section prohibits local school boards of trustees from awarding recognition to students who complete additional units and credits beyond those required by this section.”~~

PART VII

Local School Board Accountability

**DELETE SECTION 47 FROM BILL -** *EXCERPT FROM ORIGINAL BILL SECTION 47, TRANSFERRED FROM ETHICS TO ACCOUNTABILITY (no changes to statute)*

**SECTION 47**. Chapter 19, Title 59 of the 1976 Code is amended by **adding** 59-19-760:

~~Section 59‑19‑760. (A) The State Department of Education or another public school accrediting agency shall notify the State Board of Education upon placing any district or school on the level of accreditation that immediately precedes the loss of accreditation for school governance reasons. This notice shall include the reason or reasons for the decision of the accrediting agency.~~

~~(B) Notwithstanding another provision of law, if a school district or school is placed on the level of accreditation that immediately precedes the loss of accreditation for school governance by an accrediting agency, the local board shall notify the State Board of Education, in writing, within three business days of the placement. This notice shall include the reason or reasons for the decision of the accrediting agency.~~

~~(C) The State Board of Education shall conduct a hearing no less than ten days before, but no more than ninety days after, it receives or gives the notice provided in subsections (A) and (B), and shall recommend to the Governor whether he should suspend all eligible members of the local board without pay. A majority of the members of a local board of education may petition the State Board of Education to continue any hearing scheduled under this subsection. Upon a showing of good cause, the state board may in its sound discretion continue any such hearing. Notwithstanding another provision of law, deliberations held by the State Board of Education pursuant to this subsection to formulate its recommendation to the Governor may not be open to the public and are not subject to the Freedom of Information Act; provided, however, that testimony must be taken in an open meeting and a vote on the recommendation must be taken in an open meeting following the hearing or at the next regularly scheduled meeting. If the State Board of Education makes a recommendation to suspend, the Governor may, in his discretion, suspend all eligible members, but not selective individual members, of the local board of education with pay and, in consultation with the State Board of Education, appoint temporary replacement members who are otherwise qualified to serve as members of the board. A temporary replacement member appointed pursuant to this subsection must serve until the completion of the suspension or until the seat becomes vacant, whichever occurs first.~~

~~(D) All hearings pursuant to subsection (B) must be conducted by the State Board of Education, a committee of the state board, or a hearing officer appointed by the state board. In conducting a hearing:~~

~~(1) the presiding officer shall notify the parties of the time and place of the hearing;~~

~~(2) all witnesses shall testify under oath and are subject to cross‑examination;~~

~~(3) the presiding officer shall require the testimony and other evidence to be transcribed by a court reporter or recorded by other appropriate means;~~

~~(4) the strict rules of evidence prevailing in courts of law are not applicable; and~~

~~(5) at the conclusion of the hearing, or within fifteen days thereafter, the State Board of Education shall notify the Governor and the parties of its decision in writing.~~

~~(E) The provisions of this section apply only to a local school district or school which is placed on the level of accreditation immediately preceding loss of accreditation after July 1, 2020. This section applies only to local board of education members who were serving on the local board at the time the accrediting agency placed the local school system or school on the level of accreditation immediately preceding loss of accreditation.”~~

***SECTION TRANSFERRED FROM ETHICS TO ACCOUNTABILITY***

**SECTION 48**. Section 59‑18‑920 of the 1976 Code is **amended** to read:

“Section 59‑18‑920. “Section 58‑19‑920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the ***State*** 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 ***or registered institution of higher learning*** 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.”

***EXCERPT FROM ORIGINAL BILL SECTION 53, TRANSFERRED TO ACCOUNTABILITY***

**SECTION 53**. Section 59‑19‑60 of the 1976 Code is **amended by adding:**

***(C) If the entire membership of a board of trustees is removed, five vacancies automatically are created, regardless of the prior number of seats held by the board of trustees. The Governor shall appoint members to fill three of the vacancies, the State Superintendent of Education shall appoint a member to fill one of the vacancies, and the local legislative delegation shall appoint a member to fill one of the vacancies within ninety days. Provision in this subsection do not apply to the removal of board members pursuant to 59-18-1640.***

***(D) If one or more members, but not the entire membership, of a board of trustees is removed, the Governor must fill each vacant seat within ninety days.***

***(E) A person appointed pursuant to subsection (C) or (D) to fill a vacant seat on a board of trustees shall serve until the next general election is held for the seat and may run in that general election for the seat to which he was appointed.***

***(F) If only two members remain serving on a board of trustees, the members may take no action that requires a vote until a third member is appointed.”***

PART VIII

Miscellaneous Provisions

**SECTION 54**. **DELETE FROM BILL *(no changes to statute)***

~~Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:~~

~~“Section 59‑1‑444. (A) All reports, studies, published findings, memoranda, guidelines, rules, and other documents concerning implementation of programs and initiatives concerning student performance and achievement, school district and school accountability, curriculum revisions, the Education Finance Act, facility funding and construction, and other such matters as may be requested by Senate Education Committee or House Education and Public Works Committee must be posted by the department on its Internet website within twenty‑four hours after being made public. The posting must be in a form and manner that is easily:~~

~~(1) locatable by the public through a prominent link on the homepage of the department’s website; and~~

~~(2) accessible for viewing and downloading in a portable document format (PDF) by the public.~~

~~(B) The department shall pay a fine of ten thousand dollars per day for each separate failure to comply with the provisions of this section. These funds must be deposited into the General Fund.”~~

**SECTION 55**. Section 59‑19‑90(3) of the 1976 Code is amended to read:

“(3) ~~Promulgate rules and regulations. Promulgate~~ ***Adopt*** rules prescribing scholastic standards of achievement and standards of conduct and behavior that must be met by all pupils as a condition to the right of ~~such~~ ***the*** pupils to attend the public schools of ~~such~~ ***the*** district. The rules ~~shall~~ ***must*** take into account the necessity of proper conduct on the part of all pupils and the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils ~~shall~~ ***must*** be promoted, notwithstanding that ~~such~~ ***the*** rules may result in the ineligibility of pupils who fail to observe the required standards, and require the suspension or permanent dismissal of ~~such~~ ***the*** pupils. ***A rule must align with applicable federal and state accountability requirements.***”

**SECTION 56**. Article 15, Chapter 18, Title 59 of the 1976 Code is **repealed.**

**SECTION 57**. Section 59‑59‑30 of the 1976 Code is **repealed**.

**SECTION 58**. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**SECTION 59**. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑