**A** **BILL**

TO AMEND SECTION 59‑18‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM FOR MEASURING STUDENT PERFORMANCE, SO AS TO ELIMINATE CERTAIN TESTING REQUIREMENTS FOR CERTAIN GRADES; TO AMEND SECTION 59‑18‑325, RELATING TO CERTAIN COLLEGE AND CAREER READINESS ASSESSMENT AND SUMMATIVE ASSESSMENTS, SO AS TO ELIMINATE THE COLLEGE AND CAREER READINESS ASSESSMENTS; TO AMEND SECTION 59‑29‑120, RELATING TO SUCCESSFUL COMPLETION OF TESTING ON THE UNITED STATES CONSTITUTION, AMONG OTHER THINGS, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 59‑55‑120, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA READ TO SUCCEED ACT, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 59‑55‑150, RELATING TO ASSESSMENTS IN THE SOUTH CAROLINA READ TO SUCCEED ACT, SO AS TO ELIMINATE PRE‑KINDERGARTEN AND KINDERGARTEN READINESS ASSESSMENTS, AND TO MAKE CONFORMING CHANGES; AND TO AMEND SECTIONS 59‑156‑110 AND 59‑156‑160, BOTH RELATING TO THE SOUTH CAROLINA CHILD EARLY READING DEVELOPMENT AND EDUCATION PROGRAM, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 59‑18‑310(B)(1) of the 1976 Code is amended to read:

“(1) The statewide assessment program must include:

(a) the subjects of:

(i) English/language arts~~,~~ and mathematics~~, science, and social studies~~ in grades three through eight~~, as delineated in Section 59‑18‑320, and~~;

(ii) social studies in grades three, four, six, and eight; and

(iii) science in grades three, four, five, six, and seven, as delineated in Section 59‑18‑320; and

(b) end‑of‑course tests for courses 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.

(2) A student’s score on an end‑of‑year ~~assessment~~ test 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.”

SECTION 2. Section 59‑18‑325 of the 1976 Code is amended to read:

“Section 59‑18‑325. ~~(A)~~ ~~Beginning in eleventh grade for the first time in School Year 2017‑2018 and subsequent years, all students must be offered a college entrance assessment that is from a provider secured by the department. In addition, all students entering the eleventh grade for the first time in School Year 2017‑2018 and subsequent years must be administered a career readiness 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 or dual‑credit courses, advanced placement courses/International Baccalaureate, internships, career and technology courses that are aligned with appropriate industry credentials or certificates, or other options during the remaining semesters in high school.~~

~~(1)~~ ~~For purposes of this section, ‘eleventh grade students’ means students in the third year of high school after their initial enrollment in the ninth grade.~~

~~(2)~~ ~~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 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.~~

~~(3)~~ ~~In the twelfth grade, and as aligned to the student’s Individual Graduation Plan, if funds are available, the State shall provide all students the opportunity to take or retake a college readiness assessment, the career readiness assessment, and/or earn industry credentials or certifications at no cost to the students. The results of the assessments must be provided to each student, the respective schools, and to the State.~~

~~(4)~~ ~~A student with a disability, whose Individualized Education Program (IEP) team determines, and agrees in writing, that taking either of these assessments would not be aligned with the student’s program of study and the student should not be administered either assessment, must not be administered either assessment.~~

~~(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 fault 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) Beginning with the ~~2017‑2018~~ 2020‑2021 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~~,~~ and six~~, and eight, and the standards‑based assessment in social studies to students in grades five and seven~~.

(4) The State Department of Education shall reimburse districts for the administration of the college entrance and career readiness assessments.

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

(6) 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 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.

(7) 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 3. Section 59‑29‑120(A) of the 1976 Code is amended to read:

“(A) All high schools, colleges, and universities in this State that are sustained or in any manner supported by public funds shall give instruction in the essentials of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of and devotion to American institutions and ideals~~, and no student in any such school, college, or university may receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers, and, if a citizen of the United States, satisfying the examining power of his loyalty thereto~~.”

SECTION 4. Section 59‑155‑120 of the 1976 Code is amended to read:

“Section 59‑155‑120. As used in this chapter:

(1) ‘Board’ means the State Board of Education.

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

(3) ‘Discipline‑specific literacy’ means the ability to read, write, listen, and speak across various disciplines and content areas including, but not limited to, English/language arts, science, mathematics, social studies, physical education, health, the arts, and career and technology education.

(4) ~~‘Readiness assessment’ means assessments used to analyze students’ literacy, mathematical, physical, social, and emotional‑behavioral competencies in prekindergarten or kindergarten.~~

~~(5)~~ ‘Reading interventions’ means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and an add‑on literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the Department of Education.

(~~6~~5) ‘Reading portfolio’ means an organized collection of evidence and assessments documenting that the student has demonstrated mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment.

(~~7~~6) ‘Reading proficiency’ means the ability of students to meet state reading standards in kindergarten through grade twelve, demonstrated by readiness, formative, or summative assessments.

(~~8~~7) ‘Reading proficiency skills’ means the ability to understand how written language works at the word, sentence, paragraph, and text level and mastery of the skills, strategies, and oral and written language needed to comprehend grade‑level texts.

(~~9~~8) ‘Research‑based formative assessment’ means assessments used within the school year to analyze strengths and weaknesses in reading comprehension of students individually to adapt instruction to meet student needs, make decisions about appropriate intervention services, and inform placement and instructional planning for the next grade level.

(~~10~~9) ‘Substantially fails to demonstrate third‑grade reading proficiency’ means a student who does not demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the statewide summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS).

(~~11~~10) ‘Summative assessment’ means state‑approved assessments administered in grades three through eight and any statewide assessment used in grades nine through twelve to determine student mastery of grade‑level or content standards.

(~~12~~11) ‘Summer reading camp’ means an educational program offered in the summer by each local school district or consortia of school districts for students who are unable to comprehend grade‑level texts and who qualify for mandatory retention.

(~~13~~12) ‘Third‑grade reading proficiency’ means the ability to read grade‑level texts by the end of a student’s third grade year as demonstrated by the results of state‑approved assessments administered to third grade students, or through other assessments as noted in this chapter and adopted by the board.

(~~14~~13) ‘Writing proficiency skills’ means the ability to communicate information, analysis, and persuasive points of view effectively in writing.”

SECTION 5. Section 59‑155‑150 of the 1976 Code is amended to read:

“Section 59‑155‑150. (A) ~~With the enactment of this chapter, the State Superintendent of Education shall ensure that every student entering publically funded prekindergarten and kindergarten beginning in Fiscal Year 2014‑2015 will be administered a readiness assessment by the forty‑fifth day of the school year. Initially the assessment shall focus on early language and literacy development. Beginning in Fiscal Year 2016‑2017, the assessment must assess each child’s early language and literacy development, mathematical thinking, physical well‑being, and social‑emotional development. The assessment may include multiple assessments, all of which must be approved by the board. The approved assessments of academic readiness must be aligned with first and second grade standards for English/language arts and mathematics. The purpose of the assessment is to provide teachers and parents or guardians with information to address the readiness needs of each student, especially by identifying language, cognitive, social, emotional, health problems, and concerning appropriate instruction for each child. The results of the assessment and the developmental intervention strategies recommended to address the child’s identified needs must be provided, in writing, to the parent or guardian. Reading instructional strategies and developmental activities for children whose oral language skills are assessed to be below the norm of their peers in the State must be aligned with the district’s reading proficiency plan for addressing the readiness needs of each student. The results of each assessment also must be reported to the Read to Succeed Office.~~

~~(B)~~ Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon formal diagnostic assessments or through teacher observations, must be provided intensive in‑class and supplemental reading intervention immediately upon determination. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district’s reading proficiency plan. These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and writing instruction provided to all students in kindergarten through grade three. The district must continue to provide intensive in‑class intervention and at least thirty minutes of supplemental intervention until the student can comprehend and write text at grade‑level independently. In addition, the parent or guardian of the student must be notified, in writing, of the child’s inability to read grade‑level texts, the interventions to be provided, and the child’s reading abilities at the end of the planned interventions. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office.

(~~C~~B) Programs that focus on early childhood literacy development in the State are required to promote:

(1) parent training and support for parent involvement in developing children’s literacy; and

(2) development of oral language, print awareness, and emergent writing; and are encouraged to promote community literacy including, but not limited to, primary health care providers, faith‑based organizations, county libraries, and service organizations.

(~~D~~C) Districts that fail to provide reports on summer reading camps pursuant to Section 59‑155‑130(8) are ineligible to receive state funding for summer reading camps for the following fiscal year; however, districts must continue to operate summer reading camps as defined in this act.”

SECTION 6. Section 59‑156‑110 of the 1976 Code is amended to read:

“Section 59‑156‑110. There is created the South Carolina Child Early Reading Development and Education Program which is a full day, four‑year‑old kindergarten program for at‑risk children which must be made available to qualified children in all public school districts within the State. The program must focus on:

(1) a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district’s comprehensive annual reading proficiency plan, both adopted pursuant to Chapter 155, Title 59;

(2) ~~successfully completing the readiness assessment administered pursuant to Section 59‑155‑150;~~

~~(3)~~ the developmental and learning support that children must have in order to be ready for school;

(~~4~~3) incorporating parenting education, including educating the parents as to methods that may assist the child pursuant to Section 59‑155‑110, 59‑155‑130, and 59‑155‑140; and

(~~5~~4) identifying community and civic organizations that can support early literacy efforts.”

SECTION 7. Section 59‑156‑160(A) of the 1976 Code is amended to read:

“(A) Providers of the South Carolina Child Early Reading Development and Education Program shall offer a complete educational program in accordance with age‑appropriate instructional practice and a research‑based preschool curriculum aligned with school success. The program must focus on:

(1) a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district’s comprehensive annual reading proficiency plan, both adopted pursuant to Chapter 155, Title 59;

(2) ~~successfully completing the readiness assessment administered pursuant to Section 59‑155‑150;~~

~~(3)~~ the developmental and learning support that children must have in order to be ready for school;

(~~4~~3) incorporating parenting education, including educating the parents as to methods that may assist the child pursuant to Section 59‑155‑110, 59‑155‑130, and 59‑155‑140, including strengthening parent involvement in the learning process with an emphasis on interactive literacy; and

(~~5~~4) identifying community and civic organizations that can support early literacy efforts.”

SECTION 8. This act takes effect upon approval by the Governor.

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