

# SENATE AMENDMENT

AMENDMENT NO. \_\_\_\_\_

Beeson/Morgan  
March 6, 2014

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED

\_\_\_\_\_  
Clerk of the Senate

ADOPTION NO. \_\_\_\_\_

**BILL NO: S. 300**

(Reference is to the original version.)

Senator FAIR proposed the following amendment (300C001 AGM AB14\_FOR FULL\_ 2014 03 12 ORIGINAL FOR STRIKE AND INSERT):

Amend the bill, as and if amended, deleting all after the enacting words and inserting:

/ SECTION 1. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59-1-490. The State Board of Education, the South Carolina Department of Education, the Education Oversight Committee, and all other agencies and political subdivisions of the State are prohibited from providing any individual student data or any data that may be used to identify individual students to the United States Department of Education, any other agency of the federal government, or any third party without permission expressly provided for by the General Assembly through a joint resolution.”

SECTION 2. Article 3, Chapter 18, Title 59 of the 1976 Code is amended by adding:

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

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

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

(2) General Assembly approval required by item (1)(b) does not apply to a revision recommended pursuant to Section 59-18-350(A), other approval of a new standard, and other changes to an old standard if the revision, new standard, or changed standard is developed by the State Department of Education.

(B) A revision to an assessment recommended pursuant to Section 59-18-350(A), as well as a new assessment or a change in a current assessment that the State Board of Education otherwise considers for approval as an accountability measure, may not be adopted and implemented without the advice and consent of the Education Oversight Committee.

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

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

SECTION 3. Section 59-18-310(B) of the 1976 Code is amended to read:

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

examinations are administered to receive the state high school diploma. 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 4. ~~Strike Section 4 of K-12 amendment (i.e., make no changes to 59-18-320 in this section) , and~~  
~~instead add new 59-18-325 per the following:~~

“Section 59-18-325. (A) With the approval of the State Board of Education and the Education Oversight Committee, the South Carolina Department of Education will administer in school year 2014-15 a summative assessment and optional interim formative assessments to students in grades 3 through 8 that assesses students in English language arts and math. The summative assessment, provided by a vendor which is procured by the South Carolina Department of Education under emergency procurement regulations if needed, must meet the following requirements:

(1) be a vertically-articulated, benchmarked, standards-based system of summative assessments;

(2) document student progress toward national college and career benchmarks derived from empirical research evidence and state standards;

(3) be available in paper-and-pencil and computer-based formats by 2015-2016; and

(4) be anchored to a national college readiness assessment already used in the state.

The Department will also administer state-developed or adopted and approved assessments in social studies and science to all students in grades 4 through 8.

(B) All students entering the eleventh grade for the first time in school year 2014-2015 and subsequent years, and all students entering the twelfth grade for the first time in school year 2014-2015 only, will be administered a career readiness assessment and a college readiness assessment that are provided by vendors, which are procured by the South Carolina Department of Education. The results of the assessments will be provided to each student, to the school and to the state in order to:

(1) assist students, parents, teachers and guidance counselors in developing individual graduation plan 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.

Students may then 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 South Carolina Department of Education for at least ten years. The results will also provide instructional information to assist students, parents and teachers to plan for each student's course selection which might include remediation courses, dual-enrollment courses, Advanced Placement courses, internships, or other options during the remaining semesters in high school.

(C) The South Carolina Department of Education will provide to the Education Oversight Committee student performance results on assessments authorized in this section and end-of-course assessments in a format agreed upon by both the Department and the Committee and within thirty days of the data being provided to the school districts. The Committee will use the results of these assessments in school year 2014-2015 and in 2015-16 to report on student

academic performance in each school and district pursuant to Section 59-18-900. However, the Committee may not determine ratings for schools or districts using the results of these new assessments pursuant to Section 59-18-900 until after the conclusion of the 2015-16 school year for public reporting beginning in the fall of 2016. The Committee will also develop and recommend a single accountability system that meets federal and state accountability requirements by the fall of 2016.

(D) The South Carolina Department of Education shall submit a plan for approval and implementation to the Education Oversight Committee and the State Board of Education to mitigate the impact that changes in assessments are projected to have on teacher evaluation systems. If such an impact can be reasonably mitigated by delaying evaluations the Department shall seek a waiver if necessary for federal approval.

(E) After school year 2014-15 when standards are revised the Department and Committee shall approve assessments pursuant to Section 59-18-320.

SECTION 5. Section 59-18-350 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59-18-350. (A) The State Board of Education, in consultation with the Education Oversight Committee, shall provide for a cyclical review by academic area of the state standards and assessments to ensure that the standards and assessments are maintaining high expectations for learning and teaching. At a minimum, each academic area should be reviewed and updated every seven years. After each academic area is reviewed, a report on the recommended revisions must be presented to the Education Oversight Committee and the State Board of Education for consideration.

~~After approval by the Education Oversight Committee and the State Board of Education, the recommendations may be implemented. However,~~ The previous content standards shall remain in effect until ~~approval has been given by both entities~~ the recommended revisions are adopted pursuant to Section 59-18-355. As a part of the review, a task force of parents, business and industry persons, community leaders, and educators, to include special education teachers, shall examine the standards and assessment system to determine rigor and relevancy.

(B) Beginning no later than July 1, 2018, a cyclical review shall be performed pursuant to subsection (A) for English Language Arts and Mathematics state standards not developed by the South Carolina Department of Education.

~~(BC)~~ The State Department of Education annually shall convene a team of curriculum experts to analyze the results of the assessments, including performance item by item. This analysis must yield a plan for disseminating additional information about the assessment results and instruction and the information must be disseminated to districts not later than January fifteenth of the subsequent year.”

SECTION 6. Section 59-18-950 of the 1976 Code is amended to read:

“Section 59-18-950. Notwithstanding another provision of law to the contrary, the Education Oversight Committee may base ratings for school districts and high schools on criteria that include graduation rates, ~~exit examination performance~~, and other criteria identified by technical experts and appropriate groups of educators and workforce advocates.”

SECTION 7. Section 59-48-35 of the 1976 Code is amended to read:

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



SECTION 8. Section 59-139-60 of the 1976 Code is amended to read:

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

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

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

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

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

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

~~Renumber sections to conform~~ Any student who is no longer enrolled in a public school and is twenty-one years of age or less as of July 1, 2014 and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements set forth in Section 59-18-310(B) and State Regulation, may petition the local school board to determine the student’s eligibility to receive a high school diploma pursuant to this law. 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 by December 31, 2015. 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, 2017, 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."

SECTION 9. Upon passage of this legislation, South Carolina will no longer be a governing or advisory state in the Smarter Balanced Assessment Consortium. Furthermore, the State of South Carolina may not adopt or administer the Smarter Balanced Assessment.

SECTION 10. This act takes effect upon approval by the Governor. /

Amend title to conform.