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**STATE BOARD OF EDUCATION**

CHAPTER 43

Statutory Authority: 1976 Code Section 59‑5‑60

43‑262. Assessment Program.

**Synopsis:**

Regulation 43‑262.I. outlines the statewide assessment program, including the testing of public‑school students at selected grade levels and in selected content and skill areas. The SCDE proposes to update outdated language in the regulation. Specifically, the No Child Left Behind Act is no longer in effect. It was replaced with the Every Student Succeeds Act in 2015. Changing the name to Every Student Succeeds Act (ESSA) or prevailing legislation would allow the regulation to be updated to the current legislation and allow for change in the future without a request for a regulation change.

Additionally, the name of the state summative assessment, South Carolina Palmetto Assessment of State Standards, SCPASS, is no longer in use. SC READY replaced that assessment and is the current assessment. By changing the name to SC READY or the corresponding state assessment would allow the regulation to be updated to the current test and allow for change in the future without a regulation change request.

This updates the current names of items and provides for prevailing terminology in future updates.

The Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

43‑262. Assessment Program.

I. STATEWIDE ASSESSMENT PROGRAM

 A. The Education Accountability Act of 1998 (EAA), S.C. Code Ann. Section 59‑18‑310, and the ~~No Child Left Behind Act of 2001 (NCLB),~~Every Student Succeeds Act of 2015 (ESSA) or prevailing federal legislation, 20 U.S.C. Section 6301, et seq. require that the State Board of Education develop or adopt a statewide assessment program in certain grades and selected content/skill areas.

 B. The statewide assessment program will involve testing public school students at selected grade levels and in selected content and skill areas at times specified by the South Carolina Department of Education (SCDE). The grade(s) and content/skill areas to be included in the assessment program are identified by the EAA, ~~NCLB,~~ ESSA or prevailing federal legislation, and State Board of Education regulations.

 The statewide assessment program includes assessments administered to assist in the identification of students for participation in programs for the gifted and talented, and assessments administered for accountability purposes, including but not limited to the following:

 ~~South Carolina Palmetto Assessment of State Standards (SCPASS),~~SC READY or the corresponding state assessment;

 South Carolina Alternate Assessment (SC‑Alt)~~,~~; and

 End‑of‑Course Examination Program.

 C. The program is funded through an annual appropriation included in the South Carolina General Appropriations Act. The request for such funding is included in the annual budget request of the State Superintendent of Education. Continued operation of the program is contingent upon the availability of funds.

 D. The following are responsibilities of the SCDE for assessments in which school districts are required to participate.

 1. Supply all necessary test materials regardless of the testing format, (e.g., paper/pencil, online, customized), scoring, and standard score reports at no cost to the local school districts. Test materials do not include hardware or software for online testing.

 2. Pay all shipping costs for the transportation of test materials and score reports between the SCDE, school districts, and scoring service(s).

 3. Provide workshops on test administration, interpretation, and utilization for district test coordinators and other selected staff.

 4. Report the statewide results of the program to the State Board of Education on an annual basis.

 5. The SCDE will report statewide and school district test results as may be necessary for accurate and meaningful interpretation.

 6. Test data for individuals shall be released only in a manner that is consistent with the provisions of Section 438 (Privacy Rights of Parents and Students) of the General Education Provisions Act (Title IV of Public Law 90‑247, as amended) and any other relevant legislation, including but not limited to Act 200 of 2014.

 7. Field/pilot‑test, at the discretion of the State Superintendent of Education, new assessment instruments and/or procedures and recommend changes in the Statewide Assessment Program to the State Board of Education, the Education Oversight Committee, and other appropriate policy‑making bodies.

 E. The participation of local school districts in the statewide testing program is required under Section 59‑20‑60(7)(c) of the South Carolina Education Finance Act and the South Carolina Education Accountability Act of 1998. The following are responsibilities of local school districts.

 1. As used in these regulations, “local school district” shall mean public school districts, the South Carolina Public Charter School District, a public or independent institution of higher learning serving as a charter school sponsor pursuant to the South Carolina Charter Schools Act, as well as other publicly funded educational institutions providing instruction to public school students.

 2. Designate one or more district test coordinators (DTCs) who will be the point of contact for the SCDE or its contractors as well as attend the workshops provided by the SCDE. The DTC is responsible for ensuring that school test coordinators (STCs) and test administrators are trained. DTCs and/or STCs are responsible for the distribution, receipt, storage, and return of test materials and reports.

 3. Administer the tests (including field/pilot tests) in accordance with procedures and at dates and times specified by the SCDE.

 F. Students with disabilities shall be included in the assessment program in compliance with the provisions of South Carolina and federal statutes and regulations.

 G. The State Superintendent of Education is authorized to develop and implement such administrative procedures as he or she may deem necessary and appropriate for the purpose of implementing the South Carolina Statewide Assessment Program. Any administrative action taken under this regulation will be presented to the State Board of Education during the next regularly scheduled meeting of the Board.

 H. End‑of‑Course Examination Program (EOCEP)

 1. Gateway courses in English/language areas, mathematics, science, and social studies as required in Section 59‑18‑310 of the EAA will be defined by the State Board of Education. The End‑of‑Course test for social studies is the United States History and the Constitution.

 2. Purposes and Uses

 a. The purposes and uses of the end‑of‑course examinations shall be as follows:

 i. The examinations shall encourage instruction in the specific academic standards for the courses, encourage student achievement, and document the level of students’ mastery of the academic standards.

 ii. The examinations shall serve as indicators of program, school, and school district effectiveness in the manner prescribed by the Education Oversight Committee in accordance with the provisions of the Education Accountability Act of 1998 (EAA).

 iii. The examinations shall be weighted 20 percent in the determination of students’ final grades in the gateway courses.

 b. The examination may be used for such other purposes as the State Board of Education may determine to be appropriate and consistent with the Standards for Educational and Psychological Testing (Joint Standards) of the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education.

 3. The content of the subject‑area examinations that are selected or developed pursuant to the provisions of this policy shall be aligned with the academic standards approved by the State Board of Education.

 4. Student performance standards for the examinations shall be established by the SCDE.

 5. The academic standards for the examinations shall be reviewed on a schedule that is consistent with the requirements of the EAA. Following any revisions of the academic standards, the examinations will be reviewed and revised as necessary to ensure their continued alignment with the standards.

 6. Students who are enrolled in the gateway courses shall be provided with copies of the academic standards that pertain to those particular courses. Students will be advised that the final examination for each gateway course will be based on the skills and content represented in the academic standards. District personnel shall provide this information to students no later than the first day of instruction in the course.

II. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP)

 NAEP tests will be administered annually to samples of students. Schools selected for NAEP will participate in the assessment program as prescribed by NAEP policies.

**Fiscal Impact Statement:**

No additional funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43‑262.

**Statement of Rationale:**

Amendments to the regulation will update the name of the assessment and prevailing legislation.