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COMMITTEE REPORT

May 17, 2016

**H. 5140**

Introduced by Reps. Pope, Felder, King, Gambrell, Gagnon, Erickson, Clary, Tallon and Henderson

S. Printed 5/17/16--S.

Read the first time April 21, 2016.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (H. 5140) to amend Section 59‑1‑425, as amended, Code of Laws of South Carolina, 1976, relating to the opening date for the public school year, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting language and inserting:

/ SECTION 1. Section 59‑1‑425(A) of the 1976 Code, as added by Act 260 of 2006, is amended to read:

“(A) ~~Each~~ A local school district board of trustees of the State ~~shall have~~ has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and ~~shall~~ must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, beginning with the 2007‑2008 school year, the opening date for students must not be before the third Monday in August, except for schools operating on a year‑round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59‑18‑300. The professional development ~~shall~~ must address, at a minimum, academic achievement standards including strengthening teachers’ knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.”

SECTION 2. Section 59‑18‑325(C) of the 1976 Code, as added by Act 200 of 2014, is amended to read:

“(C)~~(1)~~  To maintain a comprehensive and cohesive assessment system that signals a student’s preparedness for the next educational level and ultimately culminates in a clear indication of a student’s preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the ~~Executive Director of the State Fiscal Accountability Authority, with the advice and consent of the special assessment panel, shall direct the procurement of a summative assessment system for the 2014‑2015 school year, and subsequent years as provided in item (3). The procurement must be completed before September 30, 2014.~~ State Department of Education shall procure and maintain a summative assessment system.

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

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

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

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

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

(e) establishes at least four student achievement levels;

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

(g) be administered to all students in a ~~paper‑based~~ computer‑based format ~~in 2014‑2015, in either a paper‑based form or computer‑based format in 2015‑2016, and to all students in a computer‑based format by school year 2016‑2017~~ except for students with disabilities as specified in the student’s IEP or 504 plan, and unless the use of a computer by these students is prohibited due to the vendor’s restrictions on computer‑based test security, in which case the paper version must be made available; and

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

(2)(a) ~~Additionally, the Executive Director of the State Fiscal Accountability Authority, with the advice and consent of the special assessment panel, also must direct the procurement of a college and career readiness assessment that meets the requirements of subsection (A). The procurement must be completed before September 30, 2014. In addition to WorkKeys, the assessment must be administered to all students entering the eleventh grade for the first time in the 2014‑2015 school year.~~ Beginning in the 2017‑2018 school year, each school district shall administer the statewide summative assessment, with the exception of alternate assessments, for grades three through eight during the last twenty days of school as determined by the district’s regular instructional calendar, not including make‑up days. If an extension to the twenty-day time period is needed, the school district or charter school may submit a request for an extension to the State Board of Education before December first of the school year for which the waiver is requested. The request must clearly document the scope and rationale for the extension. The request also must be accompanied by an action plan showing how the district or charter school will be able to comply with the twenty-day time frame for the following school year.

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

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

(d) In the event of school closure due to extreme weather or other disruptions, or significant school or district technology disruptions that impede computer-based assessment administration, the school district or charter school may submit a request to the department to provide a paper‑based administration to complete testing within the last twenty days of school. The request must clearly document the scope and cause of the disruption.

(3) ~~In school years 2014‑2015, 2015‑2016, and 2016‑2017,~~ The department must procure and administer ~~the~~ assessments ~~procured by the State Fiscal Accountability Authority~~ in English/language arts and mathematics in grades three through eight, and ~~if funds are available, in grades nine and ten. The department also must administer the state‑developed and adopted~~ administer assessments in science and social studies to all students in grades four through eight~~, and the college readiness assessment and WorkKeys assessment to all students in grade eleven. If the Education Oversight Committee approves of the assessments pursuant to Section 59‑18‑320 after the 2016‑2017 assessment, the assessments also may be administered in 2017‑2018 and 2018‑2019. Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59‑18‑310~~.

~~(4)(a)~~ ~~The special assessment panel must be composed of the following individuals or their designee:~~

~~(i)~~ ~~the Chairman of the State Board of Education;~~

~~(ii)~~ ~~the Chairman of the Education Oversight Committee;~~

~~(iii)~~ ~~the Chairman of the Board of Directors for the South Carolina Chamber of Commerce;~~

~~(iv)~~ ~~the Chairman of the South Carolina Commission on Higher Education;~~

~~(v)~~ ~~the Chairman of the South Carolina Technical College System Board; and~~

~~(vi)~~ ~~the State Superintendent of Education.~~

~~(b)~~ ~~A panel member who is authorized to designate a person to serve on the board in his stead only may make the designation if he intends for the designee to serve continuously instead of intermittently with himself or another designee.~~

~~(c)~~ ~~The assessment panel must receive input from educators, parents, higher education officials, and business and community leaders on the components of a comprehensive and cohesive assessment system. The assessment panel must convene within two weeks of the effective date of this act, at the request of the Executive Director of the State Fiscal Accountability Authority. The panel must complete its duties in a timely manner which enables the Executive Director of the State Fiscal Accountability Authority to procure the assessments by September 30, 2014. Upon the procurement of a summative assessment system, the special assessment panel is dissolved.~~

(4)(a) The department is responsible for ensuring the procurement and administration of a standardized national test that meets the requirements of subsection (A), that documents student progress toward national college and career readiness benchmarks derived from empirical research, and is widely accepted by higher education institutions for admissions purposes. Additionally, the department is responsible for ensuring the procurement and administration of the WorkKeys assessment.

(b) All public high schools and, where necessary, career centers, annually shall administer the WorkKeys assessment and the college readiness assessment procured by the department to all eleventh grade students. For the purposes of this section, ‘eleventh grade students’ means students in the third year of high school after their initial enrollment in the ninth grade.

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

~~(5)(a)~~ ~~The cost of procuring the assessments pursuant to items (1) and (2), and any costs associated with the performance of the special assessment panel’s duties must be borne by the Department of Education.~~

~~(b)~~ ~~Staff support to the Executive Director of the State Fiscal Accountability Authority and the special assessment panel must be provided by the Department of Education, Division of Accountability, Office of Assessment. In addition, if requested by the Executive Director of the State Fiscal Accountability Authority or the special assessment panel, the Department of Education, the Education Oversight Committee, the State Board for Technical and Comprehensive Education, and the Commission on Higher Education, must provide assistance to implement the provisions of this subsection.~~

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

(6) If the Education Oversight Committee approves of the assessments pursuant to Section 59‑18‑320 after the 2017‑2018 assessment, the assessment also may be administered in 2018‑2019 and 2019‑2020. Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59‑18‑310.

~~(6)~~(7) Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end‑of‑course assessments in a format agreed upon by the department and the Oversight Committee. The Education Oversight Committee must use the results of these assessments in school years 2014‑2015 ~~and~~, 2015‑2016, and 2016‑2017 to report on student academic performance in each school and district pursuant to Section 59‑18‑900. The committee may not determine state ratings for schools or districts, pursuant to Section 59‑18‑900, using the results of the assessments required by this subsection until after the conclusion of the ~~2015‑2016~~ 2016‑2017 school year; provided, however, state ratings must be determined by the results of these assessments beginning in the ~~2016‑2017~~ 2017‑2018 school year. The Oversight Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of ~~2016~~ 2017. While developing the single accountability system that will be implemented in the 2017‑2018 school year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district and statewide student assessment results in reading and mathematics in grades 3 through 8; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.

~~(7)~~ ~~The Department of Education must submit a plan for approval and implementation to the Board of Education to mitigate the impact that changes in assessments are projected to have on teacher evaluation systems. If such an impact can be reasonably mitigated by delaying evaluations, the department shall seek a waiver if necessary for federal approval.~~

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

SECTION 3. Section 59‑25‑410 of the 1976 Code is amended to read:

“Section 59‑25‑410. (A) On or before April fifteenth of each year, the boards of trustees of the several school districts shall decide and notify, in writing, the teachers, as defined in Section 59‑1‑130, in their employ concerning their employment for the ensuing year. If the board, or the person designated by it, fails to notify a teacher who has been employed by a school district for a majority of the current school year of his status for the ensuing year, the teacher ~~shall be deemed~~ must be considered to be reemployed for the ensuing year and the board shall issue a contract to ~~such~~ the teacher as though the board had reemployed ~~such teacher~~ him in the usual manner. Notices of intent not to renew an employment contract ~~shall~~ must be given in writing no later than April fifteenth of each year.

(B) On or before August fifteenth, the superintendent, principal, where applicable, or supervisor shall notify the teacher of his tentative assignment for the ensuing school year.

(C) This section shall not apply to ~~any~~ a teacher whose contract of employment or dismissal is under appeal under Section 59‑25‑450.

(D) For purposes of this article, ‘teacher’ means all employees possessing a professional certificate issued by the State Department of Education, except those employees working pursuant to ~~multi‑year~~ multiyear contracts.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

JOHN E. COURSON for Committee.

**A** **BILL**

TO AMEND SECTION 59‑1‑425, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPENING DATE FOR THE PUBLIC SCHOOL YEAR, SO AS TO PROVIDE THE OPENING DATE FOR STUDENTS MUST NOT BE BEFORE AUGUST FIFTEENTH BEGINNING WITH THE 2017‑2018 SCHOOL YEAR; TO AMEND SECTION 59‑18‑325, AS AMENDED, RELATING TO CERTAIN ASSESSMENTS OF VARIOUS PUBLIC SCHOOL STUDENTS BASED ON GRADE LEVEL, SO AS TO REVISE THE MANNER OF PROCUREMENT AND ADMINISTRATION OF THESE ASSESSMENTS, AMONG OTHER THINGS; AND TO AMEND SECTION 59‑25‑410, RELATING TO THE DATE BY WHICH PUBLIC SCHOOL TEACHERS MUST BE NOTIFIED OF THEIR TENTATIVE ASSIGNMENTS FOR THE UPCOMING SCHOOL YEAR, SO AS TO CHANGE THIS DATE FROM AUGUST FIFTEENTH TO AUGUST EIGHTH.

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

SECTION 1. Section 59‑1‑425(A) of the 1976 Code, as added by Act 260 of 2006, is amended to read:

“(A) ~~Each~~ A local school district board of trustees of the State ~~shall have~~ has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and ~~shall~~ must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, beginning with the ~~2007‑2008~~ 2017‑2018 school year, the opening date for students must not be before ~~the third Monday in~~ August fifteenth, except for schools operating on a year‑round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59‑18‑300. The professional development ~~shall~~ must address, at a minimum, academic achievement standards including strengthening teachers’ knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.”

SECTION 2. Section 59‑18‑325(C) of the 1976 Code, as added by Act 200 of 2014, is amended to read:

“(C)(1) To maintain a comprehensive and cohesive assessment system that signals a student’s preparedness for the next educational level and ultimately culminates in a clear indication of a student’s preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the ~~Executive Director of the State Fiscal Accountability Authority, with the advice and consent of the special assessment panel, shall direct the procurement of a summative assessment system for the 2014‑2015 school year, and subsequent years as provided in item (3). The procurement must be completed before September 30, 2014.~~ State Department of Education shall procure and maintain a summative assessment system. The summative assessment must be administered to all students in grades three through eight~~, and if funds are available, administered to students in grades nine and ten~~. The summative assessment must assess students in English/language arts and mathematics, including those students as required by the federal Individuals with Disabilities Education Act and by Title I of the Elementary and Secondary Education Act. For purposes of this subsection, ‘English/language arts’ includes English, reading, and writing skills as required by existing state standards. The assessment must be a rigorous, achievement assessment that measures student mastery of the state standards, that provides timely reporting of results to educators, parents, and students, and that measures each student’s progress toward college and career readiness. Therefore, the assessment or assessments must meet all of the following minimum requirements:

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

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

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

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

(e) establishes at least four student achievement levels;

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

(g) be administered to all students in a ~~paper‑based~~ computer‑based format ~~in 2014‑2015, in either a paper‑based form or computer‑based format in 2015‑2016, and to all students in a computer‑based format by school year 2016‑2017~~ except for students with disabilities as specified in the student’s IEP or 504 plan, and unless the use of a computer by these students is prohibited due to the vendor’s restrictions on computer‑based test security, in which case the paper version must be made available; and

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

(2)(a) ~~Additionally, the Executive Director of the State Fiscal Accountability Authority, with the advice and consent of the special assessment panel, also must direct the procurement of a college and career readiness assessment that meets the requirements of subsection (A). The procurement must be completed before September 30, 2014. In addition to WorkKeys, the assessment must be administered to all students entering the eleventh grade for the first time in the 2014‑2015 school year.~~ Beginning in the 2017‑2018 school year, each school district shall administer the statewide summative assessment, with the exception of alternative assessments, for grades three through eight during the last twenty days of school as determined by the district’s regular instructional calendar, not including make‑up days.

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

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

(d) In the event of school closure due to extreme weather or other disruptions, or significant school or district technology disruptions that prevent the administration of assessment, the local school district may request that the department provide a paper‑based administration to complete testing within the last twenty days of school.

(3) ~~In school years 2014‑2015, 2015‑2016, and 2016‑2017,~~ The department must procure and administer ~~the~~ assessments ~~procured by the State Fiscal Accountability Authority~~ in English/language arts and mathematics in grades three through eight, and ~~if funds are available, in grades nine and ten. The department also must administer the state‑developed and adopted~~ administer assessments in science and social studies to all students in grades four through eight~~, and the college readiness assessment and WorkKeys assessment to all students in grade eleven. If the Education Oversight Committee approves of the assessments pursuant to Section 59‑18‑320 after the 2016‑2017 assessment, the assessments also may be administered in 2017‑2018 and 2018‑2019. Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59‑18‑310~~.

(4)~~(a)~~ ~~The special assessment panel must be composed of the following individuals or their designee:~~

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~~(b)~~ ~~A panel member who is authorized to designate a person to serve on the board in his stead only may make the designation if he intends for the designee to serve continuously instead of intermittently with himself or another designee.~~

~~(c)~~ ~~The assessment panel must receive input from educators, parents, higher education officials, and business and community leaders on the components of a comprehensive and cohesive assessment system. The assessment panel must convene within two weeks of the effective date of this act, at the request of the Executive Director of the State Fiscal Accountability Authority. The panel must complete its duties in a timely manner which enables the Executive Director of the State Fiscal Accountability Authority to procure the assessments by September 30, 2014. Upon the procurement of a summative assessment system, the special assessment panel is dissolved.~~ The department is responsible for ensuring the procurement of the ACT Plus Writing and WorkKeys assessments. All public high schools and, where necessary, career centers, annually shall administer the WorkKeys assessment and the ACT to all eleventh grade students. For the purposes of this section, ‘eleventh grade students’ means students in the third year of high school after their initial enrollment in the ninth grade. Valid accommodations must be provided according to the student’s IEP/504 plan. If a student also chooses to use the results of the college readiness assessment for post‑secondary admission or placement, the student, his parent, or his guardian must indicate that choice in compliance with the testing vendor’s deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college‑reportable score.

(5)~~(a)~~ ~~The cost of procuring the assessments pursuant to items (1) and (2), and any costs associated with the performance of the special assessment panel’s duties must be borne by the Department of Education.~~

~~(b)~~ ~~Staff support to the Executive Director of the State Fiscal Accountability Authority and the special assessment panel must be provided by the Department of Education, Division of Accountability, Office of Assessment. In addition, if requested by the Executive Director of the State Fiscal Accountability Authority or the special assessment panel, the Department of Education, the Education Oversight Committee, the State Board for Technical and Comprehensive Education, and the Commission on Higher Education, must provide assistance to implement the provisions of this subsection.~~ If funds are available, the State shall provide a two‑year college or four‑year college readiness assessment or the WorkKeys assessment to all twelfth grade students at no cost to the students.

(6) If the Education Oversight Committee approves of the assessments pursuant to Section 59‑18‑320 after the 2017‑2018 assessment, the assessment also may be administered in 2018‑2019 and 2019‑2020. Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59‑18‑310.

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

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(B) On or before August ~~fifteenth~~ eighth, the superintendent, principal, where applicable, or supervisor shall notify the teacher of his tentative assignment for the ensuing school year.

(C) This section shall not apply to ~~any~~ a teacher whose contract of employment or dismissal is under appeal under Section 59‑25‑450.

(D) For purposes of this article, ‘teacher’ means all employees possessing a professional certificate issued by the State Department of Education, except those employees working pursuant to ~~multi‑year~~ multiyear contracts.”

SECTION 4. This act takes effect upon approval by the Governor.

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