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COMMITTEE REPORT

April 24, 2013

**H. 3919**

Introduced by Reps. Owens, Bowen, Patrick, Taylor, Anderson, Allison, Brannon, Loftis, Ballentine, Rivers, Huggins, Knight, Simrill, King, Willis, Whitmire, McCoy, Anthony, Crosby, Neal, Clyburn, Barfield, Bedingfield, R.L. Brown, Cobb‑Hunter, George, Hayes, Hiott, Hixon, Hosey, Lucas, Pope, Putnam, G.R. Smith, Wells, Wood and Whipper

S. Printed 4/24/13--H.

Read the first time April 10, 2013.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3919) to amend Section 59‑18‑310, as amended, Code of Laws of South Carolina, 1976, relating to the exit exam required for high school graduation, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 59‑18‑310(B)(2), as contained in Part I, SECTION 1, page 3, lines 1‑2, by deleting /Department of Education/ and inserting /State Board of Education/.

Amend the bill further, SECTION 4, by deleting subsection (B)(8) and (9).

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

A Savings to Federal/Other Funds

**EXPLANATION OF IMPACT:**

The State Department of Education estimates a $400,000 savings in EIA funds appropriated in Section XII.A.2 Special Items: Assessment/Testing.

**LOCAL GOVERNMENT IMPACT:**

The State Department of Education is unable to quantify the potential costs of the re-enrolled students. The most likely state budget line affected by re-enrolled students is the Education Finance Act, which receives an annual appropriation determined by the General Assembly.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 59‑18‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXIT EXAM REQUIRED FOR HIGH SCHOOL GRADUATION, SO AS TO PROVIDE THAT ALL STUDENTS MUST TAKE THE EXIT EXAM TO GRADUATE BUT NEED NOT ATTAIN ANY MINIMUM SCORE ON THE EXIT EXAM TO GRADUATE, TO PROVIDE AN ELIGIBLE STUDENT WHO PREVIOUSLY FAILED TO RECEIVE A HIGH SCHOOL DIPLOMA OR WAS DENIED GRADUATION SOLELY FOR FAILING THE EXIT EXAM MAY REENROLL IN HIGH SCHOOL AND WILL NOT HAVE TO PASS THE EXIT EXAM TO RECEIVE A HIGH SCHOOL DIPLOMA, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO REMOVE ANY CONFLICTING REQUIREMENTS AND PROMULGATE CONFORMING CHANGES IN ITS APPLICABLE REGULATIONS; TO AMEND SECTION 59‑48‑35, RELATING TO REQUIREMENTS FOR A DIPLOMA FROM THE SPECIAL SCHOOL OF SCIENCE AND MATHEMATICS, AND SECTION 59‑139‑60, RELATING TO THE DUTY OF THE STATE BOARD OF EDUCATION TO REVIEW STUDENT PERFORMANCE ON ASSESSMENT TESTING AND TO MONITOR THE PERFORMANCE OF SCHOOLS AND SCHOOL DISTRICTS, ALL SO AS TO MAKE CONFORMING CHANGES; AND TO CREATE THE HIGH SCHOOL ASSESSMENT STUDY COMMITTEE TO CONSIDER WHETHER THE HIGH SCHOOL ASSESSMENT PROGRAM SHOULD REMAIN THE ACCOUNTABILITY ASSESSMENT USED BY THE STATE AND TO RECOMMEND AN ALTERNATIVE IF NECESSARY, TO PROVIDE FOR THE COMPOSITION AND STAFFING OF THE STUDY COMMITTEE, TO REQUIRE THE COMMITTEE REPORT CERTAIN INFORMATION TO THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE TERMINATION OF THE STUDY COMMITTEE.

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

Part I

Modification of High School Exit Exam Requirements

SECTION 1. Section 59‑18‑310(B) of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“(B)(1) The statewide assessment program must include the subjects of English/language arts, mathematics, science, and social studies in grades three through eight, as delineated in Section 59‑18‑320(B), to be first administered in 2009, an exit examination in English/language arts and mathematics to be first administered in a student’s second year of high school enrollment beginning with grade nine, and end‑of‑course tests for gateway courses awarded units of credit in English/language arts, mathematics, science, and social studies. Student performance targets must be established following the 2009 administration. The assessment program must be used for school and school district accountability purposes beginning with the 2008‑2009 school year. The publication of the annual school and school district report card may be delayed for the 2008‑2009 school year until no later than February 15, 2010. A student’s score on an end‑of‑year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science and a course in United States history in which end‑of‑course examinations are administered to receive the state high school diploma.

(2) Beginning with the 2013‑2014 school year, each student must take the exit exam required in item (1) to graduate from high school, but a student’s score on the exit exam may not be used as criterion for graduation and a student must not be required to achieve any minimum score to graduate. An eligible student who previously failed to receive a high school diploma or was denied graduation solely for failing the exit exam required in item (1) may reenroll in high school and will not have to pass the exit exam in order to receive a high school diploma. The Department of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations.”

Part II

Conforming and Miscellaneous Amendments

SECTION 2. Section 59‑48‑35 of the 1976 Code is amended to read:

“Section 59‑48‑35. The students enrolled in the Special School of Science and Mathematics who earn a total of twenty units of credit distributed as specified in the Defined Minimum Program for South Carolina school districts, who ~~pass~~ take the exit examination described in Section ~~59‑30‑10(f)~~ 59‑18‑310(B), and who meet the school’s requirements for graduation are eligible to receive a state high school diploma. The board of the Special School, in its discretion, may issue its own high school diploma.”

SECTION 3. Section 59‑139‑60 of the 1976 Code is amended to read:

“Section 59‑139‑60. The State Board of Education, through the State Department of Education and in consultation with the Education Oversight Committee, shall establish an assessment system to evaluate the degree to which the purposes of this chapter are met. To that end, the State Board of Education, through the Department of Education shall:

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

(2) review the performance of students on the eighth grade basic skills assessment test ~~and performance on the exit examination~~ pursuant to Section 59‑30‑10, or ~~their~~ its equivalent, for progress in meeting the skill levels required by these examinations. Student data must be aggregated by the schools the students attended so that programs’ deficiencies can be addressed;

(3) review the data on students overage for grade in each school at grades four and nine;

(4) monitor the performance of schools and districts so that continuing weaknesses in the programs preparing students for the fourth grade~~,~~ and ninth grade~~, and exit examination~~ shall receive special assistance from the Department of Education; and

(5) propose other methods or measures for assessing how well the purposes of this chapter are met.”

Part III

High School Assessment Study Committee

SECTION 4. (A)(1) There is created a study committee to:

(a) consider whether the High School Assessment Program (HSAP) test should remain the State’s accountability assessment or to replace it with a different assessment;

(b) suggest an alternative assessment if the committee determines that the HSAP should be replaced; and

(c) review costs associated with a change of assessments.

(2) The committee shall report its findings and make recommendations concerning proposed changes to the General Assembly.

(B) The study committee must be composed of:

(1) one member appointed by the Governor;

(2) one member appointed by the Speaker of the House of Representatives;

(3) one member appointed by the Chairman of the House Education and Public Works Committee;

(4) one member appointed by the President Pro Tempore of the Senate;

(5) one member appointed by the Chairman of the Senate Education Committee;

(6) one member appointed by the State Superintendent of Education, who shall serve as chair of the committee;

(7) one member appointed by the Chairman of the Education Oversight Committee;

(8) one member appointed by the South Carolina Association of School Administrators to represent the association; and

(9) one member appointed by the South Carolina School Boards Association to represent the association.

(C) Vacancies in the membership of the study committee must be filled for the remainder of the unexpired term in the manner of original appointment.

(D) The Chairmen of the Senate and House Education Committees shall provide appropriate staffing for the study committee.

(E) The study committee shall make a report of its recommendations to the General Assembly no later than January 31, 2014, at which time the study committee must be dissolved.

Part IV

Time Effective

SECTION 5. This act takes effect upon approval of the Governor excepted as otherwise provided.

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