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

13

14 **SECTION** 1. Article 3, Chapter 18, Title 59 of the  
15 1976 Code is amended by adding:

**Comment [D1]:** S.888 ORIGINAL LANGUAGE,  
ADDING 59-18-355 ON GENERAL ASSEMBLY  
APPROVAL, NOTIFICATION OF CHANGES

16

17 “Section 59-18-355. (A)(1) A revision to a state  
18 content standard recommended pursuant to Section  
19 59-18-350(A), as well as a new standard or a change  
20 in a current standard that the State Board of  
21 Education otherwise considers for approval as an  
22 accountability measure, may not be adopted and  
23 implemented without the:

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

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

28 (2) **General** Assembly approval required by item  
29 (1)(b) does not apply to a revision recommended  
30 pursuant to Section 59-18-350(A), other approval of  
31 a new standard, and other changes to an old standard  
32 if the revision, new standard, or changed standard is  
33 developed by the South Carolina Department of  
34 Education.

**Comment [D2]:** Standards developed by the State  
Department of Education (SDE), must be approved by the  
State Board and EOC. Standards taken from other sources  
(e.g. Common Core) must also receive approval by the  
General Assembly.

35 **(B)** A revision to an assessment recommended  
36 pursuant to Section 59-18-350(A), as well as a new

**Comment [D3]:** EOC must still approve new and  
changed assessments

1 assessment or a change in a current assessment that  
2 the State Board of Education otherwise considers for  
3 approval as an accountability measure, may not be  
4 adopted and implemented without the advice and  
5 consent of the Education Oversight Committee.

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

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

17  
18 SECTION 2. Section 59-18-320 of the 1976 Code,  
19 as last amended by Act 282 of 2008, is further  
20 amended to read:

21  
22 “Section 59-18-320. (A) After the first statewide  
23 field test of the assessment program that is adopted  
24 or developed by the Department of Education in  
25 each any one of the four academic areas, and after  
26 the field tests of the end of course assessments of  
27 high school credit courses that are adopted or  
28 developed by the Department of Education, the  
29 Education Oversight Committee, established in  
30 Section 59-6-10, will review the state assessment  
31 program and the course assessments for alignment  
32 with the state standards, level of difficulty and  
33 validity, and for the ability to differentiate levels of  
34 achievement, and will make recommendations for

**Comment [D4]:** SDE and EOC must notify the General Assembly and the Governor of any plans to change existing standards.

**Comment [D5]:** SDE, the State Board, and EOC may consider borrowing from other standards while developing South Carolina standards.

**Comment [D6]:** S.888 AMENDS; ALTERNATIVE LANGUAGE AMENDS FURTHER.

1 needed changes, if any. The review will be provided  
2 to the State Board of Education, the State South  
3 Carolina Department of Education, the Governor,  
4 the Senate Education Committee, and the House  
5 Education and Public Works Committee as soon as  
6 feasible after the field tests. The Department of  
7 Education will then report to the Education  
8 Oversight Committee no later than one month after  
9 receiving the reports on the changes made to the  
10 assessments to comply with the recommendations.  
11 If the Board of Education adopts an existing  
12 assessment that is available to other states to  
13 purchase, the Education Oversight Committee, as  
14 established in Section 59-6-10 must review and  
15 approve the assessment for its statewide  
16 administration and for its use in state accountability.

17 (B) After review and approval by the Education  
18 Oversight Committee, the standards based  
19 assessment of mathematics, English/language arts,  
20 social studies, and science will be administered to all  
21 public school students in grades three through eight,  
22 to include those students as required by the federal  
23 Individuals with Disabilities Education  
24 Improvement Act and by Title 1 of the Elementary  
25 and Secondary Education Act. To reduce the  
26 number of days of testing, to the extent possible,  
27 field test items must be embedded with the annual  
28 assessments. ~~In accordance with the requirements~~  
29 ~~of the federal No Child Left Behind Act, science~~  
30 ~~assessments must be administered annually to all~~  
31 ~~students in one elementary and one middle school~~  
32 ~~grade. The State Department of Education shall~~  
33 ~~develop a sampling plan to administer science and~~  
34 ~~social studies assessments to all other elementary~~

1 ~~and middle school students. The plan shall provide~~  
2 ~~for all students and both content areas to be assessed~~  
3 ~~annually; however, individual students, except in~~  
4 ~~census testing grades, are not required to take both~~  
5 ~~tests. In the sampling plan, approximately half of~~  
6 ~~the assessments must be administered in science and~~  
7 ~~the other half in social studies in each class. To~~  
8 ensure that school districts maintain the high  
9 standard of accountability established in the  
10 Education Accountability Act, performance level  
11 results reported on school and district report cards  
12 must meet consistently high levels in all four core  
13 content areas. The core areas must remain  
14 consistent with the following percentage weightings  
15 established and approved by the Education  
16 Oversight Committee: in grades three through five,  
17 thirty percent each for English/language arts and  
18 math, and twenty percent each for science and social  
19 studies; and in grades six through eight, twenty-five  
20 percent each for English/language arts and math,  
21 and twenty-five percent each for science and social  
22 studies. For students with documented disabilities,  
23 the assessments developed by the Department of  
24 Education shall include the appropriate  
25 modifications and accommodations with necessary  
26 supplemental devices as outlined in a student's  
27 Individualized Education Program and as stated in  
28 the Administrative Guidelines and Procedures for  
29 Testing Students with Documented Disabilities.  
30 (C) After review and approval by the Education  
31 Oversight Committee, the end of course assessments  
32 of high school credit courses will be administered to  
33 all public school students as they complete each  
34 course.

1 (D) Beginning in school year 2014-15, for federal  
2 and state accountability purposes, the State Board of  
3 Education and the Education Oversight Committee  
4 must by November 1, 2014, review and approve a  
5 summative assessment for administration to students  
6 in grades 3 through 8 that assesses students in  
7 English, reading, writing and mathematics. This  
8 assessment does not require field testing prior to  
9 Education Oversight Committee approval. The  
10 assessment will be administered to all public school  
11 students in grades three through eight, to include  
12 those students as required by the federal Individuals  
13 with Disabilities Education Improvement Act and by  
14 Title 1 of the Elementary and Secondary Education  
15 Act. The assessment must meet the following  
16 requirements:  
17 (1) be a vertically-articulated, benchmarked,  
18 standards-based system of summative and formative  
19 assessments;  
20 (2) document student progress toward national  
21 college and career benchmarks and state standards;  
22 (3) contain multiple questions types including such  
23 as constructed response, selected response, and  
24 technology-enhanced responses;  
25 (4) be administered either online or with a paper-  
26 and-pencil option; and  
27 (5) be anchored to a national college readiness  
28 assessment already used in the state.  
29 Beginning with the 2014-2015 school year, all  
30 students in grades 4 through 8 will also take state-  
31 developed and approved assessments in social  
32 studies and science.  
33 (E). All students entering the eleventh grade for the  
34 first time in school year 2014-2015 and subsequent

1 years, and all students entering the twelfth grade for  
2 the first time in school year 2014-2015 only, will be  
3 administered both a career readiness assessment, and  
4 a college readiness assessment that are provided by  
5 the same vendor. The results of the assessments will  
6 be provided to each student, to the school and to the  
7 state in order to:

8 (1) assist students, parents, teachers and guidance  
9 counselors in developing individual graduation plan  
10 and in selecting courses aligned with each student's  
11 future ambitions;

12 (2) promote South Carolina's Work Ready  
13 Communities initiative; and

14 (3) meet federal and state accountability purposes.

15 Students may then use the results of these  
16 assessments to apply to college or to enter careers.

17 The results must be added as part of each student's  
18 permanent record and maintained at the Department  
19 of Education for at least ten years. The results will  
20 also provide instructional information to assist  
21 students, parents and teachers to plan for each  
22 student's course selection which might include  
23 remediation courses, dual-enrollment courses,  
24 Advanced Placement courses, internships, or other  
25 options during the remaining semesters in high  
26 school.

27 ~~—(D) Any new standards and assessments required~~  
28 ~~to be developed by the Department of Education~~  
29 ~~and adopted by the State Board of Education,~~  
30 ~~through the Department of Education for use as an~~  
31 ~~accountability measure, must be developed and~~  
32 ~~adopted upon the advice and consent of the~~  
33 ~~Education Oversight Committee.~~

1 The Department of Education will provide to the  
2 Education Oversight Committee student  
3 performance results on each of the assessments  
4 authorized in this section in a format agreed upon by  
5 both the Department and the Committee and within  
6 thirty days of the data being provided to the school  
7 districts. The Committee will use the results of these  
8 assessments in school year 2014-2015 and in 2015-  
9 16 to report on student academic performance in  
10 each school and district pursuant to Section 59-18-  
11 900. However, the Committee may not determine  
12 ratings for schools or districts using the results of  
13 these new assessments pursuant to Section 59-18-  
14 900 until after the conclusion of the 2015-16 school  
15 year for public reporting beginning in the fall of  
16 2016.

**Comment [D7]:** Because a new assessment is being implemented, scores will not be used to rate schools until the 2016-17 school year.

**Comment [D8]:** For the reason listed above, it may be best to delay using scores for Teacher evaluation purposes.

17 (F) The Department of Education shall submit a  
18 plan for approval and implementation to the  
19 Education Oversight Committee and the State Board  
20 of Education to mitigate the impact that changes in  
21 assessments are projected to have on teacher  
22 evaluation systems. If such an impact can be  
23 reasonably mitigated by delaying evaluations the  
24 Department shall seek a waiver if necessary for  
25 federal approval.

26  
27 **SECTION** 3. Section 59-48-35 of the 1976 Code is  
28 amended to read:

**Comment [D9]:** ELIMINATES EXIT EXAM

29  
30 “Section 59-48-35. The students enrolled in the  
31 Special School of Science and Mathematics who  
32 earn the total units of credit distributed as specified  
33 in the Defined Minimum Program for South  
34 Carolina school districts, ~~who pass the exit~~

1 ~~examination described in Section 59-30-10(f)~~  
2 ~~59-18-310(B)~~, and who meet the school's  
3 requirements for graduation are eligible to receive a  
4 state high school diploma. The board of the Special  
5 School, in its discretion, may issue its own high  
6 school diploma.”

7  
8 **SECTION** 4. ~~Section 59-139-60 of the 1976 Code is~~  
9 amended to read:

**Comment [D10]:** DELETES ASSESSMENTS  
LANGUAGE FROM 1993; PROVIDES "CLAWBACK  
FOR STUDENTS CURRENTLY UNDER 21 WHO  
HAVE NOT PASSED THE EXIT EXAM.

10  
11 “~~Section 59-139-60. The State Board of~~  
12 ~~Education, through the State Department of~~  
13 ~~Education and in consultation with the Education~~  
14 ~~Oversight Committee, shall establish an assessment~~  
15 ~~system to evaluate the degree to which the purposes~~  
16 ~~of this chapter are met. To that end, the State Board~~  
17 ~~of Education, through the Department of Education~~  
18 ~~shall:~~

19 ~~— (1) develop or adapt a developmentally~~  
20 ~~appropriate assessment program to be administered~~  
21 ~~to all public school students by the end of grade~~  
22 ~~three that is designed to measure a student's~~  
23 ~~strengths and weaknesses in skills required to~~  
24 ~~perform academic work considered to be at the~~  
25 ~~fourth grade level. Information on each student's~~  
26 ~~progress and on areas in need of improvement must~~  
27 ~~be provided to the student's parent and fourth grade~~  
28 ~~teacher. Aggregated information on student~~  
29 ~~progress must be given to the students' kindergarten~~  
30 ~~through third grade schools so that deficiencies in~~  
31 ~~the schools' academic programs can be addressed;~~

32 ~~— (2) review the performance of students on the~~  
33 ~~eighth grade basic skills assessment test and~~  
34 ~~performance on the exit examination pursuant to~~



1 ~~Section 59-30-10, or their equivalent, for progress in~~  
2 ~~meeting the skill levels required by these~~  
3 ~~examinations. Student data must be aggregated by~~  
4 ~~the schools the students attended so that programs'~~  
5 ~~deficiencies can be addressed;~~  
6 ~~— (3) review the data on students overage for~~  
7 ~~grade in each school at grades four and nine;~~  
8 ~~— (4) monitor the performance of schools and~~  
9 ~~districts so that continuing weaknesses in the~~  
10 ~~programs preparing students for the fourth grade,~~  
11 ~~and ninth grade, and exit examination shall receive~~  
12 ~~special assistance from the Department of~~  
13 ~~Education; and~~  
14 ~~— (5) propose other methods or measures for~~  
15 ~~assessing how well the purposes of this chapter are~~  
16 ~~met.”~~

17 Any student who is twenty-one years of age or less  
18 as of July 1, 2014 and who previously failed to  
19 receive a high school diploma or was denied  
20 graduation solely for failing to meet the exit exam  
21 requirements set forth in Section 59-18-310(B) and  
22 State Regulation, may petition the local school  
23 board to receive a high school diploma pursuant to  
24 this law. The State Board of Education shall remove  
25 any conflicting requirement and promulgate  
26 conforming changes in its applicable regulations.”

27  
28 **SECTION 5.** Section 59-18-310(B) is amended to  
29 read:

30 (B) The statewide assessment program must  
31 include the subjects of English/language arts,  
32 mathematics, science, and social studies in grades  
33 three through eight, as delineated in Section 59-18-  
34 320(B), to be first administered in 2009, ~~an exit~~

Comment [D11]: ELIMINATES EXIT EXAM.

1 ~~examination in English/language arts and~~  
2 ~~mathematics to be first administered in a student's~~  
3 ~~second year of high school enrollment beginning~~  
4 ~~with grade nine~~, and end-of-course tests for gateway  
5 courses awarded units of credit in English/language  
6 arts, mathematics, science, and social studies.  
7 Student performance targets must be established  
8 following the 2009 administration. The assessment  
9 program must be used for school and school district  
10 accountability purposes beginning with the 2008-  
11 2009 school year. The publication of the annual  
12 school and school district report card may be  
13 delayed for the 2008-2009 school year until no later  
14 than February 15, 2010. A student's score on an end-  
15 of-year assessment may not be the sole criterion for  
16 placing the student on academic probation, retaining  
17 the student in his current grade, or requiring the  
18 student to attend summer school. Beginning with the  
19 graduating class of 2010, students are required to  
20 pass a high school credit course in science and a  
21 course in United States history in which end-of-  
22 course examinations are administered to receive the  
23 state high school diploma. Beginning with the  
24 graduating class of 2015, students are no longer  
25 required to meet the exit examination requirements  
26 set forth in Section 59-18-310(310) and State  
27 Regulation to earn a South Carolina high school  
28 diploma .

29  
30 SECTION 6. Section 59-18-950 is amended to  
31 read:

32  
33 Notwithstanding another provision of law to the  
34 contrary, the Education Oversight Committee may

Comment [D12]: ELIMINATES EXIT EXAM FROM RATINGS CRITERIA.

1 base ratings for school districts and high schools on  
2 criteria that include graduation rates, ~~exit~~  
3 ~~examination—performance~~, and other criteria  
4 identified by technical experts and appropriate  
5 groups of educators and workforce advocates.

6  
7 **SECTION 7.** Section 59-XX-XX is added.

**Comment [D13]:** REMOVES SC FROM SMARTER  
BALANCE ASSESSMENT CONSORTIUM.

8 “Upon passage of this legislation, South Carolina  
9 will no longer be a governing or advisory state in the  
10 Smarter Balanced Assessment Consortium.  
11 Furthermore, the state of South Carolina may not  
12 adopt or administer the Smarter Balanced  
13 Assessment. “

14  
15 **SECTION 8.**Section 59-18-350(A) of the 1976  
16 Code, as last amended by Act 282 of 2008, is further  
17 amended to read:

**Comment [D14]:** From S.888.

18  
19 “(A) The State Board of Education, in  
20 consultation with the Education Oversight  
21 Committee, shall provide for a cyclical review by  
22 academic area of the state standards and assessments  
23 to ensure that the standards and assessments are  
24 maintaining high expectations for learning and  
25 teaching. At a minimum, each academic area should  
26 be reviewed and updated every seven years. After  
27 each academic area is reviewed, a report on the  
28 recommended revisions must be presented to the  
29 Education Oversight Committee and the State Board  
30 of Education for consideration. ~~After approval by~~  
31 ~~the Education Oversight Committee and the State~~  
32 ~~Board of Education, the recommendations may be~~  
33 ~~implemented.~~—However, The previous content  
34 standards shall remain in effect until ~~approval has~~

1 ~~been given by both entities~~ the recommended  
2 revisions are adopted pursuant to Section 59-18-355.  
3 As a part of the review, a task force of parents,  
4 business and industry persons, community leaders,  
5 and educators, to include special education teachers,  
6 shall examine the standards and assessment system  
7 to determine rigor and relevancy.

8 **(B) Beginning no later than July 1, 2016, 2018, a**  
9 **cyclical review shall be performed pursuant to 59-**  
10 **18-350(A) for English Language Arts and**  
11 **Mathematics state standards not developed by the**  
12 **South Carolina Department of Education.**

Comment [D15]: ELA and Math cyclical review required beginning July 1, 2016. 2/26/14 K-12 amended to "Beginning no later than July 1, 2018."

13  
14 SECTION 9. Article 3, Chapter 1, Title 59 of the  
15 1976 Code is amended by adding:

Comment [D16]: Data privacy clause.

16 **"Section 59-1-490. The State Board of**  
17 **Education, the South Carolina Department of**  
18 **Education, the Education Oversight Committee,**  
19 **and all other agencies and political subdivisions of**  
20 **the state are prohibited from providing any**  
21 **individual student data or any data that may be**  
22 **used to identify individual students to the United**  
23 **States Department of Education, any other agency**  
24 **of the federal government, or any third party**  
25 **without permission expressly provided for by the**  
26 **General Assembly through a Joint Resolution.**

27  
28 SECTION 10. This act takes effect upon approval  
29 by the Governor.

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