

1 ****WORKING DOCUMENT FOR FULL ED. COMMITTEE****
2 **CCSS - AMENDMENT TO S.300**
3 **2/26/2014 18:00 - AS K-12 AMENDED AND APPV'D**

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

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14 **SECTION** 1. Article 3, Chapter 18, Title 59 of the
15 1976 Code is amended by adding:

Comment [D1]: S.888 ORIGINAL LANGUAGE,
ADDING 59-18-355 ON GENERAL ASSEMBLY
APPROVAL, NOTIFICATION OF CHANGES

16

17 “Section 59-18-355. (A)(1) A revision to a state
18 content standard recommended pursuant to Section
19 59-18-350(A), as well as a new standard or a change
20 in a current standard that the State Board of
21 Education otherwise considers for approval as an
22 accountability measure, may not be adopted and
23 implemented without the:

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

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

28 (2) **General** Assembly approval required by item
29 (1)(b) does not apply to a revision recommended
30 pursuant to Section 59-18-350(A), other approval of
31 a new standard, and other changes to an old standard
32 if the revision, new standard, or changed standard is
33 developed by the South Carolina Department of
34 Education.

Comment [D2]: Standards developed by the State
Department of Education (SDE), must be approved by the
State Board and EOC. Standards taken from other sources
(e.g. Common Core) must also receive approval by the
General Assembly.

35 (B) A revision to an assessment recommended
36 pursuant to Section 59-18-350(A), as well as a new

Comment [D3]: EOC must still approve new and
changed assessments

1 assessment or a change in a current assessment that
2 the State Board of Education otherwise considers for
3 approval as an accountability measure, may not be
4 adopted and implemented without the advice and
5 consent of the Education Oversight Committee.

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

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

17
18 SECTION 2. Section 59-18-320 of the 1976 Code,
19 as last amended by Act 282 of 2008, is further
20 amended to read:

21
22 “Section 59-18-320. (A) After the first statewide
23 field test of the assessment program that is adopted
24 or developed by the Department of Education in
25 each any one of the four academic areas, and after
26 the field tests of the end of course assessments of
27 high school credit courses that are adopted or
28 developed by the Department of Education, the
29 Education Oversight Committee, established in
30 Section 59-6-10, will review the state assessment
31 program and the course assessments for alignment
32 with the state standards, level of difficulty and
33 validity, and for the ability to differentiate levels of
34 achievement, and will make recommendations for

Comment [D4]: SDE and EOC must notify the General Assembly and the Governor of any plans to change existing standards.

Comment [D5]: SDE, the State Board, and EOC may consider borrowing from other standards while developing South Carolina standards.

Comment [D6]: S.888 AMENDS; ALTERNATIVE LANGUAGE AMENDS FURTHER.

1 needed changes, if any. The review will be provided
2 to the State Board of Education, the State South
3 Carolina Department of Education, the Governor,
4 the Senate Education Committee, and the House
5 Education and Public Works Committee as soon as
6 feasible after the field tests. The Department of
7 Education will then report to the Education
8 Oversight Committee no later than one month after
9 receiving the reports on the changes made to the
10 assessments to comply with the recommendations.
11 If the Board of Education adopts an existing
12 assessment that is available to other states to
13 purchase, the Education Oversight Committee, as
14 established in Section 59-6-10 must review and
15 approve the assessment for its statewide
16 administration and for its use in state accountability.

17 (B) After review and approval by the Education
18 Oversight Committee, the standards based
19 assessment of mathematics, English/language arts,
20 social studies, and science will be administered to all
21 public school students in grades three through eight,
22 to include those students as required by the federal
23 Individuals with Disabilities Education
24 Improvement Act and by Title 1 of the Elementary
25 and Secondary Education Act. To reduce the
26 number of days of testing, to the extent possible,
27 field test items must be embedded with the annual
28 assessments. ~~In accordance with the requirements~~
29 ~~of the federal No Child Left Behind Act, science~~
30 ~~assessments must be administered annually to all~~
31 ~~students in one elementary and one middle school~~
32 ~~grade. The State Department of Education shall~~
33 ~~develop a sampling plan to administer science and~~
34 ~~social studies assessments to all other elementary~~

1 ~~and middle school students. The plan shall provide~~
2 ~~for all students and both content areas to be assessed~~
3 ~~annually; however, individual students, except in~~
4 ~~census testing grades, are not required to take both~~
5 ~~tests. In the sampling plan, approximately half of~~
6 ~~the assessments must be administered in science and~~
7 ~~the other half in social studies in each class. To~~
8 ensure that school districts maintain the high
9 standard of accountability established in the
10 Education Accountability Act, performance level
11 results reported on school and district report cards
12 must meet consistently high levels in all four core
13 content areas. The core areas must remain
14 consistent with the following percentage weightings
15 established and approved by the Education
16 Oversight Committee: in grades three through five,
17 thirty percent each for English/language arts and
18 math, and twenty percent each for science and social
19 studies; and in grades six through eight, twenty-five
20 percent each for English/language arts and math,
21 and twenty-five percent each for science and social
22 studies. For students with documented disabilities,
23 the assessments developed by the Department of
24 Education shall include the appropriate
25 modifications and accommodations with necessary
26 supplemental devices as outlined in a student's
27 Individualized Education Program and as stated in
28 the Administrative Guidelines and Procedures for
29 Testing Students with Documented Disabilities.
30 (C) After review and approval by the Education
31 Oversight Committee, the end of course assessments
32 of high school credit courses will be administered to
33 all public school students as they complete each
34 course.

1 (D) Beginning in school year 2014-15, for federal
2 and state accountability purposes, the State Board of
3 Education and the Education Oversight Committee
4 must by November 1, 2014, review and approve a
5 summative assessment for administration to students
6 in grades 3 through 8 that assesses students in
7 English, reading, writing and mathematics. This
8 assessment does not require field testing prior to
9 Education Oversight Committee approval. The
10 assessment will be administered to all public school
11 students in grades three through eight, to include
12 those students as required by the federal Individuals
13 with Disabilities Education Improvement Act and by
14 Title 1 of the Elementary and Secondary Education
15 Act. The assessment must meet the following
16 requirements:
17 (1) be a vertically-articulated, benchmarked,
18 standards-based system of summative and formative
19 assessments;
20 (2) document student progress toward national
21 college and career benchmarks and state standards;
22 (3) contain multiple questions types including such
23 as constructed response, selected response, and
24 technology-enhanced responses;
25 (4) be administered either online or with a paper-
26 and-pencil option; and
27 (5) be anchored to a national college readiness
28 assessment already used in the state.
29 Beginning with the 2014-2015 school year, all
30 students in grades 4 through 8 will also take state-
31 developed and approved assessments in social
32 studies and science.
33 (E). All students entering the eleventh grade for the
34 first time in school year 2014-2015 and subsequent

1 years, and all students entering the twelfth grade for
2 the first time in school year 2014-2015 only, will be
3 administered both a career readiness assessment, and
4 a college readiness assessment that are provided by
5 the same vendor. The results of the assessments will
6 be provided to each student, to the school and to the
7 state in order to:
8 (1) assist students, parents, teachers and guidance
9 counselors in developing individual graduation plan
10 and in selecting courses aligned with each student's
11 future ambitions;
12 (2) promote South Carolina's Work Ready
13 Communities initiative; and
14 (3) meet federal and state accountability purposes.
15 Students may then use the results of these
16 assessments to apply to college or to enter careers.
17 The results must be added as part of each student's
18 permanent record and maintained at the Department
19 of Education for at least ten years. The results will
20 also provide instructional information to assist
21 students, parents and teachers to plan for each
22 student's course selection which might include
23 remediation courses, dual-enrollment courses,
24 Advanced Placement courses, internships, or other
25 options during the remaining semesters in high
26 school.
27 ~~—(D) Any new standards and assessments required~~
28 ~~to be developed by the Department of Education~~
29 ~~and adopted by the State Board of Education,~~
30 ~~through the Department of Education for use as an~~
31 ~~accountability measure, must be developed and~~
32 ~~adopted upon the advice and consent of the~~
33 ~~Education Oversight Committee.~~

1 The Department of Education will provide to the
2 Education Oversight Committee student
3 performance results on each of the assessments
4 authorized in this section in a format agreed upon by
5 both the Department and the Committee and within
6 thirty days of the data being provided to the school
7 districts. The Committee will use the results of these
8 assessments in school year 2014-2015 and in 2015-
9 16 to report on student academic performance in
10 each school and district pursuant to Section 59-18-
11 900. However, the Committee may not determine
12 ratings for schools or districts using the results of
13 these new assessments pursuant to Section 59-18-
14 900 until after the conclusion of the 2015-16 school
15 year for public reporting beginning in the fall of
16 2016.

Comment [D7]: Because a new assessment is being implemented, scores will not be used to rate schools until the 2016-17 school year.

Comment [D8]: For the reason listed above, it may be best to delay using scores for Teacher evaluation purposes.

17 (F) The Department of Education shall submit a
18 plan for approval and implementation to the
19 Education Oversight Committee and the State Board
20 of Education to mitigate the impact that changes in
21 assessments are projected to have on teacher
22 evaluation systems. If such an impact can be
23 reasonably mitigated by delaying evaluations the
24 Department shall seek a waiver if necessary for
25 federal approval.

26
27 **SECTION** 3. Section 59-48-35 of the 1976 Code is
28 amended to read:

Comment [D9]: ELIMINATES EXIT EXAM

29
30 “Section 59-48-35. The students enrolled in the
31 Special School of Science and Mathematics who
32 earn the total units of credit distributed as specified
33 in the Defined Minimum Program for South
34 Carolina school districts, ~~who pass the exit~~

1 ~~examination described in Section 59-30-10(f)~~
2 ~~59-18-310(B)~~, and who meet the school's
3 requirements for graduation are eligible to receive a
4 state high school diploma. The board of the Special
5 School, in its discretion, may issue its own high
6 school diploma.”

7

8 **SECTION** 4. Section 59-139-60 of the 1976 Code is
9 amended to read:

10

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

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

32 ~~— (2) review the performance of students on the~~
33 ~~eighth grade basic skills assessment test and~~
34 ~~performance on the exit examination pursuant to~~

[888]

8

Comment [D10]: DELETES ASSESSMENTS
LANGUAGE FROM 1993; PROVIDES "CLAWBACK
FOR STUDENTS CURRENTLY UNDER 21 WHO
HAVE NOT PASSED THE EXIT EXAM.

1 ~~Section 59-30-10, or their equivalent, for progress in~~
2 ~~meeting the skill levels required by these~~
3 ~~examinations. Student data must be aggregated by~~
4 ~~the schools the students attended so that programs'~~
5 ~~deficiencies can be addressed;~~
6 ~~— (3) review the data on students' coverage for~~
7 ~~grade in each school at grades four and nine;~~
8 ~~— (4) monitor the performance of schools and~~
9 ~~districts so that continuing weaknesses in the~~
10 ~~programs preparing students for the fourth grade,~~
11 ~~and ninth grade, and exit examination shall receive~~
12 ~~special assistance from the Department of~~
13 ~~Education; and~~
14 ~~— (5) propose other methods or measures for~~
15 ~~assessing how well the purposes of this chapter are~~
16 ~~met."~~

17 Any student who is twenty-one years of age or less
18 as of July 1, 2014 and who previously failed to
19 receive a high school diploma or was denied
20 graduation solely for failing to meet the exit exam
21 requirements set forth in Section 59-18-310(B) and
22 State Regulation, may petition the local school
23 board to receive a high school diploma pursuant to
24 this law. The State Board of Education shall remove
25 any conflicting requirement and promulgate
26 conforming changes in its applicable regulations."

27
28 **SECTION 5.** Section 59-18-310(B) is amended to
29 read:

30 (B) The statewide assessment program must
31 include the subjects of English/language arts,
32 mathematics, science, and social studies in grades
33 three through eight, as delineated in Section 59-18-
34 320(B), to be first administered in 2009, ~~an exit~~

Comment [D11]: ELIMINATES EXIT EXAM.

1 ~~examination in English/language arts and~~
2 ~~mathematics to be first administered in a student's~~
3 ~~second year of high school enrollment beginning~~
4 ~~with grade nine~~, and end-of-course tests for gateway
5 courses awarded units of credit in English/language
6 arts, mathematics, science, and social studies.
7 Student performance targets must be established
8 following the 2009 administration. The assessment
9 program must be used for school and school district
10 accountability purposes beginning with the 2008-
11 2009 school year. The publication of the annual
12 school and school district report card may be
13 delayed for the 2008-2009 school year until no later
14 than February 15, 2010. A student's score on an end-
15 of-year assessment may not be the sole criterion for
16 placing the student on academic probation, retaining
17 the student in his current grade, or requiring the
18 student to attend summer school. Beginning with the
19 graduating class of 2010, students are required to
20 pass a high school credit course in science and a
21 course in United States history in which end-of-
22 course examinations are administered to receive the
23 state high school diploma. Beginning with the
24 graduating class of 2015, students are no longer
25 required to meet the exit examination requirements
26 set forth in Section 59-18-310(310) and State
27 Regulation to earn a South Carolina high school
28 diploma.

29
30 SECTION 6. Section 59-18-950 is amended to
31 read:

32
33 Notwithstanding another provision of law to the
34 contrary, the Education Oversight Committee may

Comment [D12]: ELIMINATES EXIT EXAM FROM RATINGS CRITERIA.

1 base ratings for school districts and high schools on
2 criteria that include graduation rates, ~~exit~~
3 ~~examination—performance~~, and other criteria
4 identified by technical experts and appropriate
5 groups of educators and workforce advocates.

6
7 **SECTION 7.** Section 59-XX-XX is added.

8 “Upon passage of this legislation, South Carolina
9 will no longer be a governing or advisory state in the
10 Smarter Balanced Assessment Consortium.
11 Furthermore, the state of South Carolina may not
12 adopt or administer the Smarter Balanced
13 Assessment. “

14
15 **SECTION 8.**Section 59-18-350(A) of the 1976
16 Code, as last amended by Act 282 of 2008, is further
17 amended to read:

18
19 “(A) The State Board of Education, in
20 consultation with the Education Oversight
21 Committee, shall provide for a cyclical review by
22 academic area of the state standards and assessments
23 to ensure that the standards and assessments are
24 maintaining high expectations for learning and
25 teaching. At a minimum, each academic area should
26 be reviewed and updated every seven years. After
27 each academic area is reviewed, a report on the
28 recommended revisions must be presented to the
29 Education Oversight Committee and the State Board
30 of Education for consideration. ~~After approval by~~
31 ~~the Education Oversight Committee and the State~~
32 ~~Board of Education, the recommendations may be~~
33 ~~implemented.~~—However, The previous content
34 standards shall remain in effect until ~~approval has~~

Comment [D13]: REMOVES SC FROM SMARTER
BALANCE ASSESSMENT CONSORTIUM.

Comment [D14]: From S.888.

1 ~~been given by both entities the recommended~~
2 ~~revisions are adopted pursuant to Section 59-18-355.~~
3 As a part of the review, a task force of parents,
4 business and industry persons, community leaders,
5 and educators, to include special education teachers,
6 shall examine the standards and assessment system
7 to determine rigor and relevancy.

8 **(B) Beginning no later than July 1, 2016, 2018, a**
9 **cyclical review shall be performed pursuant to 59-**
10 **18-350(A) for English Language Arts and**
11 **Mathematics state standards not developed by the**
12 **South Carolina Department of Education.**

Comment [D15]: ELA and Math cyclical review required beginning July 1, 2016. 2/26/14 K-12 amended to "Beginning no later than July 1, 2018."

13
14 SECTION 9. Article 3, Chapter 1, Title 59 of the
15 1976 Code is amended by adding:

Comment [D16]: Data privacy clause.

16 **"Section 59-1-490. The State Board of**
17 **Education, the South Carolina Department of**
18 **Education, the Education Oversight Committee,**
19 **and all other agencies and political subdivisions of**
20 **the state are prohibited from providing any**
21 **individual student data or any data that may be**
22 **used to identify individual students to the United**
23 **States Department of Education, any other agency**
24 **of the federal government, or any third party**
25 **without permission expressly provided for by the**
26 **General Assembly through a Joint Resolution.**

27
28 SECTION 10. This act takes effect upon approval
29 by the Governor.

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