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A BILL

TO AMEND CHAPTER 18, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE THE MANNER IN WHICH SCHOOLS ARE ASSESSED AND ACCREDITED; TO CREATE THE SOUTH CAROLINA TRANSFORMATIONAL SCHOOL DISTRICT TO WHICH A FAILED SCHOOL MUST BE TRANSFERRED, SUBJECT TO APPROVAL BY THE STATE BOARD OF EDUCATION, FOR REORGANIZATION AND OPERATION IN A CERTAIN MANNER, TO PROVIDE FOR A BOARD OF TRUSTEES TO GOVERN THE TRANSFORMATIONAL SCHOOL DISTRICT, TO PROVIDE FOR THE POWERS AND DUTIES OF THE BOARD; TO PROVIDE EACH SCHOOL DISTRICT SHALL ADOPT CERTAIN GRADING POLICIES BEFORE EACH SCHOOL YEAR, AND TO DELETE OBSOLETE REFERENCES AND CORRECT ARCHAIC LANGUAGE, AMONG OTHER THINGS; TO AMEND SECTION 59-6-100, RELATING TO THE ACCOUNTABILITY DIVISION OF THE EDUCATION OVERSIGHT COMMITTEE, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Chapter 18, Title 59 of the 1976 Code is amended to read:

“CHAPTER 18

Education Accountability Act

Article 1

General Provisions

1

2 Section 59-18-100. The General Assembly finds that South
3 Carolinians have a commitment to public education and a
4 conviction that high expectations for all students are vital
5 components for improving academic achievement. It is the
6 purpose of the General Assembly in this chapter to establish a
7 performance based accountability system for public education
8 which focuses on improving teaching and learning so that students
9 are equipped with a strong academic foundation. Accountability,
10 as defined by this chapter, means acceptance of the responsibility
11 for improving student performance and taking actions to improve
12 classroom practice and school performance by the Governor, the
13 General Assembly, the State Department of Education, colleges
14 and universities, local school boards, administrators, teachers,
15 parents, students, and the community.

16

17 Section 59-18-110. The system is to:

18 (1) use academic achievement standards to push schools and
19 students toward higher performance by aligning the state
20 assessment to those standards and linking policies and criteria for
21 performance standards, accreditation, reporting, school rewards,
22 and targeted assistance;

23 (2) provide an annual report card with a performance indicator
24 system that is logical, reasonable, fair, challenging, and technically
25 defensible, which furnishes clear and specific information about
26 school and district academic performance and other performance
27 to parents and the public;

28 (3) require all districts to establish local accountability systems
29 to stimulate quality teaching and learning practices and target
30 assistance to low performing schools;

31 (4) provide resources to strengthen the process of teaching and
32 learning in the classroom to improve student performance and
33 reduce gaps in performance;

34 (5) support professional development as integral to
35 improvement and to the actual work of teachers and school staff;
36 and

37 (6) expand the ability to evaluate the system and to conduct
38 in-depth studies on implementation, efficiency, and the
39 effectiveness of academic improvement efforts.

40

41 Section 59-18-120. As used in this chapter:

42 (1) ~~‘Oversight Committee’ means the Education Oversight~~
43 ~~Committee established in Section 59-6-10.~~

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

5 (3~~2~~) ‘Disaggregated data’ means data broken out for specific
6 groups within the total student population, such as by race, gender,
7 level of poverty, limited English proficiency status, disability
8 status, or other groups as required by federal statutes or
9 regulations.

10 (4~~3~~) ‘Longitudinally matched student data’ means examining
11 the performance of a single student or a group of students by
12 considering their test scores over time.

13 (5~~4~~) ‘Academic achievement standards’ means statements of
14 expectations for student learning.

15 (6~~5~~) ‘Department’ means the State Department of Education.

16 (7~~6~~) ‘Absolute Performance’ means ~~the rating letter grade~~
17 ~~a school or district will receive based on the percentage of students~~
18 ~~meeting standard on the state’s standards-based assessment~~
19 ~~performance targets including, but not limited to, student~~
20 ~~achievement and student growth, as defined by the department.~~

21 (8~~7~~) ‘Growth’ means the rating a school will receive based on
22 longitudinally matched student data comparing current
23 performance to the previous year’s for the purpose of determining
24 student academic growth.

25 (9~~8~~) ‘Objective and reliable statewide assessment’ means
26 assessments that yield consistent results and that measure the
27 cognitive knowledge and skills specified in the state-approved
28 academic standards and do not include questions relative to
29 personal opinions, feelings, or attitudes and are not biased with
30 regard to race, gender, or socioeconomic status. ~~The assessments~~
31 ~~must include a writing assessment and multiple choice questions~~
32 ~~designed to reflect a range of cognitive abilities beyond the~~
33 ~~knowledge level. Constructed response questions may be included~~
34 ~~as a component of the writing assessment.~~

35 (10~~9~~) ‘Division of Accountability’ means the special unit
36 within the ~~oversight committee established in Section 59-6-100~~
37 ~~department.~~

38 (11~~10~~) ‘Formative assessment and interim assessments’ means
39 assessments used within the school year to analyze general
40 strengths and weaknesses in learning and instruction, to understand
41 the performance of students individually and across achievement
42 categories, to adapt instruction to meet students’ needs, and to
43 consider placement and planning for the next grade level. ~~Data~~

1 ~~and performance from the formative assessments must not be used~~
2 ~~in the calculation of school or district ratings.~~

3
4 Article 3

5
6 Academic Standards and Assessments

7
8 Section 59-18-300. The State Board of Education is directed to
9 adopt grade specific performance-oriented ~~educational~~ content
10 standards in the core academic areas of mathematics,
11 English/language arts, social studies (history, government,
12 economics, and geography), and science for kindergarten through
13 twelfth grade and for grades nine through twelve adopt specific
14 academic standards for high school credit courses in mathematics,
15 English/language arts, social studies, and science. The standards
16 are to promote the goals of providing every student with the
17 competencies to:

- 18 (1) read, view, and listen to complex information in the English
19 language;
- 20 (2) write and speak effectively in the English language;
- 21 (3) solve problems by applying mathematics;
- 22 (4) conduct research and communicate findings;
- 23 (5) understand and apply scientific concepts;
- 24 (6) obtain a working knowledge of world, United States, and
25 South Carolina history, government, economics, financial literacy,
26 and geography; and
- 27 (7) use information to make decisions.

28 The standards must be reflective of the highest level of
29 academic skills with the rigor necessary to improve the curriculum
30 and instruction in South Carolina's schools so that students are
31 encouraged to learn at unprecedented levels and must be reflective
32 of the highest level of academic skills at each grade level.

33
34 Section 59-18-310. (A) Notwithstanding any other provision of
35 law, the State Board of Education, through the Department of
36 Education, is required to develop or adopt a statewide assessment
37 program to promote student learning and to measure student
38 performance on state standards and:

- 39 (1) identify areas in which students, schools, or school
40 districts need additional support;
- 41 (2) indicate the academic achievement for schools, districts,
42 and the State;
- 43 (3) satisfy federal reporting requirements; and
- 44 (4) provide professional development to educators.

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

3 (B) The statewide assessment program must include
4 standards-based assessments in the subjects of English/language
5 arts, mathematics, science, and social studies in grades three
6 through eight and high schools, as delineated in Section
7 59-18-320(B), ~~to be first administered in 2009, an exit examination~~
8 ~~in English/language arts and mathematics to be first administered~~
9 ~~in a student's second year of high school enrollment beginning~~
10 ~~with grade nine, and end of course tests for gateway courses~~
11 ~~awarded units of credit in English/language arts, mathematics,~~
12 ~~science, and social studies.~~ Student performance targets must be
13 established following the 2009 administration. The assessment
14 program must be used for school and school district accountability
15 purposes ~~beginning with the 2008-2009 school year.~~ The
16 ~~publication of the annual school and school district report card~~
17 ~~may be delayed for the 2008-2009 school year until no later than~~
18 ~~February 15, 2010.~~ A student's score on an end-of-year
19 assessment may not be the sole criterion for placing the student on
20 academic probation, retaining the student in his current grade, or
21 requiring the student to attend summer school. ~~Beginning with the~~
22 ~~graduating class of 2010,~~ Students are required to pass a high
23 school credit course in science and a course in United States
24 history in which end-of-course examinations are administered to
25 receive the state high school diploma.

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

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

36 (E) ~~The State Board of Education shall create a statewide~~
37 ~~adoption list of formative assessments for grades one through nine~~
38 ~~aligned with the state content standards in English/language arts~~
39 ~~and mathematics that satisfies professional measurement standards~~
40 ~~in accordance with criteria jointly determined by the Education~~
41 ~~Oversight Committee and the State Department of Education.~~ The
42 ~~formative assessments must provide diagnostic information in a~~
43 ~~timely manner to all school districts for each student during the~~
44 ~~course of the school year. For use beginning with the 2009-2010~~

1 ~~school year, and~~ Subject to appropriations by the General
2 Assembly for the assessments, local districts must be allocated
3 resources to select and administer formative assessments aligned to
4 state standards from the statewide adoption list to use to improve
5 student performance ~~in accordance with district improvement~~
6 ~~plans~~. However, if a local district already administers formative
7 assessments, the district may continue to use the assessments if
8 they meet the state standards and criteria pursuant to this
9 subsection.

10 (F) The State Department of Education shall provide on-going
11 professional development in the development and use of classroom
12 assessments, the use of formative and interim assessments, and the
13 use of the end-of-year state assessments so that teaching and
14 learning activities are focused on student needs and lead to higher
15 levels of student performance.

16 (G) The State Board of Education shall promulgate regulations
17 to create at least one alternative program of study that leads to a
18 state high school diploma for students with disabilities by July, 1,
19 2015.

20
21 Section 59-18-320. (A) ~~After the first statewide field test of the~~
22 ~~assessment program in each of the four academic areas, and after~~
23 ~~the field tests of the end of course assessments of high school~~
24 ~~credit courses, the Education Oversight Committee, established in~~
25 ~~Section 59-6-10, will review the state assessment program and the~~
26 ~~course assessments for alignment with the state standards, level of~~
27 ~~difficulty and validity, and for the ability to differentiate levels of~~
28 ~~achievement, and will make recommendations for needed changes,~~
29 ~~if any. The review will be provided to the State Board of~~
30 ~~Education, the State Department of Education, the Governor, the~~
31 ~~Senate Education Committee, and the House Education and Public~~
32 ~~Works Committee as soon as feasible after the field tests. The~~
33 ~~Department of Education will then report to the Education~~
34 ~~Oversight Committee no later than one month after receiving the~~
35 ~~reports on the changes made to the assessments to comply with the~~
36 ~~recommendations.~~

37 (B) ~~After review and approval by the Education Oversight~~
38 ~~Committee, The standards-based assessment standards-based~~
39 assessments of mathematics, English/language arts, social studies,
40 and science will be administered to all public school students in
41 grades three through eight and in high school, to include those
42 students as required by the federal Individuals with Disabilities
43 Education Improvement Act and by Title 1 of the Elementary and
44 Secondary Education Act.

1 (B) To reduce the number of days of testing, to the extent
2 possible, field test items must be embedded with the annual
3 assessments.

4 (C) In accordance with the requirements of the federal ~~No~~
5 ~~Child Left Behind Act~~ law and regulations, science assessments
6 must be administered annually to all students in one elementary
7 and one middle school grade as determined by the State
8 Department of Education. ~~The State Department of Education~~
9 ~~shall develop a sampling plan to administer science and social~~
10 ~~studies assessments to all other elementary and middle school~~
11 ~~students. The plan shall provide for all students and both content~~
12 ~~areas to be assessed annually; however, individual students,~~
13 ~~except in census testing grades, are not required to take both tests.~~
14 ~~In the sampling plan, approximately half of the assessments must~~
15 ~~be administered in science and the other half in social studies in~~
16 ~~each class. To ensure that school districts maintain the high~~
17 ~~standard of accountability established in the Education~~
18 ~~Accountability Act, performance level results reported on school~~
19 ~~and district report cards must meet consistently high levels in all~~
20 ~~four core content areas. The core areas must remain consistent~~
21 ~~with the following percentage weightings established and approved~~
22 ~~by the Education Oversight Committee: in grades three through~~
23 ~~five, thirty percent each for English/language arts and math, and~~
24 ~~twenty percent each for science and social studies; and in grades~~
25 ~~six through eight, twenty five percent each for English/language~~
26 ~~arts and math, and twenty five percent each for science and social~~
27 ~~studies. The State Board of Education is directed to promulgate~~
28 ~~regulations to implement this section.~~ For students with
29 documented disabilities, the assessments developed by the
30 Department of Education shall include the appropriate
31 modifications and accommodations with necessary supplemental
32 devices as outlined in a student's Individualized Education
33 Program and as stated in the Administrative Guidelines and
34 Procedures for Testing Students with Documented Disabilities.

35 ~~(C) After review and approval by the Education Oversight~~
36 ~~Committee, the end of course assessments of high school credit~~
37 ~~courses will be administered to all public school students as they~~
38 ~~complete each course.~~

39 ~~(D) Any new standards and assessments required to be~~
40 ~~developed and adopted by the State Board of Education, through~~
41 ~~the Department of Education for use as an accountability measure,~~
42 ~~must be developed and adopted upon the advice and consent of the~~
43 ~~Education Oversight Committee.~~

44

1 Section 59-18-330. The State Department of Education is
2 directed to coordinate the annual administration of the National
3 Assessment of Education Progress (NAEP) or its successor to
4 obtain an indication of student and school performance relative to
5 national performance levels. A school randomly selected by
6 NAEP or its successor must comply with the administration of the
7 assessment to obtain an indication of state performance relative to
8 national performance levels.
9

10 Section 59-18-340. High schools ~~shall~~ may offer ~~state funded~~
11 college-readiness assessments approved by the State Department
12 of Education including, but not limited to, the PSAT or PLAN
13 ~~tests assessments to each tenth grade student in order to assess and~~
14 ~~identify curricular areas that need to be strengthened and~~
15 ~~reenforced~~ students. Schools and districts shall use these
16 assessments as diagnostic tools to provide academic assistance to
17 students whose scores reflect the need for such assistance. Schools
18 and districts shall use these assessments to provide guidance and
19 direction for parents and students as they plan for postsecondary
20 experiences.
21

22 Section 59-18-350. (A) The State Board of Education, ~~in~~
23 ~~consultation with the Education Oversight Committee,~~ shall
24 provide for a cyclical review by academic area of the state
25 standards and assessments to ensure that the standards and
26 assessments are maintaining high expectations for learning and
27 teaching. At a minimum, each academic area should be reviewed
28 and updated ~~every seven years.~~ ~~After each academic area is~~
29 ~~reviewed, a report on the recommended revisions must be~~
30 ~~presented to the Education Oversight Committee and the State~~
31 ~~Board of Education for consideration.~~ ~~After approval by the~~
32 ~~Education Oversight Committee and the State Board of Education,~~
33 ~~the recommendations may be implemented.~~ ~~However, the~~
34 ~~previous content standards shall remain in effect until approval has~~
35 ~~been given by both entities at least once each decade.~~ The State
36 Board of Education shall inform the General Assembly by July
37 first of each year of its intent to review and update state standards
38 and assessments. As a part of the review, a task force of parents,
39 business and industry persons, community leaders, and educators,
40 to include special education teachers, shall examine the standards
41 and assessment system to determine rigor and relevancy. The
42 State Board of Education shall publish proposed standards for a
43 public review period of one hundred eighty days prior to adoption.
44 The State Board of Education shall publish notice in the state

1 register and on the State Department of Education website.
2 Previous content standards must remain in effect until the State
3 Board of Education has approved the proposed content standards.

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

11
12 ~~Section 59-18-360. Beginning with the 2010 assessment~~
13 ~~administration, The Department of Education is directed to provide~~
14 ~~assessment results annually on individual students and schools by~~
15 ~~August first, in a manner and format that is easily understood by~~
16 ~~parents and the public. In addition, the school assessment results~~
17 ~~must be presented in a format easily understood by the faculty and~~
18 ~~in a manner that is useful for curriculum review and instructional~~
19 ~~improvement. The department is to provide longitudinally~~
20 ~~matched student data from the ~~standards-based~~ standards-based~~
21 ~~assessments and include information on the performance of~~
22 ~~subgroups of students within the school. The department must~~
23 ~~work with the Division of Accountability in developing the~~
24 ~~formats of the assessment results. Schools and districts are~~
25 ~~responsible for disseminating this information to parents.~~
26

27 ~~Section 59-18-370. Renumbered as Section 59-18-360 by 2008~~
28 ~~Act No. 282, Section 1, eff June 5, 2008.~~
29

30 ~~ARTICLE 5.~~

31 ~~ACADEMIC PLANS FOR STUDENTS [OMITTED]~~

32
33
34 ~~Section 59-18-500. Omitted by 2008 Act No. 282, Section 1, eff~~
35 ~~June 5, 2008.~~
36

37 Article 7

38 Materials and Accreditation

39
40
41 Section 59-18-700. The criteria governing the adoption of
42 instructional materials must be revised by the State Board of
43 Education to require that the content of such materials reflect the

1 substance and level of performance outlined in the grade specific
2 educational standards adopted by the state board.

3
4 Section 59-18-710. The State Department of Education shall
5 ~~provide recommendations regarding the state's accreditation~~
6 ~~system to the State Board of Education~~ implement a state
7 accreditation system. The recommendations must be derived from
8 input received from broad-based stakeholder groups, but must
9 include measures of student achievement and student growth. ~~In~~
10 ~~developing the criteria for the accreditation system, the State~~
11 ~~Board of Education shall consider including the function of school~~
12 ~~improvement councils and other school decision-making groups~~
13 ~~and their participation in the school planning process~~ The State
14 Department of Education may approve regional or national
15 accreditation organizations to accredit schools and school districts
16 such as, but not limited to, the Southern Association of Schools
17 and Colleges (SACS). Schools and school districts holding current
18 SACS accreditation, or a successor to SACS, are exempt from the
19 state accreditation system. Schools or school districts with lapsed
20 SACS accreditation shall notify the State Department of Education
21 within five business days of lapsed accreditation and shall be
22 subject to the state accreditation system.

23 Article 9

24 Reporting

25
26
27
28 Section 59-18-900. (A) ~~The Education Oversight Committee,~~
29 ~~working with the State Board of Education,~~ State Department of
30 Education is directed to establish a comprehensive annual report
31 card, its format, and an executive summary of the report card to
32 report on the performance for the individual primary, elementary,
33 middle, high schools, career centers, special schools, and school
34 districts of the State. The comprehensive report card must be in a
35 reader-friendly format, using graphics whenever possible,
36 published on the state, district, and school website, and, upon
37 request, printed by the school districts. The school's ratings on
38 academic performance must be emphasized and an explanation of
39 their significance for the school and the district also must be
40 reported. The annual report card must serve at least five purposes:
41 (1) inform parents and the public about the school's
42 performance;
43 (2) assist in addressing the strengths and weaknesses within
44 a particular school;

- 1 (3) recognize schools with high performance;
2 (4) evaluate and focus resources on schools with low
3 performance; and
4 (5) meet federal report card requirements.

5 (B) ~~The Education Oversight Committee, working with the~~
6 ~~State Board of Education and a State Department of Education,~~
7 working with a broad-based group of stakeholders, including, but
8 not limited to, parents, business and industry persons, community
9 leaders, and educators, shall determine the criteria for and establish
10 five ~~academic~~ performance ratings of ~~excellent, good, average,~~
11 ~~below average, and school/district at risk.~~ Schools and districts
12 shall receive a rating for absolute and growth performance using
13 letter grades of A, B, C, D and F, with a letter grade A signifying
14 the highest level of performance and a letter grade of F signifying
15 the lowest level of performance. A student growth component, as
16 determined by the State Department of Education, must be
17 included in the school and school district performance rating.
18 Only the scores of students enrolled in the school at the time of the
19 forty-five-day enrollment count shall be used to determine the
20 absolute and growth ratings. Graduation rates must be used as an
21 additional accountability measure for high schools and school
22 districts. ~~The Oversight Committee, working with the State Board~~
23 ~~of Education, State Department of Education~~ shall establish ~~three~~
24 five student performance indicators which will be those considered
25 to be useful for assessing a school's overall performance and
26 appropriate for the grade levels within the school.

27 ~~The student performance levels are: Not Met, Met, and~~
28 ~~Exemplary. 'Not Met' means that the student did not meet the~~
29 ~~grade level standard. 'Met' means the student met the grade level~~
30 ~~standard. 'Exemplary' means the student demonstrated exemplary~~
31 ~~performance in meeting the grade level standard.~~ For purposes of
32 reporting as required by federal statute, 'proficiency' shall include
33 students performing at ~~Met or Exemplary~~ the middle performance
34 indicator or higher.

35 (C) In setting the criteria for the ~~academic~~ performance ratings
36 and the performance indicators, the ~~Education Oversight~~
37 ~~Committee~~ State Department of Education shall report the
38 performance by subgroups of students in the school and schools
39 similar in student characteristics. Criteria must use established
40 guidelines for statistical analysis and build on current
41 data-reporting practices.

42 (D) The comprehensive report card must include a
43 comprehensive set of performance indicators with information on
44 comparisons, trends, needs, and performance over time which is

1 helpful to parents and the public in evaluating the school. Special
2 efforts are to be made to ensure that the information contained in
3 the report card is provided in an easily understood manner and a
4 reader-friendly format. This information should also provide a
5 context for the performance of the school. Where appropriate, the
6 data should yield disaggregated results to schools and districts in
7 planning for improvement. ~~The report card should include~~
8 ~~information in such areas as programs and curriculum, school~~
9 ~~leadership, community and parent support, faculty qualifications,~~
10 ~~evaluations of the school by parents, teachers, and students. In~~
11 ~~addition, the report card must contain other criteria including, but~~
12 ~~not limited to, information on promotion and retention ratios,~~
13 ~~disciplinary climate, dropout ratios, dropout reduction data, student~~
14 ~~and teacher ratios, and attendance data.~~

15 ~~(E) After reviewing the school's performance on statewide~~
16 ~~assessments, the principal, in conjunction with the School~~
17 ~~Improvement Council established in Section 59-20-60, must write~~
18 ~~an annual narrative of a school's progress in order to further~~
19 ~~inform parents and the community about the school and its~~
20 ~~operation. The narrative must be reviewed by the district~~
21 ~~superintendent or appropriate body for a local charter school. The~~
22 ~~narrative must cite factors or activities supporting progress and~~
23 ~~barriers which inhibit progress. The school's School and school~~
24 ~~district report card cards must be furnished to parents and the~~
25 ~~public no later than November fifteenth August first. The most~~
26 ~~recent NAEP assessment scores, or its successor, for the State must~~
27 ~~be included on school and school district report cards.~~

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

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

35
36 ~~Section 59-18-910. Beginning in 2013, the Education Oversight~~
37 ~~Committee, working with the State Board of Education and The~~
38 ~~State Department of Education, working with a broad-based group~~
39 ~~of stakeholders, selected by the Education Oversight Committee,~~
40 ~~shall conduct a comprehensive cyclical review of the~~
41 ~~accountability system at least every five years once during each~~
42 ~~decade and shall provide the General Assembly with a report on~~
43 ~~the findings and recommended actions to improve the~~
44 ~~accountability system and to accelerate improvements in student~~

1 and school performance. The stakeholders must include the State
2 Superintendent of Education and the Governor, or the Governor's
3 designee. The other stakeholders include, but are not limited to,
4 parents, business and industry persons, community leaders, and
5 educators.

6
7 Section 59-18-920. A charter school established pursuant to
8 Chapter 40, Title 59 shall report the data requested by the
9 Department of Education necessary to generate a report card. The
10 Department of Education shall utilize this data to issue a report
11 card with performance ratings to parents and the public containing
12 the ratings and explaining its significance and providing other
13 information similar to that required of other schools in this section.
14 The performance of students attending charter schools sponsored
15 by the South Carolina Public Charter School District must be
16 included in the overall performance ratings of the South Carolina
17 Public Charter School District. The performance of students
18 attending a charter school authorized by a local school district
19 must be reflected on a separate line on the school district's report
20 card and must not be included in the overall performance ratings of
21 the local school district, unless there is a mutual agreement to
22 include the scores in the local school district ratings. An
23 alternative school is included in the requirements of this chapter;
24 however, the purpose of an alternative school must be taken into
25 consideration in determining its performance rating. The
26 ~~Education Oversight Committee, working with the State Board of~~
27 ~~Education and the School to Work Advisory Council, State~~
28 Department of Education shall develop a report card for career and
29 technology schools centers and special schools.

30
31 ~~Section 59-18-930. (A) The State Department of Education~~
32 ~~must issue the executive summary of the report card annually to all~~
33 ~~schools and districts of the State no later than November first. The~~
34 ~~executive summary shall be printed in black and white, be no more~~
35 ~~than two pages, use graphical displays whenever possible, and~~
36 ~~contain National Assessment of Educational Progress (NAEP)~~
37 ~~scores as well as national scores. The report card summary must~~
38 ~~be made available to all parents of the school and the school~~
39 ~~district.~~

40 ~~(B) The school, in conjunction with the district board, also~~
41 ~~must inform the community of the school's report card by~~
42 ~~advertising the results in at least one South Carolina daily~~
43 ~~newspaper of general circulation in the area. This notice must be~~
44 ~~published within forty five days of receipt of the report cards~~

1 issued by the State Department of Education and must be a
2 minimum of two columns by ten inches (four and one half by ten
3 inches) with at least a twenty four point bold headline.

4 (C) If an audited newspaper of general circulation in a school
5 district's geographic area has previously published the entire
6 school report card results as a news item, the requirement of
7 subsection (B) may be waived.
8

9 Section 59-18-950. Notwithstanding another provision of law to
10 the contrary, the Education Oversight Committee may base ratings
11 for school districts and high schools on criteria that include
12 graduation rates, exit examination performance, and other criteria
13 identified by technical experts and appropriate groups of educators
14 and workforce advocates.
15

16 Article 11

17 Awarding Performance

18
19
20 Section 59-18-1100. The State Board of Education, working
21 with the division and the Department of Education, must establish
22 the Palmetto Gold and Silver Awards Program. Department of
23 Education must establish a program to recognize and reward
24 schools for academic achievement and for closing the achievement
25 gap. Awards will be established for schools attaining high levels
26 of absolute performance, for schools attaining high rates of growth,
27 and for schools making substantial progress in closing the
28 achievement gap between disaggregated groups. The award
29 program must base improved performance on longitudinally
30 matched student data and may include such additional criteria as:

- 31 (1) student attendance;
- 32 (2) teacher attendance;
- 33 (3) graduation rates; and
- 34 (4) other factors promoting or maintaining high levels of
35 achievement and performance. Schools shall be rewarded
36 according to specific criteria established by the division. In
37 defining eligibility for a reward for high levels of performance,
38 student performance should exceed expected levels of
39 improvement. The State Board of Education shall promulgate
40 regulations to ensure districts of the State utilize these funds to
41 improve or maintain exceptional performance according to their
42 school's plans established in Section 59-139-10. Funds may be
43 utilized for professional development support.

1 ~~Special schools for the academically talented are not eligible to~~
2 ~~receive an award pursuant to the provisions of this section unless~~
3 ~~they have demonstrated improvement and high absolute~~
4 ~~achievement for three years immediately preceding~~ If appropriated
5 by the General Assembly, the State Department of Education shall
6 establish and administer a financial reward program for the top
7 twenty-five percent of schools in the three categories above. Funds
8 must be allocated directly to schools on a per pupil basis using the
9 current fiscal year forty-five day enrollment count. Funds must not
10 be transferred to the school district's general fund account for
11 other purposes and must be used by the school as financial
12 incentives to school employees or for professional development
13 activities within the school.

14
15 Section 59-18-1110. (A) Notwithstanding any other provision
16 of law, a school is ~~given the~~ considered to have received approval
17 by the State Board of Education of flexibility of receiving
18 exemptions from those regulations and statutory provisions
19 governing the defined program provided that, ~~during a three year~~
20 ~~period,~~ the following criteria are satisfied:

21 (1) ~~the school has twice been a recipient of a Palmetto Gold~~
22 ~~or Silver Award, pursuant to Section 59-18-1100~~ has received a
23 letter grade of A, B, or C for three consecutive years;

24 (2) ~~the school has met annual improvement standards for~~
25 ~~subgroups of students in reading and mathematics~~ school's growth
26 measure has met expectations in English-language arts and
27 mathematics; and

28 (3) the school has exhibited no recurring accreditation
29 deficiencies.

30 (B) Schools receiving flexibility status are released from those
31 regulations and statutory provisions referred to above including,
32 but not limited to, regulations and statutory provisions on class
33 scheduling, class structure, and staffing.

34 (C) To continue to receive flexibility pursuant to this section, a
35 school ~~must annually exhibit school improvement at or above the~~
36 ~~state average as computed in the school recognition program~~
37 ~~pursuant to Section 59-18-1100 and must meet the gains required~~
38 ~~for subgroups of students in reading and mathematics~~ annually
39 must receive a letter grade of A, B, or C, and the school growth
40 measure must meet expectations in English-language arts and
41 mathematics. A school ~~which that~~ does not ~~requalify~~ qualify
42 for flexibility status due to extenuating circumstances may apply to the
43 State Board of Education for an extension of this status for one
44 year.

1 (D) In the event that a school is removed from flexibility status,
2 the school is not subject to regulations and statutory provisions
3 exempted under this section until the beginning of the school year
4 following notification of the change in status by the State
5 Department of Education. ~~Subsequent monitoring by the State
6 Department of Education in a school that is removed from
7 flexibility status shall not include a review of program records
8 exempted under this section for the period that the school has
9 received flexibility status or for the school year during which the
10 school was notified of its removal from flexibility status.~~

11
12 ~~Section 59-18-1120. (A) Notwithstanding any other provision
13 of law, a school designated as school/district at risk while in such
14 status is given the flexibility of receiving exemptions from those
15 regulations and statutory provisions governing the defined program
16 or other State Board of Education regulations, dealing with the
17 core academic areas as outlined in Section 59-18-120, provided
18 that the review team recommends such flexibility to the State
19 Board of Education.~~

20 ~~(B) Other schools may receive flexibility when their school
21 renewal plan explains why such exemptions are expected to
22 improve the academic performance of the students and the plan
23 meets the approval by the State Board of Education. To continue
24 to receive flexibility pursuant to this section, a school must
25 annually exhibit overall school improvement as outlined in its
26 revised plan and must meet the gains set for subgroups of students
27 in content areas included in the accountability assessments. A
28 school which does not requalify for flexibility status due to
29 extenuating circumstances may apply to the State Board of
30 Education for an extension of this status for one year according to
31 the provisions of Section 59-18-1110(D).~~

32
33 ~~Section 59-18-1130. (A) Notwithstanding another provision of
34 law to the contrary, funds appropriated for professional
35 development must be used for certificated instructional and
36 instructional leadership personnel in grades kindergarten through
37 twelve in the academic areas for which State Board of Education
38 standard documents have been approved to better link instruction
39 and lesson plans to the standards and to statewide adopted
40 readiness assessment tests, to develop classroom assessments
41 consistent with the standards and testing measures, and to analyze
42 assessment results for needed modification in instructional
43 strategies. No more than five percent of funds appropriated for
44 professional development may be retained by the State Department~~

1 of Education for administration of the program; however, a district
2 may choose to purchase professional development services
3 provided by the State Department of Education with the funds
4 allocated to the districts for professional development. Funds also
5 may be expended for certificated instructional and instructional
6 leadership personnel in grades six through twelve to achieve
7 competency in teaching reading to students who score below
8 proficient on the reading component of assessment tests.

9 ~~(B) Two hundred fifty thousand dollars of the funds allocated to~~
10 ~~professional development must be provided to the State~~
11 ~~Department of Education to implement successfully the South~~
12 ~~Carolina Readiness Assessment by creating a validation process~~
13 ~~for teachers to ensure reliable administration of the assessment,~~
14 ~~providing professional development on effective utilization, and~~
15 ~~establishing the relationship between the readiness measure and~~
16 ~~third grade standards based assessments. Multi day work sessions~~
17 ~~must be provided around the State during the summer, fall, and~~
18 ~~winter using staff development days and teacher workdays. Two~~
19 ~~of the remaining professional development days must be set aside~~
20 ~~for the specific purpose of preparing and opening schools. District~~
21 ~~instructional leaders, regional service centers, consortia,~~
22 ~~development personnel, university faculty, contracted providers,~~
23 ~~and the resources of the Educational Television Network may be~~
24 ~~used to implement the professional development initiative.~~
25 ~~Teachers participating in the program shall receive credit toward~~
26 ~~recertification according to State Board of Education guidelines.~~
27 ~~Funds provided for professional development on standards may be~~
28 ~~carried forward into the current fiscal year to be expended for the~~
29 ~~same purpose. No less than twenty five percent of the funds~~
30 ~~allocated for professional development may be expended on the~~
31 ~~teaching of reading, which includes teaching reading across~~
32 ~~content areas in grades three through eight.~~

33
34 Article 13

35
36 District Accountability Systems

37
38 ~~Section 59-18-1300. The State Board of Education, based on~~
39 ~~recommendations of the division, must develop regulations~~
40 ~~requiring that each district board of trustees must establish and~~
41 ~~annually review a performance based accountability system, or~~
42 ~~modify its existing accountability system, to reinforce the state~~
43 ~~accountability system. Parents, teachers, and principals must be~~
44 ~~involved in the development, annual review, and revisions of the~~

1 accountability system established by the district. The board of
2 trustees shall ensure that a district accountability plan be
3 developed, reviewed, and revised annually. In order to stimulate
4 constant improvement in the process of teaching and learning in
5 each school and to target additional local assistance for a school
6 when its students' performance is low or shows little improvement,
7 the district accountability system must build on the district and
8 school activities and plans required in Section 59-139-10. In
9 keeping with the emphasis on school accountability, principals
10 should be actively involved in the selection, discipline, and
11 dismissal of personnel in their particular school. The date the
12 school improvement reports must be provided to parents is
13 changed to February first.

14 The Department of Education shall offer technical support to
15 any district requesting assistance in the development of an
16 accountability plan. Furthermore, the department must conduct a
17 review of accountability plans as part of the peer review process
18 required in Section 59-139-10(H) to ensure strategies are contained
19 in the plans that shall maximize student learning.

20
21 Section 59-18-1310. The strategic plans and improvement
22 reports required of the public schools and districts in Sections
23 59-18-1300, 59-18-1500, and 59-20-60 are consolidated and
24 reported as follows: district and school five-year plans and annual
25 updates and district programmatic reports, and school reports
26 developed in conjunction with the school improvement council to
27 parents and constituents to include recommendations of Education
28 Accountability Act external review teams as approved by the State
29 Board of Education and the steps being taken to address the
30 recommendations, and the advertisement of this report are due on a
31 date established by the Department of Education, but no later than
32 April thirtieth annually; schools reviewed by external review
33 teams shall prepare a report to the parents and constituents of the
34 school, to be developed in conjunction with the School
35 Improvement Council, and this report must be provided and
36 advertised no later than April thirtieth annually. The school report
37 card narrative in Section 59-18-900 continues on its prescribed
38 date.

39
40 Article 15

41
42 Intervention and Assistance

43

1 Section 59-18-1500. (A) When a school receives a ~~rating of~~
2 ~~below average or school/district at risk~~ D or F letter grade, the
3 following actions must be undertaken by the school, the district,
4 and the board of trustees:

5 (1) The faculty of the school with the leadership of the
6 principal must review its renewal plan and revise it with the
7 assistance of the school improvement council established in
8 Section 59-20-60. The revised plan should look at every aspect of
9 schooling, and must outline activities that, when implemented, can
10 reasonably be expected to improve student performance and
11 increase the rate of student progress. ~~The plan must include~~
12 ~~actions consistent with each of the alternative researched based~~
13 ~~technical assistance criteria as approved by the Education~~
14 ~~Oversight Committee and the State Department of Education and~~
15 ~~consistent with the external review team report.~~ The plan should
16 provide a clear, coherent plan for professional development, which
17 has been designed by the faculty, that is ongoing, job related, and
18 keyed to improving teaching and learning. A school renewal plan
19 must address professional development activities that are directly
20 related to instruction in the core subject areas and may include the
21 use of funds appropriated for technical assistance to provide
22 compensation incentives in the form of salary supplements to
23 classroom teachers who are certified by the State Board of
24 Education. ~~The purpose of the compensation packages is to~~
25 ~~improve student achievement and to improve the recruitment and~~
26 ~~retention of teachers with advanced degrees in schools designated~~
27 ~~as below average or school/district at risk.~~ If the school renewal
28 plan is approved, the school shall be permitted to use technical
29 assistance funds to provide the salary supplements. A time line for
30 implementation of the activities and the goals to be achieved must
31 be included.

32 (2) Once the revised plan is developed, the district
33 superintendent and the local board of trustees shall review the
34 school's strategic plan to determine if the plan focuses on
35 strategies to increase student academic performance. Once the
36 district board has approved the plan, it must delineate the strategies
37 and support the district will give the plan.

38 (3) After the approval of the revised plan, the principals' and
39 teachers' professional growth plans, as required by Section
40 59-26-40 and Section 59-24-40, should be reviewed and amended
41 to reflect the professional development needs identified in the
42 revised plan and must establish individual improvement criteria on
43 the performance dimensions for the next evaluation.

1 (4) The school, in conjunction with the district board, must
2 inform the parents of children attending the school of the ratings
3 received and must outline the steps in the revised plan to improve
4 performance, including the support which the board of trustees has
5 agreed to give the plan. This information must go to the parents no
6 later than ~~February~~ September first. ~~This information also must~~
7 ~~be advertised in at least one South Carolina daily newspaper of~~
8 ~~general circulation in the area. This notice must be published~~
9 ~~within ninety days of receipt of the report cards issued by the State~~
10 ~~Department of Education and must be a minimum of two columns~~
11 ~~by ten inches (four and one half by ten inches) with at least a~~
12 ~~twenty four point bold headline. The notice must include the~~
13 ~~following information: name of school district, name of~~
14 ~~superintendent, district office telephone number, name of school,~~
15 ~~name of principal, telephone number of school, school's absolute~~
16 ~~performance rating and growth performance rating on student~~
17 ~~academic performance, and strategies which must be taken by the~~
18 ~~district and school to improve student performance.~~

19 (5) Upon a review of the revised plan to ensure it contains
20 sufficiently high standards and expectations for improvement, the
21 Department of Education is to delineate the activities, support,
22 services, and technical assistance it will make available to support
23 the school's plan and sustain improvement over time. ~~Schools~~
24 ~~meeting the criteria established pursuant to Section 59-18-1550~~
25 ~~will be eligible for the grant programs created by that section.~~

26 ~~(B) The Department of Education shall provide regional~~
27 ~~workshops to assist schools in formulating school renewal plans~~
28 ~~based on best practices that positively improve student~~
29 ~~achievement. The chairman of the local board of education or a~~
30 ~~board member designee, the superintendent or district instructional~~
31 ~~leader, and the principal of any school receiving technical~~
32 ~~assistance funds must attend at least one of the workshops in order~~
33 ~~to receive any state aid for technical assistance.~~

34
35 ~~Section 59-18-1510. (A) When a school receives a rating of~~
36 ~~school/district at risk or upon the request of a school rated below~~
37 ~~average, an external review team process must be implemented by~~
38 ~~the Department of Education to examine school and district~~
39 ~~educational programs, actions, and activities. The Education~~
40 ~~Oversight Committee, in consultation with the State Department of~~
41 ~~Education, shall develop the criteria for the identification of~~
42 ~~persons to serve as members of an external review team which~~
43 ~~shall include representatives from selected school districts,~~
44 ~~respected retired educators, State Department of Education staff,~~

1 higher education representatives, parents from the district, and
2 business representatives.

3 (B) The activities of the external review team may include:

4 (1) examining all facets of school operations, focusing on
5 strengths and weaknesses, determining the extent to which the
6 instructional program is aligned with the content standards, and
7 recommendations which draw upon strategies from those who
8 have been successful in raising academic achievement in schools
9 with similar student characteristics;

10 (2) consulting with parents, community members, and
11 members of the School Improvement Council to gather additional
12 information on the strengths and weaknesses of the school;

13 (3) identifying personnel changes, if any, that are needed at
14 the school and/or district level and discuss such findings with the
15 board;

16 (4) working with school staff, central offices, and local boards
17 of trustees in the design of the school's plan, implementation
18 strategies, and professional development training that can
19 reasonably be expected to improve student performance and
20 increase the rate of student progress in that school;

21 (5) identifying needed support from the district, the State
22 Department of Education, and other sources for targeted long term
23 technical assistance;

24 (6) reporting its recommendations, no later than three months
25 after the school receives the designation of school/district at risk to
26 the school, the district board of trustees, and the State Board of
27 Education; and

28 (7) reporting annually to the local board of trustees and state
29 board over the next four years, or as deemed necessary by the state
30 board, on the district's and school's progress in implementing the
31 plans and recommendations and in improving student
32 performance.

33 (C) Within thirty days, the Department of Education must notify
34 the principal, the superintendent, and the district board of trustees
35 of the recommendations approved by the State Board of Education.
36 After the approval of the recommendations, the department shall
37 delineate the activities, support, services, and technical assistance
38 it will provide to the school. With the approval of the state board,
39 this assistance will continue for at least three years, or as
40 determined to be needed by the review committee to sustain
41 improvement.

42
43 Section 59-18-1520. If the recommendations approved by the
44 state board, the district's plan, or the school's revised plan are not

1 satisfactorily implemented by the school ~~rated school/district~~
2 ~~at risk~~ and its school district according to the time line developed
3 by the State Board of Education or if student academic
4 performance has not met expected progress, the principal, district
5 superintendent, and members of the board of trustees must appear
6 before the State Board of Education to outline the reasons why a
7 state of emergency should not be declared in the school. The state
8 superintendent, ~~after consulting with the external review~~
9 ~~committee and~~ with the approval of the State Board of Education,
10 shall be granted the authority to take any of the following actions:

11 (1) furnish continuing advice and technical assistance in
12 implementing the recommendations of the State Board of
13 Education;

14 (2) declare a state of emergency in the school and replace the
15 school's principal; or

16 (3) declare a state of emergency in the school and ~~assume~~
17 transfer management of the school to the South Carolina
18 Transformation District.

19
20 ~~Section 59-18-1530. (A) Teacher specialists on site may be~~
21 ~~assigned to an elementary, middle, or high school designated as~~
22 ~~below average or school/district at risk. Teacher specialists may~~
23 ~~be placed across grade levels and across subject areas when~~
24 ~~placement meets program criteria based on external review team~~
25 ~~recommendations, need, number of teachers receiving support,~~
26 ~~certification, and experience of the specialist. The Department of~~
27 ~~Education, in consultation with the Division of Accountability,~~
28 ~~shall develop a program for the identification, selection, and~~
29 ~~training of teachers with a history of exemplary student academic~~
30 ~~achievement to serve as teacher specialists on site. Retired~~
31 ~~educators may be considered for specialists.~~

32 ~~(B) In order to sustain improvement and help implement the~~
33 ~~review team's recommendations, the specialists will teach and~~
34 ~~work with the school faculty on a regular basis throughout the~~
35 ~~school year for up to three years, or as recommended by the review~~
36 ~~team and approved by the state board. Teacher specialists are~~
37 ~~limited to three years of service at one school unless the specialist~~
38 ~~submits application for an extension, the application is accepted by~~
39 ~~the State Department of Education, and placement is made. Upon~~
40 ~~acceptance and placement, the specialist can receive the salary and~~
41 ~~supplement for two additional years but is no longer attached to the~~
42 ~~home district or guaranteed placement in the home district upon~~
43 ~~leaving the teacher specialist program. Teacher specialists must~~
44 ~~teach a minimum of three hours per day on average in team~~

1 teaching or teaching classes. Teacher specialists shall not be
2 assigned administrative duties or other responsibilities outside the
3 scope of this section. The specialists will assist the school in
4 gaining knowledge of best practices and well validated
5 alternatives, demonstrate effective teaching, act as coach for
6 improving classroom practices, give support and training to
7 identify needed changes in classroom instructional strategies based
8 upon analyses of assessment data, and support teachers in
9 acquiring new skills. School districts are asked to cooperate in
10 releasing employees for full time or part time employment as a
11 teacher specialist.

12 (C) To encourage and recruit teachers for assignment to below
13 average and school/district at risk schools, those assigned to such
14 schools will receive their salary and a supplement equal to fifty
15 percent of the current southeastern average teacher salary as
16 projected by the State Budget and Control Board, Office of
17 Research and Analysis. The salary and supplement is to be paid by
18 the State for three years. Teacher specialists may be employed,
19 pursuant to subsection (B), as a component of the technical
20 assistance strategy.

21 (D) In order to attract a pool of qualified applicants to work in
22 low performing schools, the Education Oversight Committee, in
23 consultation with the South Carolina Department of Education,
24 shall develop criteria for the identification, selection, and training
25 of principals with a history of exemplary student academic
26 achievement. Retired educators may be considered for a principal
27 specialist position. A principal specialist may be hired for a school
28 designated as school/district at risk, if the district board of trustees
29 chooses to replace the principal of that school. The principal
30 specialist will assist the school in gaining knowledge of best
31 practices and well validated alternatives in carrying out the
32 recommendations of the review team. The specialist will
33 demonstrate effective leadership for improving classroom
34 practices, assist in the analyses of assessment data, work with
35 individual members of the faculty emphasizing needed changes in
36 classroom instructional strategies based upon analyses of
37 assessment data, and support teachers in acquiring new skills
38 designed to increase academic performance. School districts are
39 asked to cooperate in releasing employees for full time or
40 part time employment as a principal specialist.

41 (E) In order to attract a pool of qualified principals to work in
42 low performing schools, the principal specialists hired in such
43 schools will receive their salary and a supplement equal to 1.25
44 times the supplement amount calculated for teachers. Principal

1 specialists may be employed as a component of the technical
2 assistance strategy for two years. A principal specialist may be
3 continued for a third year if requested by the local school board,
4 recommended by the external review team, and approved by the
5 State Board of Education. If employed for the third year, technical
6 assistance funds may only be used for payment of the principal
7 specialist salary supplement.

8 (F) The supplements are to be considered part of the regular
9 salary base for which retirement contributions are deductible by
10 the South Carolina Retirement System pursuant to Section
11 9-1-1020. Principal and teacher specialists on site who are
12 assigned to below average and school/district at risk schools shall
13 be allowed to return to employment with their home district at the
14 end of the contract period with the same teaching or administrative
15 contract status as when they left but without assurance as to the
16 school or supplemental position to which they may be assigned.

17 (G) The Department of Education shall work with school
18 districts and schools to broker the services of technical assistance
19 personnel delineated in Section 59-18-1590 as needed, and as
20 stipulated in the school renewal plan.

21 (H) Within the parameters herein, the school district will have
22 final determination on individuals who are assigned as teacher
23 specialists and principal specialists.

24
25 Section 59-18-1540. Each principal continued in employment
26 in schools designated as below average or school/district at risk
27 must participate in a formal mentoring program with a principal.
28 The Department of Education, working with the Education
29 Oversight Committee, shall design the mentoring program. A
30 principal mentor may be employed as a component of the technical
31 assistance strategy.

32
33 Section 59-18-1550. (A) The State Board of Education,
34 working with the Accountability Division and the Department of
35 Education, must establish grant programs for schools designated as
36 below average and for schools designated as unsatisfactory. A
37 school designated as below average will qualify for a grant to
38 undertake needed retraining of school faculty and administration
39 once the revised plan is determined by the State Department of
40 Education to meet the criteria on high standards and effective
41 activities. In order to implement the school district and school
42 renewal plan, a school must be eligible to receive the technical
43 assistance funding over the next three years in order to implement
44 fully systemic reform and to provide opportunity for building local

1 education capacity. Should student performance not improve, any
2 revisions to the plan must meet high standards prior to renewal of
3 the grant. The revised plan must be reviewed by the district board
4 of trustees and the State Department of Education to determine
5 what other actions, if any, need to be taken. Technical assistance
6 funds previously received must be expended based on the revised
7 plan. If deficient use is determined, those deficiencies must be
8 identified, noted, and corrective action taken before additional
9 funding will be given.

10 (B) A public school assistance fund must be established as a
11 separate fund within the state general fund for the purpose of
12 providing financial support to assist poorly performing schools.
13 The fund may consist of grants, gifts, and donations from any
14 public or private source or monies that may be appropriated by the
15 General Assembly for this purpose. Income from the fund shall be
16 retained in the fund. All funds may be carried forward from fiscal
17 year to fiscal year. The State Treasurer shall invest the monies in
18 this fund in the same manner as other funds under his control are
19 invested. The State Board of Education, in consultation with the
20 commission, shall administer and authorize any disbursements
21 from the fund. The State Board of Education shall promulgate
22 regulations to implement the provisions of this section.
23

24 ~~Section 59-18-1560.~~ (A) When a district receives a rating of
25 below average, the state superintendent, with the approval of the
26 State Board of Education, shall appoint an external review
27 committee to study educational programs in that district and
28 identify factors affecting the performance of the district. The
29 review committee must:

30 (1) examine all facets of school and district operations,
31 focusing on strengths and weaknesses, determining the extent to
32 which the instructional program is aligned with the content
33 standards and shall make recommendations which draw upon
34 strategies from those who have been successful in raising academic
35 achievement in schools with similar student characteristics;

36 (2) consult with parents and community members to gather
37 additional information on the strengths and weaknesses of the
38 district;

39 (3) identify personnel changes, if any, that are needed at the
40 school and/or district level and discuss such findings with the
41 board;

42 (4) work with school staff, central offices, and local boards of
43 trustees in the design of the district's plan, implementation
44 strategies, and professional development training that can

1 reasonably be expected to improve student performance and
2 increase the rate of student progress in the district;

3 (5) identify needed support from the State Department of
4 Education and other sources for targeted long term technical
5 assistance;

6 (6) report its recommendations, no later than three months
7 after the district receives the designation of school/district at risk,
8 to the superintendent, the district board of trustees, and the State
9 Board of Education; and

10 (7) report annually over the next four years to the local board
11 of trustees and state board, or as deemed necessary by the state
12 board, on the district's and school's progress in implementing the
13 plans and recommendations and in improving student
14 performance.

15 (B) Within thirty days, the Department of Education must notify
16 the superintendent and the district board of trustees of the
17 recommendations approved by the State Board of Education.
18 Upon the approval of the recommendations, the Department of
19 Education must delineate the activities, support, services, and
20 technical assistance it will provide to support the recommendations
21 and sustain improvement over time. The external review
22 committee must report annually to the local board of trustees and
23 the state board over the next four years, or as deemed necessary by
24 the state board, on the district's progress in implementing the
25 recommendations and improving student performance.

26 (C) The review committee shall be composed of State
27 Department of Education staff, representatives from selected
28 school districts, higher education, and business.

29

30 Section 59-18-1570. (A) If recommendations approved by the
31 State Board of Education are not satisfactorily implemented by the
32 school district according to the time line developed by the State
33 Board of Education, or if student performance has not made the
34 expected progress and the school district is designated as
35 school/district at risk, the district superintendent and members of
36 the board of trustees shall appear before the State Board of
37 Education to outline the reasons why a state of emergency must
38 not be declared in the district.

39 (B) The state superintendent, with the approval of the State
40 Board of Education, is granted authority to:

41 (1) furnish continuing advice and technical assistance in
42 implementing the recommendations of the State Board of
43 Education to include establishing and conducting a training
44 program for the district board of trustees and the district

1 superintendent to focus on roles and actions in support of increases
2 in student achievement;

3 (2) mediate personnel matters between the district board and
4 district superintendent when the State Board of Education is
5 informed by majority vote of the board or the superintendent that
6 the district board is considering dismissal of the superintendent,
7 and the parties agree to mediation;

8 (3) recommend to the Governor that the office of
9 superintendent be declared vacant. If the Governor declares the
10 office vacant, the state superintendent may furnish an interim
11 replacement until the vacancy is filled by the district board of
12 trustees. District boards of trustees negotiating contracts for the
13 superintendency shall include a provision that the contract is void
14 should the Governor declare that office of superintendency vacant
15 pursuant to this section. This contract provision does not apply to
16 existing contracts but to new contracts or renewal of contracts;
17 ~~and~~

18 (4) declare a state of emergency in the school district and
19 assume management of the school district; and

20 (5) recommend to the Governor the suspension of any or all
21 eligible members of the district board of trustees. If the state
22 superintendent makes such recommendation, the Governor may, in
23 his discretion, suspend any or all eligible members of the district
24 board of trustees and, in consultation with the state superintendent,
25 appoint temporary replacement trustees who must be otherwise
26 qualified to serve as trustees.

27 (a) Any member of the district board of trustees
28 suspended under this section may petition the Governor for
29 reinstatement no later than thirty days following suspension. In the
30 event that a suspended trustee does not petition for reinstatement
31 within the allotted time period, his suspension must be converted
32 into a permanent removal, and the temporary replacement trustee
33 shall become a permanent trustee and serve out the remainder of
34 the term of the removed trustee.

35 (b) Upon petition for reinstatement by a suspended
36 member of the district board of trustees, the Governor or his
37 designee shall conduct a hearing for the purpose of receiving
38 evidence relative to whether the trustee's continued service on the
39 board impedes the ability of the school district to improve student
40 performance to make expected progress and remove the school
41 district's designation as a failing school/district. The petitioning
42 trustee must be given at least thirty days' notice prior to the
43 hearing. The hearing must be held not later than ninety days after
44 the petition is filed, and in accordance with Chapter 23, Title 1, the

1 South Carolina Administrative Procedures Act (APA). For
2 purposes of the APA and any hearing conducted pursuant to this
3 section, the Governor must be considered the agency. If it is
4 determined that the trustee's continued service will not impede the
5 ability of the school district to improve student performance to
6 make expected progress and remove the school district's
7 designation as a failing school/district, the trustee must
8 immediately be reinstated; otherwise, the trustee must be
9 permanently removed, and the temporary replacement trustee must
10 become a permanent trustee and serve out the remainder of the
11 term of the removed trustee. Judicial review of this decision must
12 be in accordance with the APA.

13 (c) This section shall apply to a member of a local or
14 county board of education, regardless of when he was elected or
15 appointed.

16 ~~(C) The district board of trustees may appoint at least two~~
17 ~~nonvoting members to the board from a pool nominated by the~~
18 ~~Education Oversight Committee and the State Department of~~
19 ~~Education. The appointed members shall have demonstrated high~~
20 ~~levels of knowledge, commitment, and public service, must be~~
21 ~~recruited and trained for service as appointed board members by~~
22 ~~the Education Oversight Committee and the State Department of~~
23 ~~Education, and shall represent the interests of the State Board of~~
24 ~~Education on the district board. Compensation for the nonvoting~~
25 ~~members must be paid by the State Board of Education in an~~
26 ~~amount equal to the compensation paid to the voting members of~~
27 ~~the district board.~~

28
29 Section 59-18-1580. To assist schools and school districts as
30 they work to improve classroom practice and student performance,
31 the Department of Education must increase the delivery of quality
32 technical assistance services and the assessment of instructional
33 programs. The department may need to reshape some of its
34 organization and key functions to make them more consistent with
35 the assistance required by schools and districts in developing and
36 implementing local accountability systems and meeting state
37 standards. The Department of Education must:

38 (1) establish an ongoing state mechanism to promote
39 successful programs found in South Carolina schools for
40 implementation in schools with similar needs and students, to
41 review evidence on instructional and organizational practices
42 considered to be effective, and to alert schools and classroom
43 teachers to these options and the sources of training and names of
44 implementing schools;

1 (2) provide information and technical assistance in
2 understanding state policies, how they fit together, and the best
3 practice in implementing them; and

4 (3) establish a process for monitoring information provided for
5 accountability and for assessing improvement efforts and
6 implementation of state laws and policies which focuses on
7 meeting the intent and purpose of those laws and policies.
8

9 Section 59-18-1590. Notwithstanding any other provision of
10 law, and in order to provide assistance at the beginning of the
11 school year, schools may qualify for technical assistance based on
12 the criteria established by the ~~Education Oversight Committee~~
13 State Department of Education for school ratings and on the most
14 recently available end-of-year assessment scores. In order to best
15 meet the needs of low-performing schools, the funding provided
16 for technical assistance under the Education Accountability Act
17 may be reallocated among the programs and purposes specified in
18 this section. The State Department of Education shall establish
19 criteria for reviewing and assisting schools rated school/district
20 at-risk or below average. Funds must be expended on strategies
21 and activities expressly outlined in the school plan. The activities
22 may include, but are not limited to, teacher specialist, principal
23 specialist, curriculum specialist, principal leader, principal mentor,
24 professional development, compensation incentives, homework
25 centers, formative assessments, or comprehensive school reform
26 efforts. The State Department of Education shall provide
27 information on the technical assistance strategies and their impact
28 to the State Board of Education, ~~the Education Oversight~~
29 ~~Committee~~, the Senate Education Committee, the Senate Finance
30 Committee, the House of Representatives Education and Public
31 Works Committee, and the House of Representatives Ways and
32 Means Committee annually.
33

34 ~~Section 59-18-1595. Renumbered as Section 59-18-1590 by~~
35 ~~2008 Act No. 282, Section 1, eff June 5, 2008.~~
36

37 ~~Section 59-18-1600. (A) A school that has received a~~
38 ~~school/district at risk absolute academic performance rating on its~~
39 ~~most recent report card shall offer an orientation class for parents.~~
40 ~~The orientation class must focus on the following topics:~~

- 41 (1) ~~the value of education;~~
42 (2) ~~academic assistance programs that are available at the~~
43 ~~school and in the community;~~
44 (3) ~~student discipline;~~

1 (4) school policies;
2 (5) explanation of information that will be presented on the
3 school's report card issued in November; and
4 (6) other pertinent issues.

5 ~~(B) The school shall offer the orientation class each year the~~
6 ~~school receives a school/district at risk absolute academic~~
7 ~~performance rating on the school report card and shall provide~~
8 ~~parents with written notification of the date and time of the~~
9 ~~meeting. Schools are encouraged to offer the orientation class at a~~
10 ~~time in which the majority of parents would be able to attend.~~
11 ~~Additionally, schools are encouraged to provide orientation classes~~
12 ~~in community settings or workplaces so that the needs of parents~~
13 ~~with transportation difficulties or scheduling conflicts can be met.~~

14 ~~(C) A parent or guardian of each student who is registered to~~
15 ~~attend the school shall attend the orientation class each year it is~~
16 ~~offered.~~

17
18 Article 17

19
20 Public Information

21
22 Section 59-18-1700. ~~(A) An on going public information~~
23 ~~campaign must be established to apprise the public of the status of~~
24 ~~the public schools and the importance of high standards for~~
25 ~~academic performance for the public school students of South~~
26 ~~Carolina. A special committee must be appointed by the chairman~~
27 ~~of the Education Oversight Committee to include two committee~~
28 ~~members representing business and two representing education and~~
29 ~~others representing business, industry, and education. The~~
30 ~~committee shall plan and oversee the development of a campaign,~~
31 ~~including public service announcements for the media and other~~
32 ~~such avenues as deemed appropriate for informing the public.~~

33 ~~(B) A separate fund within the state general fund will be~~
34 ~~established to accept grants, gifts, and donations from any public~~
35 ~~or private source or monies that may be appropriated by the~~
36 ~~General Assembly for the public information campaign. Members~~
37 ~~of the Oversight Committee representing business will solicit~~
38 ~~donations for this fund. Income from the fund must be retained in~~
39 ~~the fund. All funds may be carried forward from fiscal year to~~
40 ~~fiscal year. The State Treasurer shall invest the monies in this fund~~
41 ~~in the same manner as other funds under his control are invested.~~
42 ~~The Oversight Committee shall administer and authorize any~~
43 ~~disbursements from the fund. Private individuals and groups shall~~
44 ~~be encouraged to contribute to this endeavor.~~

1
2 Article 18
3

4 Transformational School Districts
5

6 Section 59-18-1810. (A) The South Carolina Transformation
7 School District is created as a public body. The South Carolina
8 Transformation School District must be considered a local
9 educational agency and is eligible to receive state and federal
10 funds and grants available for public schools and other schools to
11 the same degree as other local educational agencies.

12 (B) The geographical boundaries of the South Carolina
13 Transformation School District are the same as the boundaries of
14 the State of South Carolina.

15 (C) The Office of the South Carolina Transformation School
16 District Board of Trustees must be housed in the State Department
17 of Education.
18

19 Section 59-18-1820. (A) The South Carolina Transformation
20 School District must be governed by a board of trustees consisting
21 of one member from each congressional district appointed by the
22 State Superintendent of Education.

23 (B) The South Carolina Transformation School District Board
24 of Trustees has the same powers, rights, and responsibilities with
25 respect to transformation schools as other school district boards of
26 trustees of this State including, but not limited to, managing
27 transformation schools and applying for federal grants, except that
28 the South Carolina Transformation School District Board of
29 Trustees may not issue bonds, or levy taxes.

30 (C) The South Carolina Transformation School District Board
31 of Trustees annually shall elect a chairman and other officers, as it
32 considers necessary from among its membership.

33 (D) Members of the South Carolina Transformation School
34 District Board of Trustees are not eligible to receive compensation
35 but are eligible for per diem, mileage, and subsistence as provided
36 by law for members of state boards, committees, and commissions.

37 (E) The South Carolina Transformation School District Board
38 of Trustees shall:

39 (1) exercise general supervision over public schools
40 transferred to the district;

41 (2) operate and managed the public schools transferred to
42 the district;

43 (3) adopt and use an official seal in the authentication of its
44 acts;

- 1 (4) keep a record of its proceedings;
2 (5) adopt rules of governance;
3 (6) determine the policy of the district and the work it
4 undertakes;
5 (7) prepare a budget for expenditures necessary for the
6 proper maintenance of the board and the accomplishment of its
7 purpose;
8 (8) keep financial records in accordance with state and
9 federal accounting codes and procedures;
10 (9) comply with and ensure compliance of applicable state
11 and federal regulations;
12 (10) procure an outside annual certified financial audit on
13 funds and submit this audit to the State Department of Education
14 as required by that department;
15 (11) be subject to the Freedom of Information Act; and
16 (12) have the power to hire and fire the superintendent of the
17 district who may have staff as needed.
18 (F) The South Carolina Transformation School District Board
19 of Trustees may contract, sue, and be sued.

20
21 Section 59-18-1830. (A) Upon the recommendation of the
22 State Superintendent of Education, a school operating under the
23 jurisdiction and direction of any local board in which a state of
24 emergency has been declared pursuant to Section 59-18-1520(3),
25 shall be removed from the jurisdiction of the local board and
26 transferred to the jurisdiction of the South Carolina Transformation
27 School District established in Section 59-18-1810, provided the
28 State Board of Education approves the transfer.

29 (B) A failed school must be reorganized, as necessary, and
30 operated by the South Carolina Transformation School District
31 pursuant to its authority in whatever manner is determined by the
32 administration of the South Carolina Transformation School
33 District to be most likely to bring the school to an acceptable level
34 of performance as determined pursuant to the accountability plan.

35 (C) The South Carolina Transformation School District shall
36 retain jurisdiction of any school transferred to it pursuant to the
37 provisions of this section for a period of not less than five school
38 years not including the school year in which the transfer occurred
39 if the transfer occurred during a school year.

40 (D)(1) No later than nine months prior to the expiration of the
41 five-year period, the South Carolina Transformation School
42 District shall make a report to the State Board of Education.

43 (2) The report shall include at a minimum each of the
44 following elements:

1 (a) The status of each school transferred, the nature of its
2 faculty and administration, the demographics and size of its
3 student body, its organizational and management structure,
4 whether there has been improvement in student academic
5 performance and, if so, how much and, if not, why not.

6 (b) A recommendation as to whether the school should be:

7 (i) continued in the South Carolina Transformation
8 School District pursuant to its reported operational status;

9 (ii) continued in the South Carolina Transformation
10 School District with a change in its operational status and the
11 nature of the recommended change;

12 (iii) closed and the reasons therefor;

13 (iv) returned to the administration and management of
14 the local school district from which it was transferred with
15 proposed stipulations and conditions for the return; or

16 (v) converted to a public charter school sponsored by its
17 local school district or by the South Carolina Public Charter
18 School District.

19 (E) No later than six months prior to the expiration of the
20 five-year period, the State Board of Education shall take action on
21 the recommendations of the South Carolina Transformation School
22 District. Any action that results in an affirmative agreement to
23 retain the school in the South Carolina Transformation School
24 District shall retain the school in the South Carolina
25 Transformation School District for an additional five-year period,
26 unless a lesser time is adopted by the state board. The report
27 required by subsection (D) and the action required in this
28 subsection shall occur no later than six months prior to each period
29 of continuation.

30 (F) At the time of the transfer of a school to the South Carolina
31 Transformation School District, the parent or guardian with
32 responsibility for decisions regarding the education of any student
33 attending the school or any student who would be assigned to
34 attend the school may choose to continue to have their child be
35 enrolled in and attend the school under the jurisdiction of the South
36 Carolina Transformation School District or may exercise an option
37 which shall be made available by the local school board from
38 which the school is being transferred to enroll in and attend
39 another school operated by the local school board.

40 (G)(1) Annually, the South Carolina Transformation School
41 District shall submit a written report to the State Board of
42 Education and the House and Senate committees on education.

43 (2) The report required by this subsection must include:

- 1 (a) performance of each school in the South Carolina
2 Transformation School District; and
3 (b) financial audit of the South Carolina Transformation
4 District.

5
6 Section 59-18-1840. (A) The local school district from which
7 a school is transferred, shall distribute state, county, and school
8 district funds to a South Carolina Transformation School District,
9 as determined by the following formula: the previous year's
10 audited total general fund revenues, divided by the previous year's
11 weighted students, then increased by the Education Finance Act
12 inflation factor, pursuant to Section 59-20-40, for the years
13 following the audited expenditures, then multiplied by the
14 weighted students enrolled in the transferred school, which will be
15 subject to adjustment for student attendance and state budget
16 allocations based on the same criteria as the local school district.
17 These amounts must be verified by the State Department of
18 Education before the first disbursement of funds. All state and
19 local funding must be distributed by the local school district to the
20 South Carolina Transformation School District monthly beginning
21 the first month following effective date of transfer and must
22 continue to be disbursed to the South Carolina Transformation
23 School District for the duration of the transfer and any subsequent
24 continuations. The South Carolina Transformation School District
25 shall manage these funds by the designated school.

26 (B) During the year of the transformed school's operation, as
27 received, and to the extent allowed by federal law, the local district
28 shall distribute to the South Carolina Transformation School
29 District federal funds which are allocated to the school district on
30 the basis of the number of special characteristics of the students
31 attending the transferred school. These amounts must be verified
32 by the State Department of Education before the first disbursement
33 of funds.

34 (C) Notwithstanding subsection (B), the proportionate share of
35 state and federal resources generated by students with disabilities
36 or staff serving them must be directed to the school district board
37 of trustees. The proportionate share of funds generated under other
38 federal or state categorical aid programs must be directed to the
39 school district board of trustees serving students eligible for the aid
40 pursuant to state and federal law.

41 (D) The South Carolina Transformation School District may
42 require the local school district to provide school support or
43 student support services for a school transferred from its
44 jurisdiction including, but not limited to, student transportation,

1 school food service, or student assessment for special education
2 eligibility that are compliant with all laws and regulations
3 governing these services. In this case, the South Carolina
4 Transformation School District shall reimburse the actual cost to
5 the system providing these services. If a dispute arises between
6 the school district and the system providing these services
7 regarding the cost of the services to be reimbursed, the State
8 Superintendent or his designee shall determine the cost to be
9 reimbursed.

10 (E) The South Carolina Transformation School District shall
11 have the right to use any school building and all facilities and
12 property otherwise part of the school and recognized as part of the
13 facilities or assets of the school prior to its placement in the school
14 district and shall have access to such additional facilities as are
15 typically available to the school, its students, and faculty and staff
16 prior to its placement in the school district. This use must be
17 unrestricted, except that the South Carolina Transformation School
18 District shall be responsible for and obligated to provide for
19 routine maintenance and repair such that the facilities and property
20 are maintained in as good an order as when the right of use was
21 acquired by the district. There shall be no requirement for the
22 South Carolina Transformation School District to provide for the
23 type of extensive repair to buildings or facilities that would be
24 considered to be a capital expense. These extensive repairs shall
25 be provided by the local school district which is responsible for the
26 facility.

27
28 Section 59-18-1850. (A)(1) The _____ South _____ Carolina
29 Transformation School District may employ such staff members as
30 it considers necessary. At the time of the transfer of a school to the
31 school district, any certified teacher with regular and direct
32 responsibility for providing classroom instruction to students who
33 is employed in the transferred school by the prior school district
34 may apply for employment by the South Carolina Transformation
35 School District, however, such staff does not have contract renewal
36 rights under Section 59-25-420.

37 (2) Any person employed by the local school district in a
38 transferred school may choose to remain in the employ of the local
39 school district and, in that case, the local school district may retain
40 and reassign such person consistent with its contractual obligations
41 or policies regarding the retention and reassignment of employees.

42 (B)(1) Benefits, which include retirement, insurance, and leave,
43 of any person employed in a transferred school by the South
44 Carolina Transformation School District who was employed by the

1 local school district at the time a school is transferred to the South
2 Carolina Transformation School District jurisdiction shall be the
3 same as those required by law for employees of the local school
4 district.

5 (2) Notwithstanding any provision of item (1) of this
6 subsection to the contrary, any person employed by the South
7 Carolina Transformation School District in a school who was
8 employed by the local school board at the time a school is
9 transferred to the South Carolina Transformation School District's
10 jurisdiction, for the purposes of permanent status and the retention
11 upon return to employment in the prior system of any employment
12 benefit right which requires continuous service or which becomes
13 vested based on years of service, or both, shall be granted an
14 approved leave of absence from the prior system for the period of
15 time the school is under the jurisdiction of the South Carolina
16 Transformation School District in order to be employed by the
17 South Carolina Transformation School District. The period of
18 time any employee is on such leave shall be considered service
19 time by the prior system at any time the employee returns to the
20 prior system's employment. This approved leave shall not require
21 the prior system to provide for benefits during the time the
22 employee on leave is employed by the district.

23
24 Article 19

25
26 Miscellaneous

27
28 ~~Section 59-18-1910. Schools receiving below average or~~
29 ~~school/district at risk designations may use technical assistance~~
30 ~~funds allocated pursuant to Section 59-18-1590 to provide~~
31 ~~homework centers that go beyond the regular school hours where~~
32 ~~students can come and receive assistance in understanding and~~
33 ~~completing their school work. Technical assistance funds provided~~
34 ~~for these centers may be used for salaries for certified teachers and~~
35 ~~for transportation costs.~~

36
37 ~~Section 59-18-1920. (A) The State Board of Education,~~
38 ~~through the Department of Education, shall establish a grant~~
39 ~~program to encourage school districts to pilot test or implement a~~
40 ~~modified school year or school day schedule. The purpose of the~~
41 ~~grant is to assist with the additional costs incurred during the~~
42 ~~intersessions for salaries, transportation, and operations, or for~~
43 ~~additional costs incurred by lengthening the school day. For a~~
44 ~~district to qualify for a grant, all the schools within a specific~~

1 feeder zone or elementary to middle to high school attendance
2 area, must be pilot testing or implementing the modified year or
3 day schedule.

4 (B) To obtain a grant, a district shall submit an application to the
5 state board in a format specified by the Department of Education.
6 The application shall include a plan for implementing a modified
7 year or day that provides the following: more time for student
8 learning, learning opportunities that typically are not available in
9 the regular student day, targeted assistance for students whose
10 academic performance is significantly below promotion standards,
11 more efficient use of facilities and other resources, and evaluations
12 of the impact of the modified schedule. Local district boards of
13 trustees shall require students whose performance in a core subject
14 area, as defined in Section 59-18-300, is the equivalent of a 'D'
15 average or below to attend the intersessions or stay for the
16 lengthened day and receive special assistance in the subject area.
17 Funding for the program is as provided by the General Assembly
18 in the annual appropriations act. Each grant award for program
19 pilot testing or implementation may not exceed a three-year period.
20

21 Section 59-18-1930. The Education Oversight Committee shall
22 provide for a comprehensive review of state and local professional
23 development to include principal leadership development and
24 teacher staff development. The review must provide an analysis of
25 training to include what professional development is offered, how
26 it is offered, the support given to implement skills acquired from
27 professional development, and how the professional development
28 enhances the academic goals outlined in district and school
29 strategic plans. The Oversight Committee shall recommend better
30 ways to provide and meet the needs for professional development,
31 to include the use of the existing five contract days for in service.
32 Needed revisions shall be made to state regulations to promote use
33 of state dollars for training which meets national standards for staff
34 development.

35 Upon receipt of the recommendations from the comprehensive
36 review of state and local professional development, the State
37 Department of Education shall develop an accountability system to
38 ensure that identified professional development standards are
39 effectively implemented. As part of this system the department
40 shall provide information on the identified standards to all
41 principals and other professional development leaders. Training
42 for all school districts in how to design comprehensive
43 professional development programs that are consistent with the
44 standards also shall be a part of the implementation. A variety of

1 ~~staff development options that address effective teaching and~~
2 ~~assessment of state academic standards and workforce preparation~~
3 ~~skills shall be included in the information provided to principals~~
4 ~~and other professional development leaders to ensure high levels of~~
5 ~~student achievement.~~

6
7 Section 59-18-1960. A school district shall adopt a grading
8 policy, including provisions for the assignment of grades on class
9 assignments and examinations, before each school year. A district
10 grading policy:

11 (1) must require a classroom teacher to assign a grade that
12 reflects the student's relative mastery of an assignment;

13 (2) may not require a classroom teacher to assign a minimum
14 grade for an assignment without regard to the student's quality of
15 work; and

16 (3) may allow a student a reasonable opportunity to make up or
17 redo a class assignment or examination for which the student
18 received a failing grade."

19
20 SECTION 2. Section 59-6-100 of the 1976 Code is amended to
21 read:

22
23 "Section 59-6-100. (A) Within the Education Oversight
24 Committee, an Accountability Division must be established to
25 report on the monitoring, development, and implementation of the
26 ~~performance based accountability system and reviewing and~~
27 ~~evaluating all aspects of the Education Accountability Act and the~~
28 ~~Education Improvement Act.~~

29 (B) The Education Oversight Committee will employ, by a
30 majority vote, for a contract term of three years an executive
31 director for the Accountability Division. The director must be
32 chosen solely on grounds of fitness to perform the duties assigned
33 to him and must possess at least the following qualifications: a
34 demonstrated knowledge of public education, experience in
35 program evaluation, and experience in a responsible managerial
36 capacity. No member of the General Assembly nor anyone who
37 will have been a member for one year previously will be
38 contracted to serve as director. The director will have the authority
39 to employ, with the approval of the subcommittee, professional
40 and support staff as necessary to carry out the duties of the
41 division, which shall be separate from the administrative staff of
42 the Education Oversight Committee."

43
44 SECTION 3. This act takes effect upon approval by the Governor.