**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 534**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hembree

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Companion/Similar bill(s): 3969

Introduced in the Senate on March 9, 2017

Currently residing in the Senate Committee on **Education**

Summary: Education Oversight Committee

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/9/2017 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\sj\20170309.docx))

3/9/2017 Senate Referred to Committee on **Education** ([Senate Journal‑page 7](file:///h:\sj\20170309.docx))

3/30/2017 Senate Committee report: Favorable with amendment **Education** ([Senate Journal‑page 11](file:///h:\sj\20170330.docx))

4/4/2017 Scrivener's error corrected

4/4/2017 Scrivener's error corrected

3/7/2018 Senate Recommitted to Committee on **Education** ([Senate Journal‑page 5](file:///h:\sj\20180307.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=534&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/9/2017](file:///p:\pprever\2017-18\534_20170309.docx)

[3/30/2017](file:///p:\pprever\2017-18\534_20170330.docx)

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COMMITTEE REPORT

March 30, 2017

**S. 534**

Introduced by Senator Hembree

S. Printed 3/30/17--S. [SEC 4/4/17 1:38 PM]

Read the first time March 9, 2017.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 534) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑18‑1940 so as to provide the Education Oversight Committee shall design and pilot certain, etc., respectfully

**REPORT:**

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

/SECTION 1. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑1940. Working with the Education Oversight Committee, the State Department of Education shall design and pilot district accountability models that focus on competency‑based education for a district or school or on regional or county economic initiatives to improve the postsecondary success of students. A district may apply to the department and the committee to participate in the pilot.”

SECTION 2. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑1950. (A) The General Assembly recognizes the importance of having a state longitudinal data system to inform policy and fiscal decisions related to early childhood education, public education, postsecondary preparedness and success, and workforce development.

(B)(1) The Revenue and Fiscal Affairs Office, working with the Office of First Steps to School Readiness, the South Carolina Department of Education, the South Carolina Commission on Higher Education, the Department of Social Services, the South Carolina Technical College System, the Department of Commerce, the Department of Employment and Workforce, and other state agencies or institutions of higher education, shall develop, implement, and maintain a universal identification system that includes, at a minimum, the following information for measuring the continuous improvement of the state public education system and the college and career readiness and success of its graduates:

(a) students graduating from public high schools in the State who enter postsecondary education without the need for remediation;

(b) working‑aged adults in South Carolina by county who possess a postsecondary degree or industry credential;

(c) high school graduates who are gainfully employed in the State within five and ten years of graduating from high school; and

(d) outcome data regarding student achievement and student growth that will assist colleges of education in achieving accreditation and in improving the quality of teachers in classrooms.

(2) All information disseminated will conform to state and federal privacy laws.”

SECTION 3. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑1960. In measuring annual school growth, with approval of the State Board of Education and the Education Oversight Committee, the state shall use a growth measurement system that calculates student progress or growth. A local school district may, in its discretion, use the growth measurement system to evaluate classroom teachers using student progress or growth. The estimates of specific teacher effects on the educational progress of students will not be a public record and will be made available only to the specific teacher, principal, and superintendent. Furthermore, the estimates of specific teacher effects may also be made to any teacher preparation programs approved by the State Board of Education. The estimates made available to the teacher preparation programs shall not be a public record and shall be used only in evaluation of the respective teacher preparation programs. Furthermore, educator effectiveness data shall be exempt from public disclosure pursuant to Section 30‑4‑30, and will not be subject to the South Carolina Freedom of Information Act. An institution or postsecondary system receiving the estimates shall develop a policy to protect the confidentiality of the data.”

SECTION 4. Section 59‑18‑100 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑100. The General Assembly finds that South Carolinians have a commitment to public education and a conviction that high expectations for all students are vital components for improving academic achievement. It is the purpose of the General Assembly in this chapter to establish a performance based accountability system for public education which focuses on improving teaching and learning so that students are equipped with a strong academic foundation. Moreover, to meet the Profile of the South Carolina Graduate, all students graduating from public high schools in this State should have the knowledge, skills, and opportunity to be college ready, career ready, and life ready for success in the global, digital, and knowledge‑based world of the twenty‑first century as provided in Section 59‑1‑50. All graduates should have the opportunity to qualify for and be prepared to succeed in entry‑level, credit‑bearing college courses, without the need for remedial coursework, postsecondary job training, or significant on‑the‑job training. Accountability, as defined by this chapter, means acceptance of the responsibility for improving student performance and taking actions to improve classroom practice and school performance by the Governor, the General Assembly, the State Department of Education, colleges and universities, local school boards, administrators, teachers, parents, students, and the community.”

SECTION 5. Section 59‑18‑120 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑120. As used in this chapter:

(1) ‘Oversight Committee’ means the Education Oversight Committee established in Section 59‑6‑10.

(2) ‘Standards based assessment’ means an assessment where an individual’s performance is compared to specific performance standards and not to the performance of other students.

(3) ‘Disaggregated data’ means data broken out for specific groups within the total student population, such as by race, gender, level of poverty, limited English proficiency status, disability status, gifted and talented, or other groups as required by federal statutes or regulations.

(4) ‘Longitudinally matched student data’ means examining the performance of a single student or a group of students by considering their test scores over time.

(5) ‘Academic achievement standards’ means statements of expectations for student learning.

(6) ‘Department’ means the State Department of Education.

(7) ~~‘Absolute performance’~~ ‘Performance rating’ means the ~~rating~~ classification a school will receive based on the percentage of students meeting standard on the state’s standards based assessment, student growth or student progress from one school year to the next, graduation rates, and other indicators as determined by federal guidelines and the Education Oversight Committee, as applicable.

(8) ~~‘Growth’ means the rating a school will receive based on longitudinally matched student data comparing current performance to the previous year’s for the purpose of determining student academic growth.~~

~~(9)~~ ‘Objective and reliable statewide assessment’ means assessments that yield consistent results and that measure the cognitive knowledge and skills specified in the state‑approved academic standards and do not include questions relative to personal opinions, feelings, or attitudes and are not biased with regard to race, gender, or socioeconomic status. The assessments must include a writing assessment and ~~multiple‑choice~~ questions designed to reflect a range of cognitive abilities beyond the knowledge level. Constructed response questions may be included as a component of the writing assessment.

(~~10~~9) ‘Division of Accountability’ means the special unit within the oversight committee established in Section 59‑6‑100.

(~~11~~10) ‘Formative assessment’ means assessments used within the school year to analyze general strengths and weaknesses in learning and instruction, to understand the performance of students individually and across achievement categories, to adapt instruction to meet students’ needs, and to consider placement and planning for the next grade level. Data and performance from the formative assessments must not be used in the calculation of elementary, middle, or high school ~~or district~~ ratings, but may be used in determining primary school ratings.”

SECTION 6. Section 59‑18‑310 of the 1976 Code, as last amended by Act 207 of 2016, is further amended to read:

“Section 59‑18‑310. (A) Notwithstanding any other provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and:

(1) identify areas in which students, schools, or school districts need additional support;

(2) indicate the academic achievement for schools, districts, and the State;

(3) satisfy federal reporting requirements; and

(4) provide professional development to educators.

Assessments required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable, and administered in English and in Braille for students as identified in their Individual Education Plan.

(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~~, and end‑of‑course tests for ~~gateway~~ courses ~~awarded~~ selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability, which award 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. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma.

(2) A person who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements pursuant to this section and State Regulation may petition the local school board to determine the student’s eligibility to receive a high school diploma pursuant to this chapter. The local school board will transmit diploma requests to the South Carolina Department of Education in accordance with department procedures. Petitions under this section must be submitted to the local school district. Students receiving diplomas in accordance with this section shall not be counted as graduates in the graduation rate calculations for affected schools and districts, either retroactively or in current or future calculations. On or before January 31, 2019, the South Carolina Department of Education shall report to the State Board of Education and the General Assembly the number of diplomas granted, by school district, under the provision. The State Board of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations. The department shall advertise the provisions of this item in at least one daily newspaper of general circulation in the area of each school district within forty‑five days after this enactment. After enactment, the department may continue to advertise the provisions of this item, but it shall not be required to advertise after December 31, 2017. At a minimum, this notice must consist of two columns measuring at least ten inches in length and measuring at least four and one‑half inches combined width, and include:

(a) a headline printed in at least a twenty‑four point font that is boldfaced;

(b) an explanation of who qualifies for the petitioning option;

(c) an explanation of the petition process;

(d) a contact name and phone number; and

(e) the deadline for submitting a petition.

(C) ~~To facilitate the reporting of strand level information and the reporting of student scores prior to the beginning of the next school year, beginning with the 2009 administration, multiple choice items must be administered as close to the end of the school year as possible and the writing assessment must be administered earlier in the school year.~~

~~(D)~~ While assessment is called for in the specific areas mentioned above, this should not be construed as lessening the importance of foreign languages, visual and performing arts, health, physical education, and career or occupational programs.

(~~E~~D) The State Board of Education shall create a statewide adoption list of formative assessments for grades ~~one~~ kindergarten through nine aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information in a timely manner to all school districts for each student during the course of the school year. For use beginning with the 2009‑2010 School Year, and subject to appropriations by the General Assembly for the assessments, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.

(~~F~~E) The State Department of Education shall provide on‑going professional development in the development and use of classroom assessments, the use of formative assessments, and the use of the end‑of‑year state assessments so that teaching and learning activities are focused on student needs and lead to higher levels of student performance.”

SECTION 7. Section 59‑18‑320(B) of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“(B) After review and approval by the Education Oversight Committee, and pursuant to Section 59‑18‑325, the standards based assessment of mathematics, English/language arts, social studies, and science will be administered for accountability purposes to all public school students in grades three through eight, to include those students as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act. To reduce the number of days of testing, to the extent possible, field test items must be embedded with the annual assessments. ~~In accordance with the requirements of the federal No Child Left Behind Act, science assessments must be administered annually to all students in one elementary and one middle school grade. The State Department of Education shall develop a sampling plan to administer science and social studies assessments to all other elementary and middle school students. The plan shall provide for all students and both content areas to be assessed annually; however, individual students, except in census testing grades, are not required to take both tests. In the sampling plan, approximately half of the assessments must be administered in science and the other half in social studies in each class.~~ To ensure that school districts maintain the high standard of accountability established in the Education Accountability Act, performance level results reported on school and district report cards must meet consistently high levels in all four core content areas. ~~The core areas must remain consistent with the following percentage weightings established and approved by the Education Oversight Committee: in grades three through five, thirty percent each for English/language arts and math, and twenty percent each for science and social studies; and in grades six through eight, twenty‑five percent each for English/language arts and math, and twenty‑five percent each for science and social studies.~~ For students with documented disabilities, the assessments developed by the Department of Education shall include the appropriate modifications and accommodations with necessary supplemental devices as outlined in a student’s Individualized Education Program and as stated in the Administrative Guidelines and Procedures for Testing Students with Documented Disabilities.”

SECTION 8. Section 59‑18‑325 of the 1976 Code, as last amended by Act 281 of 2016, is further amended to read:

“Section 59‑18‑325. (A) All students entering the eleventh grade for the first time in School Year 2014‑2015 and subsequent years must be administered a college and career readiness assessment as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act and that is from a provider secured by the department. In addition, all students entering the eleventh grade for the first time in School Year 2014‑2015 and subsequent years must be administered a WorkKeys assessment. The results of the assessments must be provided to each student, their respective schools, and to the State to:

(1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student’s future ambitions;

(2) promote South Carolina’s Work Ready Communities initiative; and

(3) meet federal and state accountability requirements.

(B) Students subsequently may use the results of these assessments to apply to college or to enter careers. The results must be added as part of each student’s permanent record and maintained at the department for at least ten years. The purpose of the results is to provide instructional information to assist students, parents, and teachers to plan for each student’s course selection. This course selection might include remediation courses, dual‑enrollment courses, dual‑credit courses, advanced placement courses, internships, or other options during the remaining semesters in high school.

(C) To maintain a comprehensive and cohesive assessment system that signals a student’s preparedness for the next educational level and ultimately culminates in a clear indication of a student’s preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the State Department of Education shall procure and maintain a summative assessment system.

(1) The summative assessment must be administered to all students in grades three through eight. The summative assessment must assess students in English/language arts and mathematics, including those students as required by the federal Individuals with Disabilities Education Act and by Title I of the Elementary and Secondary Education Act. For purposes of this subsection, ‘English/language arts’ includes English, reading, and writing skills as required by existing state standards. The assessment must be a rigorous, achievement assessment that measures student mastery of the state standards, that provides timely reporting of results to educators, parents, and students, and that measures each student’s progress toward college and career readiness. Therefore, the assessment or assessments must meet all of the following minimum requirements:

(a) compares performance of students in South Carolina to other students’ performance on comparable standards in other states with the ability to link the scales of the South Carolina assessment to the scales from other assessments measuring those comparable standards;

(b) be a vertically scaled, benchmarked, standards‑based system of summative assessments;

(c) measures a student’s preparedness for the next level of their educational matriculation and individual student performance against the state standards in English/language arts, reading, writing, mathematics, and student growth;

(d) documents student progress toward national college and career readiness benchmarks derived from empirical research and state standards;

(e) establishes at least four student achievement levels;

(f) includes various test questions including, but not limited to, multiple choice, constructed response, and selected response, that require students to demonstrate their understanding of the content;

(g) be administered to all students in a computer‑based format except for students with disabilities as specified in the student’s IEP or 504 plan, and unless the use of a computer by these students is prohibited due to the vendor’s restrictions on computer‑based test security, in which case the paper version must be made available; and

(h) assists school districts and schools in aligning assessment, curriculum, and instruction.

(2)(a) Beginning in the 2017‑2018 School Year, each school district shall administer the statewide summative assessment, with the exception of alternate assessments, for grades three through eight during the last twenty days of school as determined by the district’s regular instructional calendar, not including make‑up days. If an extension to the twenty‑day time period is needed, the school district or charter school may submit a request for an extension to the State Board of Education before December first of the school year for which the waiver is requested. The request must clearly document the scope and rationale for the extension. The request also must be accompanied by an action plan showing how the district or charter school will be able to comply with the twenty‑day time frame for the following school year.

(b) Statewide summative testing for each student may not exceed eight days each school year, with the exception of students with disabilities as specified in their IEPs or 504 plans.

(c) The State Board of Education shall promulgate regulations outlining the procedures to be used during the testing process to ensure test security, including procedures for make‑up days, and to comply with federal and state assessment requirements where necessary.

(d) In the event of school closure due to extreme weather or other disruptions that are not the responsibility of the district, or significant school or district technology disruptions that impede computer‑based assessment administration, the school district or charter school may submit a request to the department to provide a paper‑based administration to complete testing within the last twenty days of school. The request must clearly document the scope and cause of the disruption.

(3) ~~The department must procure and administer assessments in English/language arts and mathematics in grades three through eight, and administer assessments in science and social studies to all students in grades four through eight~~ Beginning with the 2017‑2018 School Year, the department shall procure and administer the standards‑based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards‑based assessment in science to students in grades four, six and eight, and the standards based assessment in social studies to students in grades five and seven.

(4)(a) For the 2016‑2017, 2017‑2018, and 2018‑2019 School Years, the department is responsible for ensuring the procurement and administration of the ACT Plus Writing assessment. Following the 2018‑2019 School Year, the department shall procure and administer a standardized national test that meets the requirements of subsection (A) that documents student progress toward national college and career readiness benchmarks derived from empirical research, and is widely accepted by higher education institutions for admissions purposes. The department also is responsible for continuing to procure and administer the WorkKeys assessments.

(b) For the 2016‑2017, 2017‑2018, and 2018‑2019 School Years, all public high schools and, where necessary, career centers, annually shall administer the WorkKeys assessment and the ACT Plus Writing college readiness assessment procured by the department to all eleventh grade students. Following the 2018‑2019 School Year, all public high schools and, where necessary, career centers, annually shall administer the college readiness and WorkKeys assessments procured by the department to all eleventh grade students. For the purposes of this section, ‘eleventh grade students’ means students in the third year of high school after their initial enrollment in the ninth grade.

(c) Valid accommodations must be provided according to the students’ IEP or 504 plan. If a student also chooses to use the results of the college readiness assessment for ~~post secondary~~ post‑secondary admission or placement, the student, his parent, or his guardian must indicate that choice in compliance with the testing vendor’s deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college reportable score.

(5) If funds are available, the State shall provide a second assessment on the two‑year college or four‑year college ~~readiness~~ entrance assessment or the WorkKeys assessment to twelfth grade students who did not meet benchmarks on the eleventh grade assessment for college and career readiness at no cost to the students.

(6) Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59‑18‑310.

(7) Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end‑of‑course assessments in a format agreed upon by the department and the Oversight Committee. ~~The Education Oversight Committee must use the results of these assessments in School Years 2014‑2015, 2015‑2016, and 2016‑2017 to report on student academic performance in each school and district pursuant to Section 59‑18‑900. The committee may not determine state ratings for schools or districts, pursuant to Section 59‑18‑900, using the results of the assessments required by this subsection until after the conclusion of the 2016‑2017 School Year; provided, however, state ratings must be determined by~~ The results of these assessments must be included in state ratings for each school beginning in the 2017‑2018 School Year. The Oversight Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of 2017. While developing the single accountability system that will be implemented in the 2017‑2018 School Year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the Fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district, and statewide student assessment results in reading and mathematics in grades three through eight; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.

(8) When standards are subsequently revised, the Department of Education, the State Board of Education, and the Education Oversight Committee shall approve assessments pursuant to Section 59‑18‑320.”

SECTION 9. Section 59‑18‑340 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑340. High schools shall offer state‑funded PSAT ~~or PLAN~~, pre‑ACT, or tenth grade Aspire tests to each tenth grade student in order to assess and identify curricular areas that need to be strengthened and ~~reenforced~~ reinforced. Schools and districts shall use these assessments as diagnostic tools to provide academic assistance to students whose scores reflect the need for such assistance. Schools and districts shall use these assessments to provide guidance and direction for parents and students as they plan for postsecondary experiences.”

SECTION 10. Section 59‑18‑360 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑360. Beginning with the 2010 assessment administration, the Department of Education is directed to provide assessment results annually on individual students and schools by August first, except when assessments are being updated and new achievement standards are being set, in a manner and format that is easily understood by parents and the public. In addition, the school assessment results must be presented in a format easily understood by the faculty and in a manner that is useful for curriculum review and instructional improvement. The department is to provide longitudinally matched student data from the standards based assessments and include information on the performance of subgroups of students within the school. The department must work with the Division of Accountability in developing the formats of the assessment results. Schools and districts are responsible for disseminating this information to parents.”

SECTION 11. Section 59‑18‑900 of the 1976 Code, as last amended by Act 289 of 2014, is further amended to read:

“Section 59‑18‑900. (A) The Education Oversight Committee, working with the State Board of Education, is directed to establish the format of a comprehensive, web‑based, annual report card~~, its format, and an executive summary of the report card~~ to report on the performance for the State and for ~~the~~ individual primary, elementary, middle, high schools, career centers, and school districts of the State. The comprehensive report card must be in a reader‑friendly format, using graphics whenever possible, published on the state, district, and school website, and, upon request, printed by the school districts. The school’s ~~ratings on academic performance~~ rating must be emphasized and an explanation of ~~their~~ its meaning and significance for the school ~~and the district~~ also must be reported. The annual report card must serve at least ~~five~~ six purposes:

(1) inform parents and the public about the school’s performance;

(2) assist in addressing the strengths and weaknesses within a particular school;

(3) recognize schools with high performance;

(4) evaluate and focus resources on schools with low performance; ~~and~~

(5) meet federal report card requirements; and

(6) document the preparedness of high school graduates for college and career.

(B)(1) The Education Oversight Committee, working with the State Board of Education and a broad‑based group of stakeholders, including, but not limited to, parents, business and industry persons, community leaders, and educators, shall determine the criteria for and establish ~~five academic~~ performance ratings of excellent, good, average, below average, and ~~school/district at‑risk~~ at‑risk for schools as provided below:

(a) Excellent – School performance substantially exceeds the criteria to ensure all students meet the Profile of the South Carolina Graduate;

(b) Good – School performance exceeds the criteria to ensure all students meet the Profile of the South Carolina Graduate;

(c) Average – School performance meets the criteria to ensure all students meet the Profile of the South Carolina Graduate;

(d) Below Average – School performance is in jeopardy of not meeting the criteria to ensure all students meet the Profile of the South Carolina Graduate; and

(e) At‑Risk – School performance fails to meet the criteria to ensure all students meet the Profile of the South Carolina Graduate.

~~Schools and districts shall receive a rating for absolute and growth performance.~~

(2) The same categories of performance ratings also must be assigned to individual indicators used to measure a school’s performance including, but not limited to, academic achievement, student growth or progress, graduation rate, English language proficiency, and college and career readiness.

(3) Only the scores of students enrolled continuously in the school ~~at~~ from the time of the forty‑five‑day enrollment count ~~shall be used to determine the absolute and growth ratings~~ to the first day of testing must be included in calculating the rating. Graduation rates must be used as an additional accountability measure for high schools and school districts.

(4) The Oversight Committee, working with the State Board of Education, shall establish ~~three~~ student performance indicators which will be those considered to be useful for ~~assessing~~ inclusion as a component of a school’s overall performance and appropriate for the grade levels within the school.

~~The student performance levels are: Not Met, Met, and Exemplary. ‘Not Met’ means that the student did not meet the grade level standard. ‘Met’ means the student met the grade level standard. ‘Exemplary’ means the student demonstrated exemplary performance in meeting the grade level standard. For purposes of reporting as required by federal statute, ‘proficiency’ shall include students performing at Met or Exemplary.~~

(C) In setting the criteria for the academic performance ratings and the performance indicators, the Education Oversight Committee shall report the performance by subgroups of students in the school and schools similar in student characteristics. Criteria must use established guidelines for statistical analysis and build on current data‑reporting practices.

(D) The comprehensive report card must include a comprehensive set of performance indicators with information on comparisons, trends, needs, and performance over time which is helpful to parents and the public in evaluating the school. In addition, the comprehensive report card must include indicators that meet federal law requirements. Special efforts are to be made to ensure that the information contained in the report card is provided in an easily understood manner and a reader‑friendly format. This information should also provide a context for the performance of the school. Where appropriate, the data should yield disaggregated results to schools and districts in planning for improvement. The report card should include information in such areas as programs and curriculum, school leadership, community and parent support, faculty qualifications, evaluations of the school by parents, teachers, and students. In addition, the report card must contain other criteria including, but not limited to, information on promotion and retention ratios, disciplinary climate, dropout ratios, dropout reduction data, dropout retention data, access to technology, student and teacher ratios, and attendance data.

(E) After reviewing the school’s performance on statewide assessments and results of other report card criteria, the principal, in conjunction with the School Improvement Council established in Section 59‑20‑60, must write an annual narrative of a school’s progress in order to further inform parents and the community about the school and its ~~operation~~ efforts to ensure that all students graduate with the knowledge, skills, and opportunity to be college ready, career ready, and life ready for success in the global, digital, and knowledge‑based world of the twenty‑first century as provided in Section 59‑1‑50. The narrative must be reviewed by the district superintendent or appropriate body for a local charter school. The narrative must cite factors or activities supporting progress and barriers which inhibit progress. The school’s report card must be furnished to parents and the public no later than November fifteenth.

(F) The percentage of new trustees who have completed the orientation requirement provided in Section 59‑19‑45 must be reflected on the school district website.

(G) The State Board of Education shall promulgate regulations outlining the procedures for data collection, data accuracy, data reporting, and consequences for failure to provide data required in this section.

(H) The Education Oversight Committee, working with the State Board of Education, is directed to establish a comprehensive annual report concerning the performance of military‑connected children who attend primary, elementary, middle, and high schools in this State. The comprehensive annual report must be in a reader‑friendly format, using graphics whenever possible, published on the state, district, and school websites, and, upon request, printed by the school districts. The annual comprehensive report must address at least attendance, academic performance in reading, math, and science, and graduation rates of military‑connected children.”

SECTION 12. Section 59‑18‑910 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑910. Beginning in ~~2013~~ 2020, the Education Oversight Committee, working with the State Board of Education and a broad‑based group of stakeholders, selected by the Education Oversight Committee, shall conduct a comprehensive cyclical review of the accountability system at least every five years and shall provide the General Assembly with a report on the findings and recommended actions to improve the accountability system and to accelerate improvements in student and school performance. The stakeholders must include the State Superintendent of Education and the Governor, or the Governor’s designee. The other stakeholders include, but are not limited to, parents, business and industry persons, community leaders, and educators. The cyclical review must include recommendations of a process for determining if students are graduating with the world‑class skills and life and career characteristics of the Profile of the South Carolina Graduate to be successful in postsecondary education and in careers. The accountability system needs to reflect evidence that students have developed these skills and characteristics.”

SECTION 13. Section 59‑18‑920 of the 1976 Code, as last amended by Act 164 of 2012, is further amended to read:

“Section 59‑18‑920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card and a rating. ~~The Department of Education shall utilize this data to issue a report card with performance ratings to parents and the public containing the ratings and explaining its significance and providing other information similar to that required of other schools in this section.~~ The performance of students attending charter schools sponsored by the South Carolina Public Charter School District 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 ~~and must not be included in the overall performance ratings of the local school district, unless there is a mutual agreement to include the scores in the local school district ratings~~. 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.”

SECTION 14. Section 59‑18‑930(A) of the 1976 Code, as last amended by Act 34 of 2009, is further amended to read:

“(A) The State Department of Education ~~must issue the executive summary of~~ annually shall publish on its website home page the report card ~~annually~~ to all schools and districts of the State no later than November first. The ~~executive summary shall be printed in black and white, be no more than two pages, use graphical displays whenever possible, and~~ home page report card must be capable of being downloaded into a portable document format (PDF) and must contain National Assessment of Educational Progress (NAEP) scores ~~as well as~~ or other national scores or comparisons, if available. The report card summary must be made available to all parents of the school and the school district.”

SECTION 15. Section 59‑18‑950 of the 1976 Code is repealed.

SECTION 16. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill amends the South Carolina Education Accountability Act. The following is a section-by-section analysis of the statutes modified by the bill that may affect state expenditures.

**Section 1.** The Education Oversight Committee, with the Department of Education, is required to design and pilot district accountability models focusing on competency-based education and regional economic initiatives to improve postsecondary student success. Committee staff indicate that the duties and responsibilities specified by the bill are consistent with current duties and responsibilities. As a result, this bill would not have an expenditure impact on the general fund, other funds, or federal funds.

**Section 2**. The Revenue and Fiscal Affairs Office, working with a number of state agencies and institutions of higher education, shall establish and maintain a data system for measuring the continuous improvement of the public education system.

**Revenue and Fiscal Affairs.** The bill requires the Revenue and Fiscal Affairs Office (RFA) to provide a longitudinal data system. Of the data elements required, RFA currently maintains data regarding employment for South Carolina high school graduates and standardized test scores and participation in talented and gifted programs. Additional data necessary to meet the requirements of the bill include data on students who enter postsecondary education without the need for remediation and working-aged adults who possess a postsecondary degree or industry credential. Assistance from the Commission on Higher Education and the State Technical College Board should provide this information. Providing outcome data regarding student achievement and student growth will require further delineation as the measures to be evaluated are determined.

In order to develop and deploy the required data system, RFA will require two additional FTEs. One position is for a statistician to develop the data system, data linkages, and statistical analysis of outcome measures. Total recurring costs for salary and fringe benefits are estimated at $77,000. The language is unclear as to the delivery mechanism for the data system. As such, RFA anticipates developing a secured, web-accessible portal to allow stakeholder access to the longitudinal data system. The development of this system will require an applications analyst at a total expenditure of $91,000 for salary and fringe benefits. Additional operating costs for equipment, software, office supplies, and rent are estimated at $29,700, for a total cost of $197,700 in FY 2017-18.

**Department of Education.** The bill requires the department to provide the Revenue and Fiscal Affairs Office with information needed to maintain a data system designed to measure the continuous improvement of the state public education system and the success of its graduates. The department indicates any additional expenditures from these activities will be managed within existing resources and not impact general fund, federal funds, or other funds expenditures.

**The Commission on Higher Education and the Public Institutions of Higher Education.** The bill requires the Commission on Higher Education (CHE) and the public institutions of higher education to provide the Revenue and Fiscal Affairs Office with information needed to maintain a data system designed to measure the continuous improvement of the state public education system and the success of its graduates. Clemson University, the University of South Carolina system, the Medical University of South Carolina, the Citadel, the College of Charleston, Francis Marion University, and Lander University indicate this bill will not increase expenditures on the general fund, federal funds, or other funds. Coastal Carolina University, Winthrop University, and the South Carolina Technical System indicate any expenditures from this bill will be managed within existing resources and not impact expenditures of the general fund, federal funds, or other funds. While South Carolina State University and the Commission on Higher Education have not responded to our information request dated March 12, 2017, RFA expects that any additional expenditures by these agencies will be managed within existing resources and not impact expenditures of the general fund, federal funds, or other funds.

**Department of Commerce.** The department indicates establishing and maintaining a data system that provides information for measuring the continuous improvement of the state public education system, the college and career readiness and success of its graduates is not expected to require additional workload, staffing, or costs. Therefore, the bill would have no expenditure impact on the general fund, other funds, or federal funds.

**Department of Employment and Workforce.** The department can provide the information required in this bill using data from the department’s business intelligence data and statistics section. Therefore, the bill would have no expenditure impact on the general fund, other funds, or federal funds.

**Office of First Steps to School Readiness.** This bill requires the agency to provide the Revenue and Fiscal Affairs Office with information needed to maintain a data system designed to measure the continuous improvement of the state public education system and the success of its graduates. Any expenditure impact on the Office of First Steps to School Readiness is pending, contingent on a response to our information request to the agency dated March 13, 2017.

**Department of Social Services.** This bill requires the agency to provide the Revenue and Fiscal Affairs Office with information needed to maintain a data system designed to measure the continuous improvement of the state public education system and the success of its graduates. While the department has not responded to our information request dated March 12, 2017, RFA expects that any additional expenditures by the Department of Social Services will be managed within existing resources and not impact expenditures of the general fund, federal funds, or other funds.

**Section 3.** In measuring annual school growth, the bill requires the use of a value-added system that calculates student progress or growth. Student progress or growth from the value-added system may be used also to evaluate classroom teachers, subject to confidentiality restrictions. The Department of Education indicates that the value-added system to calculate student progress or growth will increase expenditures by $1,400,000 in FY 2017-18 for payments to a contracted assessment system vender annually.

The teacher evaluation component of the value-added system will increase expenditures by $1,600,000 in FY 2017-18 for annual payments to an assessment system vender annually. This component received non-recurring funds for this fiscal year and would require appropriations for annual licensing fees to the vendor to maintain the system in future years.

**Section 6.** Formative assessments for grades one through nine are required in Section 59-18-310(E). Formative assessment funding for grades one, two, and nine has been suspended in recent years through proviso, most recently as proviso 1.28 for FY 2016-17. The Department of Education indicates that formative assessments for the additional grades will increase EIA other fund expenditures by $1,500,000 in FY 2017-18. These funds are allocated to the school districts.

**Section 8**. Assessments for science and social studies are required currently for grades four through eight. The bill changes the requirements for the Department of Education to procure and administer the standards-based assessments in science to grades four, six, and eight. Similarly, requirements to procure and administer the standards-based assessments in social studies are changed to grades five and seven. This will reduce general fund expenditures by $1,500,000 in FY 2017-18. Current expenditures for these assessments total approximately $6,000,000 annually.

**Section 9.** Beginning in FY 2020-21, the State shall participate in the Program for International Student Assessment or its successor. State results relative to national and international performance levels must be reported on the state report card produced annually. The Department of Education indicates that this section would increase general fund expenditures by $691,392 for the sixty schools and up to fifty-three fifteen-year-old students selected to participate. These expenditures are paid every three years.

**Section 11.** The Education Oversight Committee, with the Board of Education, is directed to establish a comprehensive web-based annual report card for the State and individual schools, career centers, and school districts. The Department of Education received $1,696,000 in non-recurring appropriations in FY 2016-17 for this purpose, which will fund this requirement. Therefore, the web-based annual report card would have no additional expenditure impact.

This section includes a requirement that the comprehensive annual report card include indicators that meet federal law requirements. The recently reauthorized Every Student Succeeds Act directs states to build success criteria on factors such as student engagement. The Education Oversight Committee and the Department of Education recommend a student engagement survey for the accountability report card. This recommendation would increase general fund expenditures by $750,000 in FY 2017-18. This survey would also represent an indicator used to classify school performance as defined in Section 59-18-120(7).

**Local Revenue**

Formative assessments for grades one through nine are required in Section 59-18-310(E). Formative assessment funding for grades one, two, and nine has been suspended in recent years through proviso, most recently as proviso 1.28 for FY 2016-17. The Department of Education indicates that formative assessments for the additional grades will increase EIA other fund expenditures by $1,500,000 in FY 2017-18. These funds are allocated to the school districts.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑18‑1940 SO AS TO PROVIDE THE EDUCATION OVERSIGHT COMMITTEE SHALL DESIGN AND PILOT CERTAIN DISTRICT ACCOUNTABILITY MODELS THAT FOCUS ON COMPETENCY‑BASED EDUCATION; BY ADDING SECTION 59‑18‑1950 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A STATE LONGITUDINAL DATA SYSTEM FOR MEASURING THE CONTINUOUS IMPROVEMENT OF PUBLIC EDUCATION AND THE COLLEGE READINESS AND CAREER READINESS OF PUBLIC SCHOOL GRADUATES, AND TO PROVIDE RELATED FINDINGS; BY ADDING SECTION 59‑18‑1960 SO AS TO PROVIDE THE MEASURING OF STUDENT PROGRESS OR GROWTH USING A VALUE‑ADDED SYSTEM; TO AMEND SECTION 59‑18‑100, AS AMENDED, RELATING TO THE PURPOSE OF THE ACCOUNTABILITY SYSTEM IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO PROVIDE ADDITIONAL PURPOSES CONCERNING THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59‑18‑120, AS AMENDED, RELATING TO DEFINITIONS IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE AND ADD DEFINED TERMS; TO AMEND SECTION 59‑18‑310, AS AMENDED, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM FOR MEASURING STUDENT PERFORMANCE, SO AS TO DELETE OBSOLETE LANGUAGE AND TO DELETE PROVISIONS CONCERNING THE TIMING FOR ADMINISTERING CERTAIN ASSESSMENTS; TO AMEND SECTION 59‑18‑320, AS AMENDED, RELATING TO THE ADMINISTRATION OF CERTAIN STATEWIDE STANDARDS‑BASED ASSESSMENTS, SO AS TO DELETE OBSOLETE PROVISIONS CONCERNING THE NO CHILD LEFT BEHIND ACT, AND TO DELETE PROVISIONS CONCERNING PERFORMANCE LEVEL RESULTS IN VARIOUS CORE SUBJECT AREAS; TO AMEND SECTION 59‑18‑325, AS AMENDED, RELATING TO COLLEGE AND CAREER READINESS SUMMATIVE ASSESSMENTS, SO AS TO REVISE PROCUREMENT AND ADMINISTRATION PROVISIONS AND THE TIME AFTER WHICH RESULTS OF SUCH ASSESSMENTS MAY BE INCLUDED IN SCHOOL RATINGS; TO AMEND SECTION 59‑18‑330, AS AMENDED, RELATING TO THE COORDINATION AND ADMINISTRATION OF THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS, SO AS TO PROVIDE THE STATE SHALL PARTICIPATE AS AN INDIVIDUAL EDUCATION SYSTEM IN THE PROGRAM FOR INTERNATIONAL STUDENT ASSESSMENT AND TO PROVIDE ASSOCIATED RESPONSIBILITIES OF THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 59‑18‑340, AS AMENDED, RELATING TO THE MANDATORY PROVISION OF STATE‑FUNDED ASSESSMENTS SO AS TO DELETE ONE SUCH ASSESSMENT AND INCLUDE TWO ADDITIONAL ASSESSMENTS; TO AMEND SECTION 59‑18‑900, AS AMENDED, RELATING TO THE COMPREHENSIVE ANNUAL REPORT CARD FOR SCHOOLS, SO AS TO PROVIDE IT IS WEB‑BASED, TO REVISE THE PURPOSES OF THE REPORT CARD, TO REVISE AND DEFINE CATEGORIES OF ACADEMIC PERFORMANCE RATINGS, TO PROVIDE THE SAME CATEGORIES ALSO MUST BE ASSIGNED TO INDIVIDUAL INDICATORS USED TO MEASURE SCHOOL PERFORMANCE, TO MAKE THE USE OF STUDENT SCORES IN CALCULATING SCHOOL RATINGS BE OPTIONAL INSTEAD OF MANDATORY, TO DELETE STUDENT PERFORMANCE LEVELS, TO PROVIDE THE REPORT CARD MUST INCLUDE INDICATORS THAT MEET FEDERAL LAW REQUIREMENTS, TO INCLUDE DROPOUT RETENTION DATA AND ACCESS TO TECHNOLOGY AMONG THE TYPES OF INFORMATION THAT SHOULD BE INCLUDED IN REPORT CARDS, AND TO REVISE REQUIREMENTS FOR RELATED SCHOOL IMPROVEMENT COUNCIL REPORTS; TO AMEND SECTION 59‑18‑910, AS AMENDED, RELATING TO COMPREHENSIVE CYCLICAL REVIEWS OF THE ACCOUNTABILITY SYSTEM, SO AS TO REQUIRE THE INCLUSION OF CERTAIN RECOMMENDATIONS DETERMINING THE READINESS OF GRADUATING STUDENTS IN CERTAIN CATEGORIES RELATED TO THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59‑18‑920, AS AMENDED, RELATING TO CHARTER SCHOOLS, SO AS TO PROVIDE DATA REQUIRED OF A CHARTER SCHOOL MAY BE USED TO DEVELOP A RATING OF THE SCHOOL, TO DELETE EXISTING PROVISIONS CONCERNING THE CHARTER SCHOOL RATINGS, TO DELETE PROVISIONS PROHIBITING USE OF CHARTER SCHOOL STUDENT PERFORMANCE IN A DISTRICT’S OVERALL PERFORMANCE RATINGS; TO AMEND SECTION 59‑18‑930, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT ANNUALLY ISSUE AN EXECUTIVE SUMMARY OF THE REPORT CARD, SO AS TO PROVIDE THE DEPARTMENT INSTEAD MAY PUBLISH THE REPORT ON ITS WEBSITE IN A CERTAIN MANNER, AND TO PROVIDE CERTAIN NATIONAL ASSESSMENT SCORES MAY BE INCLUDED; AND TO REPEAL SECTION 59‑18‑950 RELATING TO CRITERIA FOR SCHOOL DISTRICT AND HIGH SCHOOL RATINGS.

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

SECTION 1. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑1940. Working with the State Board of Education, the Education Oversight Committee shall design and pilot district accountability models that focus on competency‑based education for a district or school or on regional or county economic initiatives to improve the postsecondary success of students. A district may apply to the committee and board to participate in the pilot.”

SECTION 2. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑1950. (A) The General Assembly recognizes the importance of having a state longitudinal data system to inform policy and fiscal decisions related to early childhood education, public education, postsecondary preparedness and success, and workforce development.

(B)(1) The Revenue and Fiscal Affairs Office, working with the Office of First Steps to School Readiness, the South Carolina Department of Education, the South Carolina Commission on Higher Education, the Department of Social Services, the South Carolina Technical College System, the Department of Commerce, the Department of Employment and Workforce, and other state agencies or institutions of higher education, shall establish and maintain a data system that provides, at a minimum, the following information for measuring the continuous improvement of the state public education system and the college and career readiness and success of its graduates:

(a) students graduating from public high schools in the state who enter postsecondary education without the need for remediation;

(b) working‑aged adults in South Carolina by county who possess a postsecondary degree or industry credential;

(c) high school graduates who are gainfully employed in the state within five and ten years of graduating from high school; and

(d) outcome data regarding student achievement and student growth that will assist colleges of education in achieving accreditation and in improving the quality of teachers in classrooms.

(2) All information disseminated will conform to state and federal privacy laws.”

SECTION 3. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑1960. In measuring annual school growth, the state shall use a value‑added system that calculates student progress or growth. A local school district may, in its discretion, use the value‑added system to evaluate classroom teachers using student progress or growth. The estimates of specific teacher effects on the educational progress of students will not be a public record and will be made available only to the specific teacher, principal and superintendent. Furthermore, the estimates of specific teacher effects may also be made to any teacher preparation programs approved by the State Board of Education. The estimates made available to the teacher preparation programs shall not be a public record and shall be used only in evaluation of the respective teacher preparation programs. An institution or postsecondary system receiving the estimates shall develop a policy to protect the confidentiality of the data.”

SECTION 4. Section 59‑18‑100 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑100. The General Assembly finds that South Carolinians have a commitment to public education and a conviction that high expectations for all students are vital components for improving academic achievement. It is the purpose of the General Assembly in this chapter to establish a performance based accountability system for public education which focuses on improving teaching and learning so that students are equipped with a strong academic foundation. Moreover, to meet the Profile of the South Carolina Graduate, all students graduating from public high schools in this State should have the knowledge, skills, and opportunity to be college ready, career ready, and life ready for success in the global, digital, and knowledge‑based world of the twenty‑first century as provided in Section 59‑1‑50. All graduates should have the opportunity to qualify for and be prepared to succeed in entry‑level, credit‑bearing college courses, without the need for remedial coursework, postsecondary job training, or significant on‑the‑job training. Accountability, as defined by this chapter, means acceptance of the responsibility for improving student performance and taking actions to improve classroom practice and school performance by the Governor, the General Assembly, the State Department of Education, colleges and universities, local school boards, administrators, teachers, parents, students, and the community.”

SECTION 5. Section 59‑18‑120 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑120. As used in this chapter:

(1) ‘Oversight Committee’ means the Education Oversight Committee established in Section 59‑6‑10.

(2) ‘Standards based assessment’ means an assessment where an individual’s performance is compared to specific performance standards and not to the performance of other students.

(3) ‘Disaggregated data’ means data broken out for specific groups within the total student population, such as by race, gender, level of poverty, limited English proficiency status, disability status, gifted and talented, or other groups as required by federal statutes or regulations.

(4) ‘Longitudinally matched student data’ means examining the performance of a single student or a group of students by considering their test scores over time.

(5) ‘Academic achievement standards’ means statements of expectations for student learning.

(6) "Department" means the State Department of Education.

(7) ~~‘Absolute performance’~~ ‘Performance rating’ means the ~~rating~~ classification a school will receive based on the percentage of students meeting standard on the state’s standards based assessment, student growth or student progress from one school year to the next, graduation rates, and other indicators as determined by the Education Oversight Committee.

(8) ~~‘Growth’ means the rating a school will receive based on longitudinally matched student data comparing current performance to the previous year’s for the purpose of determining student academic growth~~ Reserved.

(9) ‘Objective and reliable statewide assessment’ means assessments that yield consistent results and that measure the cognitive knowledge and skills specified in the state‑approved academic standards and do not include questions relative to personal opinions, feelings, or attitudes and are not biased with regard to race, gender, or socioeconomic status. The assessments must include a writing assessment and ~~multiple‑choice~~ questions designed to reflect a range of cognitive abilities beyond the knowledge level. Constructed response questions may be included as a component of the writing assessment.

(10) ‘Division of Accountability’ means the special unit within the oversight committee established in Section 59‑6‑100.

(11) ‘Formative assessment’ means assessments used within the school year to analyze general strengths and weaknesses in learning and instruction, to understand the performance of students individually and across achievement categories, to adapt instruction to meet students’ needs, and to consider placement and planning for the next grade level. Data and performance from the formative assessments must not be used in the calculation of elementary, middle, or high school ~~or district~~ ratings, but may be used in determining primary school ratings.”

SECTION 6. Section 59‑18‑310 of the 1976 Code, as last amended by Act 207 of 2016, is further amended to read:

“Section 59‑18‑310. (A) Notwithstanding any other provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and:

(1) identify areas in which students, schools, or school districts need additional support;

(2) indicate the academic achievement for schools, districts, and the State;

(3) satisfy federal reporting requirements; and

(4) provide professional development to educators.

Assessments required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable.

(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, 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. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma.

(2) A person who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements pursuant to this section and State Regulation may petition the local school board to determine the student’s eligibility to receive a high school diploma pursuant to this chapter. The local school board will transmit diploma requests to the South Carolina Department of Education in accordance with department procedures. Petitions under this section must be submitted to the local school district. Students receiving diplomas in accordance with this section shall not be counted as graduates in the graduation rate calculations for affected schools and districts, either retroactively or in current or future calculations. On or before January 31, 2019, the South Carolina Department of Education shall report to the State Board of Education and the General Assembly the number of diplomas granted, by school district, under the provision. The State Board of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations. The department shall advertise the provisions of this item in at least one daily newspaper of general circulation in the area of each school district within forty‑five days after this enactment. After enactment, the department may continue to advertise the provisions of this item, but it shall not be required to advertise after December 31, 2017. At a minimum, this notice must consist of two columns measuring at least ten inches in length and measuring at least four and one‑half inches combined width, and include:

(a) a headline printed in at least a twenty‑four point font that is boldfaced;

(b) an explanation of who qualifies for the petitioning option;

(c) an explanation of the petition process;

(d) a contact name and phone number; and

(e) the deadline for submitting a petition.

(C) ~~To facilitate the reporting of strand level information and the reporting of student scores prior to the beginning of the next school year, beginning with the 2009 administration, multiple choice items must be administered as close to the end of the school year as possible and the writing assessment must be administered earlier in the school year.~~

~~(D)~~ While assessment is called for in the specific areas mentioned above, this should not be construed as lessening the importance of foreign languages, visual and performing arts, health, physical education, and career or occupational programs.

(~~E~~D) The State Board of Education shall create a statewide adoption list of formative assessments for grades one through nine aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information in a timely manner to all school districts for each student during the course of the school year. For use beginning with the 2009‑2010 school year, and subject to appropriations by the General Assembly for the assessments, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.

(~~F~~E) The State Department of Education shall provide on‑going professional development in the development and use of classroom assessments, the use of formative assessments, and the use of the end‑of‑year state assessments so that teaching and learning activities are focused on student needs and lead to higher levels of student performance.”

SECTION 7. Section 59‑18‑320(B) of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“(B) After review and approval by the Education Oversight Committee, and pursuant to Section 59‑18‑325, the standards based assessment of mathematics, English/language arts, social studies, and science will be administered to all public school students in grades three through eight, to include those students as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act. To reduce the number of days of testing, to the extent possible, field test items must be embedded with the annual assessments. ~~In accordance with the requirements of the federal No Child Left Behind Act, science assessments must be administered annually to all students in one elementary and one middle school grade. The State Department of Education shall develop a sampling plan to administer science and social studies assessments to all other elementary and middle school students. The plan shall provide for all students and both content areas to be assessed annually; however, individual students, except in census testing grades, are not required to take both tests. In the sampling plan, approximately half of the assessments must be administered in science and the other half in social studies in each class.~~ To ensure that school districts maintain the high standard of accountability established in the Education Accountability Act, performance level results reported on school and district report cards must meet consistently high levels in all four core content areas. ~~The core areas must remain consistent with the following percentage weightings established and approved by the Education Oversight Committee: in grades three through five, thirty percent each for English/language arts and math, and twenty percent each for science and social studies; and in grades six through eight, twenty‑five percent each for English/language arts and math, and twenty‑five percent each for science and social studies.~~ For students with documented disabilities, the assessments developed by the Department of Education shall include the appropriate modifications and accommodations with necessary supplemental devices as outlined in a student’s Individualized Education Program and as stated in the Administrative Guidelines and Procedures for Testing Students with Documented Disabilities.”

SECTION 8. Section 59‑18‑325(C)(3) and (7) of the 1976 Code, as last amended by Act 281 of 2016, is further amended to read:

“(3) ~~The department must procure and administer assessments in English/language arts and mathematics in grades three through eight, and administer assessments in science and social studies to all students in grades four through eight~~ Beginning with the 2017‑2018 School Year, the department shall procure and administer the standards‑based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards‑based assessment in science to students in grades four, six and eight, and the standards based assessment in social studies to students in grades five and seven.

(7) Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end‑of‑course assessments in a format agreed upon by the department and the Oversight Committee. The Education Oversight Committee must use the results of these assessments in school years 2014‑2015, 2015‑2016, and 2016‑2017 to report on student academic performance in each school and district pursuant to Section 59‑18‑900. The committee may not determine state ratings for schools or districts, pursuant to Section 59‑18‑900, using the results of the assessments required by this subsection ~~until after~~ before the conclusion of the 2016‑2017 School Year~~; provided, however, state ratings must be determined by~~. The results of these assessments must be included in state ratings for each school beginning in the 2017‑2018 School Year. The Oversight Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of 2017. While developing the single accountability system that will be implemented in the 2017‑2018 School Year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the Fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district, and statewide student assessment results in reading and mathematics in grades three through eight; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.”

SECTION 9. Section 59‑18‑330 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑330. (A) The State Department of Education is directed to coordinate the annual administration of the National Assessment of Education Progress (NAEP) to obtain an indication of student and school performance relative to national performance levels. A school randomly selected by NAEP must comply with the administration of the assessment to obtain an indication of state performance relative to national performance levels.

(B) Beginning no later than the fall of 2020, South Carolina shall participate as an individual education system in the Program for International Student Assessment (PISA) or its successor. The department shall coordinate the administration of PISA or its successor to obtain an indication of student and school performance relative to national and international performance levels. State results must be reported on the state report card produced annually.”

SECTION 10. Section 59‑18‑340 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑340. High schools shall offer state‑funded PSAT ~~or PLAN~~, pre‑ACT, or tenth grade Aspire tests to each tenth grade student in order to assess and identify curricular areas that need to be strengthened and ~~reenforced~~ reinforced. Schools and districts shall use these assessments as diagnostic tools to provide academic assistance to students whose scores reflect the need for such assistance. Schools and districts shall use these assessments to provide guidance and direction for parents and students as they plan for postsecondary experiences.”

SECTION 11. Section 59‑18‑900 of the 1976 Code, as last amended by Act 289 of 2014, is further amended to read:

“Section 59‑18‑900. (A) The Education Oversight Committee, working with the State Board of Education, is directed to establish a comprehensive, web‑based, annual report card, its format, and an executive summary of the report card to report on the performance for the State and for ~~the~~ individual primary, elementary, middle, high schools, career centers, and school districts of the State. The comprehensive report card must be in a reader‑friendly format, using graphics whenever possible, published on the state, district, and school website, and, upon request, printed by the school districts. The school’s ~~ratings on academic performance~~ rating must be emphasized and an explanation of ~~their~~ its meaning and significance for the school ~~and the district~~ also must be reported. The annual report card must serve at least ~~five~~ six purposes:

(1) inform parents and the public about the school’s performance;

(2) assist in addressing the strengths and weaknesses within a particular school;

(3) recognize schools with high performance;

(4) evaluate and focus resources on schools with low performance; ~~and~~

(5) meet federal report card requirements; and

(6) document the preparedness of high school graduates for college and career.

(B)(1) The Education Oversight Committee, working with the State Board of Education and a broad‑based group of stakeholders, including, but not limited to, parents, business and industry persons, community leaders, and educators, shall determine the criteria for and establish ~~five academic~~ performance ratings of excellent, good, average, below average, and ~~school/district at‑risk~~ at‑risk for schools as provided below:

(a) Excellent – School performance substantially exceeds the criteria to ensure all students meet the Profile of the South Carolina Graduate;

(b) Good – School performance exceeds the criteria to ensure all students meet the Profile of the South Carolina Graduate;

(c) Average – School performance meets the criteria to ensure all students meet the Profile of the South Carolina Graduate;

(d) Below Average – School performance is in jeopardy of not meeting the criteria to ensure all students meet the Profile of the South Carolina Graduate; and

(e) At‑Risk – School performance fails to meet the criteria to ensure all students meet the Profile of the South Carolina Graduate.

~~Schools and districts shall receive a rating for absolute and growth performance.~~

(2) The same categories of performance ratings also must be assigned to individual indicators used to measure a school’s performance including, but not limited to, academic achievement, student growth or progress, graduation rate, English language proficiency, and college and career readiness.

(3) Only the scores of students enrolled in the school at the time of the forty‑five‑day enrollment count ~~shall be used to determine the absolute and growth ratings~~ may be included in calculating the rating. Graduation rates must be used as an additional accountability measure for high schools and school districts.

(4) The Oversight Committee, working with the State Board of Education, shall establish three student performance indicators which will be those considered to be useful for ~~assessing~~ inclusion as a component of a school’s overall performance and appropriate for the grade levels within the school.

~~The student performance levels are: Not Met, Met, and Exemplary. ‘Not Met’ means that the student did not meet the grade level standard. ‘Met’ means the student met the grade level standard. ‘Exemplary’ means the student demonstrated exemplary performance in meeting the grade level standard. For purposes of reporting as required by federal statute, ‘proficiency’ shall include students performing at Met or Exemplary.~~

(C) In setting the criteria for the academic performance ratings and the performance indicators, the Education Oversight Committee shall report the performance by subgroups of students in the school and schools similar in student characteristics. Criteria must use established guidelines for statistical analysis and build on current data‑reporting practices.

(D) The comprehensive report card must include a comprehensive set of performance indicators with information on comparisons, trends, needs, and performance over time which is helpful to parents and the public in evaluating the school. In addition, the comprehensive report card must include indicators that meet federal law requirements. Special efforts are to be made to ensure that the information contained in the report card is provided in an easily understood manner and a reader‑friendly format. This information should also provide a context for the performance of the school. Where appropriate, the data should yield disaggregated results to schools and districts in planning for improvement. The report card should include information in such areas as programs and curriculum, school leadership, community and parent support, faculty qualifications, evaluations of the school by parents, teachers, and students. In addition, the report card must contain other criteria including, but not limited to, information on promotion and retention ratios, disciplinary climate, dropout ratios, dropout reduction data, dropout retention data, access to technology, student and teacher ratios, and attendance data.

(E) After reviewing the school’s performance on statewide assessments and results of other report card criteria, the principal, in conjunction with the School Improvement Council established in Section 59‑20‑60, must write an annual narrative of a school’s progress in order to further inform parents and the community about the school and its ~~operation~~ efforts to ensure that all students graduate with the knowledge, skills, and opportunity to be college ready, career ready, and life ready for success in the global, digital, and knowledge‑based world of the twenty‑first century as provided in Section 59‑1‑50. The narrative must be reviewed by the district superintendent or appropriate body for a local charter school. The narrative must cite factors or activities supporting progress and barriers which inhibit progress. The school’s report card must be furnished to parents and the public no later than November fifteenth.

(F) The percentage of new trustees who have completed the orientation requirement provided in Section 59‑19‑45 must be reflected on the school district website.

(G) The State Board of Education shall promulgate regulations outlining the procedures for data collection, data accuracy, data reporting, and consequences for failure to provide data required in this section.

(H) The Education Oversight Committee, working with the State Board of Education, is directed to establish a comprehensive annual report concerning the performance of military‑connected children who attend primary, elementary, middle, and high schools in this State. The comprehensive annual report must be in a reader‑friendly format, using graphics whenever possible, published on the state, district, and school websites, and, upon request, printed by the school districts. The annual comprehensive report must address at least attendance, academic performance in reading, math, and science, and graduation rates of military‑connected children.”

SECTION 12. Section 59‑18‑910 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑910. Beginning in ~~2013~~ 2020, the Education Oversight Committee, working with the State Board of Education and a broad‑based group of stakeholders, selected by the Education Oversight Committee, shall conduct a comprehensive cyclical review of the accountability system at least every five years and shall provide the General Assembly with a report on the findings and recommended actions to improve the accountability system and to accelerate improvements in student and school performance. The stakeholders must include the State Superintendent of Education and the Governor, or the Governor’s designee. The other stakeholders include, but are not limited to, parents, business and industry persons, community leaders, and educators. The cyclical review must include recommendations of a process for determining if students are graduating with the world‑class skills and life and career characteristics of the Profile of the South Carolina Graduate to be successful in postsecondary education and in careers. The accountability system needs to reflect evidence that students have developed these skills and characteristics.”

SECTION 13. Section 59‑18‑920 of the 1976 Code, as last amended by Act 164 of 2012, is further amended to read:

“Section 59‑18‑920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card and a rating. ~~The Department of Education shall utilize this data to issue a report card with performance ratings to parents and the public containing the ratings and explaining its significance and providing other information similar to that required of other schools in this section.~~ The performance of students attending charter schools sponsored by the South Carolina Public Charter School District 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 ~~and must not be included in the overall performance ratings of the local school district, unless there is a mutual agreement to include the scores in the local school district ratings~~. 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.”

SECTION 14. Section 59‑18‑930(A) of the 1976 Code, as last amended by Act 34 of 2009, is further amended to read:

“(A) The State Department of Education must ~~issue~~ publish on its website the executive summary of the report card annually to all schools and districts of the State no later than November first. The executive summary ~~shall be printed in black and white, be no more than two pages, use graphical displays whenever possible, and~~ must be capable of being downloaded into a portable document format (PDF) and must contain National Assessment of Educational Progress (NAEP) scores, as well as PISA scores, or other national and international scores or comparisons, if available. The report card summary must be made available to all parents of the school and the school district.”

SECTION 15. Section 59‑18‑950 of the 1976 Code is repealed.

SECTION 16. This act takes effect upon approval by the Governor.

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