COMMITTEE REPORT

April 22, 2021

**S. 201**

Introduced by Senator Hembree

S. Printed 4/22/21--H.

Read the first time February 16, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (S. 201) to amend Chapter 18, Title 59 of the 1976 code, relating to the Education Accountability Act, by adding Article 16, to provide revised accountability measures for public schools and, 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 words and inserting:

/ SECTION 1. Chapter 18, Title 59 of the 1976 Code is amended by adding:

“ARTICLE 16

Assistance and Intervention

Section 59‑18‑1615. As used in this article:

(1) ‘Chronically underperforming school’ means:

(a) an elementary school or middle school where fewer than twenty‑five percent of its students are at ‘meets’ or ‘exceeds expectations’ on the English/language arts and mathematics SC READY assessment or its successor assessment for at least three consecutive years; or

(b) a high school where fewer than twenty‑five percent of its students receive a grade of ‘D’ or better on the end‑of‑course assessments in English and mathematics, or fewer than twenty‑five percent of its students fail to achieve at least a ‘bronze’ level on the career readiness assessment for three consecutive years.

(2) ‘School district’ or ‘district’ is defined pursuant to Section 59‑1‑160.

(3) ‘Turnaround plan’ means a plan outlining goals for a school or district’s educational improvement that includes specific strategies designed to increase student achievement and measures to evaluate the success of the implementation of the plan so that the school or district is no longer underperforming or chronically underperforming. The department is required to provide schools and districts with a template to complete the turnaround plan.

(4) ‘Underperforming district’ means a district in which sixty‑five percent or more of the schools in the district are considered to be ‘underperforming’ as defined in item (5).

(5) ‘Underperforming school’ means:

(a) an elementary school or middle school where fewer than twenty‑five percent of its students are at ‘meets’ or ‘exceeds expectations’ on the English/language arts and mathematics SC READY assessment or its successor; or

(b) a high school where fewer than twenty‑five percent of its students receive a grade of ‘D’ or better on the end‑of‑course assessments in English and mathematics, or fewer than twenty‑five percent of its students fail to achieve at least a ‘bronze’ level on the career readiness assessment.

Section 59‑18‑1620. (A) The department shall implement a tiered system for providing technical and other assistance, professional development, and monitoring for schools and districts. By December thirty‑first of each year, the State Superintendent of Education shall report to the General Assembly on the tiered system’s progress relating to assistance provided to schools and school districts. The report shall include data documenting the impact of the assistance on student academic achievement, college and career readiness, and high school graduation rates.

(B) As a component of determining if and where assistance and changes are necessary, the department shall:

(1) monitor the professional development of teachers, staff, and administrators provided by or approved through districts and schools;

(2) monitor local school board operations for efficient and effective management; and

(3) identify and provide a summary of improvements and changes to the school districts, district school boards, and other involved parties.

Section 59‑18‑1625. (A) Upon a school or district’s designation as an underperforming school or district, the department shall immediately place the school or district into a tiered status to provide technical assistance. The department shall notify the underperforming school or district and the district superintendent of the tiered status.

(B)(1) Upon receiving notification from the department, the district superintendent, in consultation with school and community stakeholders, must review and revise the school and district’s strategic plan with the assistance of the School Improvement Council, as established in Section 59‑20‑60, to include a turnaround plan component for any underperforming school or district.

(2) The turnaround plan component of the revised strategic plan must:

(a) be based on data or needs assessments to identify specific improvement strategies related to underperforming school turnaround;

(b) include, at a minimum, specific and measurable goals, actions, activities, resource needs, student achievement goals, professional development plans, and academic interventions that are reasonable and necessary to improve student progress toward achieving the Profile of the Graduate for each school;

(c) include broad‑based community input, including, but not limited to, input from parents, teachers, principals, local school board members, businesses, community leaders, health providers, social services agencies, school improvement councils, or early childhood providers; and

(d) be submitted by the district superintendent to the local board of trustees for approval.

(C) Upon approval by the local board of trustees, the turnaround plan component of the revised strategic plan must be submitted to the department for review and approval. Thereafter, the district superintendent and the local board of trustees shall annually submit updates to the department regarding the implementation of the turnaround and revised strategic plan, including metrics assessing the impact of the activities included in the plan.

(D) Once approved by the department, the revised strategic plan must be prominently posted on the respective websites of the department, district, and school. The department shall monitor the district’s implementation of the revised strategic plan and evaluation of students’ academic progress, as provided for in the plan, and shall apprise the State Board of Education of the district’s progress once a quarter.

(E) For a school receiving an underperforming rating, the district and local board of trustees must work with the school principal to inform the parents of enrolled children of the rating. The notification must outline the steps in the revised strategic plan to improve performance, including the support that the local district board of trustees has agreed to give the plan.

Section 59‑18‑1630. Upon the release of the annual report card issued pursuant to Section 59‑18‑900, the department shall notify the appropriate legislative delegation of any school receiving an overall unsatisfactory rating. The local school board and district superintendent with jurisdiction over the unsatisfactory school shall:

(1) notify parents of students in writing and electronically;

(2) schedule, prominently publicize, and hold a public meeting to explain the school’s rating, its implications, how it must develop and implement a revised strategic plan for improvement, and how it will involve and engage the community in its plans, within thirty days of receiving the rating;

(3) immediately review and revise its strategicplan, which must incorporate and focus on turnaround plan components for each school designated as unsatisfactory in accordance with the template and guidelines provided by the department; and

(4) upon department approval, immediately list the revised strategic plan as a topic on the local district board meeting agenda at least once a quarter.

Section 59‑18‑1635. (A) The State Superintendent of Education may seek a state‑of‑education emergency declaration for a school that he has the capacity to serve under the following circumstances:

(1) the school is chronically underperforming;

(2) the school’s accreditation is denied; or

(3) the State Superintendent of Education determines that a school’s turnaround plan results are insufficient.

(B) If the State Superintendent of Education determines that a school state‑of‑education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration. The State Board of Education must meet withinten business days of the request to approve or disapprove the declaration.

(C) Upon the approval of a state‑of‑education emergency declaration, the State Superintendent of Education shall:

(1) notify the appropriate district superintendent, local school board, ~~and~~ local legislative delegation*,* and the Governor; and

(2) assume management of the school.

(D) The local district board may, upon a majority vote, appeal the State Board of Education’s approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court’s rules, provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E) Once a school subject to subsection (C) has met annual targets identified in the revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. Upon an affirmative vote by the State Board of Education to end the state‑of‑education emergency, the department, in consultation with the district and local board of trustees, shall develop a transition plan and timeline for returning management of the school to the district.

(F) After a school has been in a state‑of‑education emergency for three consecutive years, the State Superintendent of Education may extend the state‑of‑education emergency for an additional three‑year period only upon the approval of the State Board of Education. The State Superintendent of Education may make requests every three years, which must be approved or disapproved by the board. If the State Superintendent of Education does not request additional time, or if the State Board of Education disapproves a request, then the school shall revert back to the control of the local school board.

Section 59‑18‑1640. (A) The State Superintendent of Education may seek a state‑of‑education emergency declaration for a district that he has the capacity to serve under the following circumstances:

(1) the district is identified as underperforming for three consecutive years or five out of the last seven years;

(2) the district’s accreditation is denied;

(3) the Superintendent of Education determines that a district’s turnaround plan results are insufficient; or

(4) the district is classified as being in a fiscal emergency status pursuant to Section 59‑20‑90, or financial mismanagement resulting in a deficit has occurred.

(B) If the State Superintendent of Education determines that a district state‑of‑education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration and cite the circumstances justifying that the district has failed to satisfactorily address circumstances. The State Board of Education must meet within ten business days of the request to approve or disapprove the declaration.

(C) Upon the approval of a state‑of‑education emergency, the State Superintendent of Education shall:

(1) notify the Governor and the appropriate district superintendent, local school board, and local legislative delegation; and

(2) assume management of the district and all schools in the district.

(D) The local district board may, upon a majority vote, appeal the State Board of Education’s approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court’s rules, provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E)(1) The local district board of trustees shall be dissolved upon the State Board of Education’s approval of the state‑of‑education emergency declaration and upon the expiration of the ten business day appeal window as provided in subsection (D).

(2)(a) Once a district subject to subsection (C) has met annual targets identified in the district’s revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. The State Board of Education shall approve that an interim local district board of trustees be appointed. The interim local district board of trustees shall consist of five members appointed in the following manner with a chairman elected by the appointees:

(i) one member appointed by the Governor;

(ii) one member appointed by the local legislative delegation; and

(iii) three members appointed by the State Superintendent of Education in consultation with the local legislative delegation.

(b) All appointees must be residents of the school district for which the interim appointments are being made. In making appointments to the interim local district board of trustees, the appointing authority shall consider knowledge and experience in the field of education and shall further take into account race, gender, and other demographic factors, such as residence in a rural or urban area, so as to represent, to the greatest extent possible, all segments of the population of the affected district. However, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the interim local district board of trustees shall represent the educational needs of the district.

(c) The interim local district board shall be appointed to begin serving within forty‑five days of the State Board of Education’s approval of the appointments of the interim local district board and shall serve for a minimum of three years.

(d) Any vacancy shall be filled in the original manner of appointment.

(3) For a minimum of three years and until the State Board of Education votes to end the state‑of‑education emergency, the interim local district board shall remain in place, and its appointed members shall continue to serve.

(F)(1) Upon an affirmative vote by the State Board of Education to end the state‑of‑education emergency, the department, in consultation with the district and interim board, shall develop a transition plan and timeline for returning management of the district to a local board of trustees. Beginning with the next regularly scheduled election, members for the local district board of trustees will be elected or appointed pursuant to statutory requirements.

(2) Upon the swearing in of a new local district board of trustees, the declaration of a state‑of‑education emergency shall expire, and the powers and duties of the district superintendent and local district school board of trustees are restored.

(G) Notwithstanding any other provision of law, a district in a state‑of‑education emergency pursuant to this section shall have its fiscal authority relating to taxing authority and levying millage transferred to its county council until the state‑of‑education emergency is lifted. The county council may not exceed millage limitations established pursuant to Section 6‑1‑320 or otherwise established prior to the state‑of‑education emergency declaration.”

SECTION 2. Article 15, Chapter 18, Title 59 of the 1976 Code is repealed.

SECTION 3. This act takes effect on July 1, 2022, upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

The impact on state expenditures is listed by section below:

***Section 1:***

Code Section 59-18-1620

This section requires SDE to implement a tiered system to provide technical and other assistance, professional development, and monitor schools and districts. By December 31st annually, the State Superintendent of Education (State Superintendent) must provide a report to the General Assembly on the tiered system’s progress, which must document the impact of assistance on student academic achievement, college and career readiness, and high school graduation rates.

**State Department of Education.** SDE indicates that a tiered system currently exists to provide assistance to schools and districts. Also, any expenses associated with monitoring professional development, monitoring local school board operations, and providing a summary of improvements can be managed within current appropriations for EAA Technical Assistance. Therefore, this section will have no expenditure impact on SDE in FY 2021-22.

Code Section 59-18-1625

This section requires SDE to place a school or district that has been designated as underperforming into a tiered status to provide technical assistance. Upon receiving notification from SDE that a district has been placed in a tiered status, the district superintendent, along with school and community stakeholders, must review and revise the school or district’s strategic plan with the assistance of the School Improvement Council. The strategic plan must include a turnaround plan. The turnaround plan must be based on data or needs assessments to identify improvement strategies, must include certain specific, measurable items necessary to improve student progress, and must include broad-based community input. The turnaround plan must be submitted to SDE for review and approval. After initial approval by SDE, the district superintendent and the local board of trustees must annually submit updates to SDE regarding the implementation of the turnaround or revised strategic plan. The revised strategic plan must then be posted on the websites of SDE, the district, and the school. SDE must monitor the district’s implementation of the revised strategic plan and must relay the district’s progress to the State Board of Education once a quarter.

**State Department of Education.** SDE indicates that a tiered system currently exists to provide assistance to schools and districts. Also, any expenses associated with the review and approval of turnaround plans can be managed within current appropriations. Therefore, this section will have no expenditure impact on the agency in FY 2021-22.

**State Agency Schools.** The Governor’s School for Science and Mathematics, the Governor’s School for Arts and Humanities, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that any expenses associated with this section can be managed within the agencies’ existing budgets. Based upon these responses, we anticipate that any expenditure impact on the Governor’s School for Agriculture at John de la Howe could be managed within the agency’s budget as well. If these agencies required a turnaround plan, potential expenses would be for the development and solicitation of community input on a turnaround plan and for notification to parents of children enrolled in a school that receives an underperforming rating. Therefore, this section is not expected to have an expenditure impact on the state agency schools in FY 2021-22.

Code Section 59-18-1630

This section requires SDE to notify the appropriate legislative delegation of any school receiving an overall unsatisfactory rating on the annual report card. This section further provides for the steps to be taken by the local school board and district superintendent with jurisdiction over a school that has received an unsatisfactory rating on the annual report card.

**State Department of Education.** SDE indicates that the requirements of this section can be managed within current appropriations and will have no expenditure impact on the agency in FY 2021-22.

**State Agency Schools.** The Governor’s School for Science and Mathematics, the Governor’s School for Arts and Humanities, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that any expenses associated with this section can be managed within the agencies’ existing budgets. Based upon these responses, we anticipate that any expenditure impact on the Governor’s School for Agriculture at John de la Howe could be managed within the agency’s budget as well. If these agencies receive an unsatisfactory rating, potential expenses would include notifying parents of children enrolled in a school that receives an unsatisfactory rating and expenses related to organize and hold a public meeting to explain an unsatisfactory rating. Therefore, this section is not expected to have an expenditure impact on the state agency schools in FY 2021-22.

Code Section 59-18-1635

This section allows the State Superintendent to seek a state-of-education emergency declaration for a school that is chronically underperforming, has systemic educational failures, has been denied accreditation, or has insufficient turnaround plan results. Once the State Superintendent determines that a state-of-education emergency declaration is justified, the State Board of Education must meet to approve or disapprove of the declaration. Upon approval of a state-of-education emergency declaration, the State Superintendent must notify the district superintendent, local school board, local legislative delegation, and Governor and must also assume management of the school. The district superintendent and members of the local district board may appeal the State Board of Education’s approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. Once a school that is subject to a state-of-education emergency declaration has met targets identified in the revised strategic plan for improvement for a minimum of three consecutive years, the State Superintendent must submit such documentation to the State Board of Education. SDE, in consultation with the district and local board of trustees, must develop a transition plan and timeline for returning management of the school to the district upon an affirmative vote by the State Board of Education to end the state-of-education emergency declaration.

**State Department of Education.** SDE indicates that expenses associated with takeovers will vary and depend upon the number of schools that may go through the takeover process. Depending upon the number of districts affected, SDE may need to hire additional staff or may choose to hire consultants. Therefore, the expenditure impact of this section is undetermined for FY 2021-22.

**State Agency Schools.**  The Governor’s School for Science and Mathematics, the Governor’s School for Arts and Humanities, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that any expenses associated with this section can be managed within the agencies’ existing budgets. Based upon these responses, we anticipate that any expenditure impact on the Governor’s School for Agriculture at John de la Howe could be managed within the agency’s budget as well. If these agencies receive a state of emergency declaration, potential expenses would include legal expenses for the appeal. This would vary and would depend upon attorney costs and the length of time of the appeal process. Therefore, this section is not expected to have an expenditure impact on the state agency schools in FY 2021-22.

Code Section 59-18-1640

This section allows the State Superintendent to seek a state-of-education emergency declaration for a district that is identified as underperforming for three consecutive years, has systemic educational failures, has been denied accreditation, has insufficient turnaround plan results, or is classified as being in a fiscal emergency status. Once the State Superintendent determines that a state-of-education declaration is justified, the State Board of Education must meet to approve or disapprove of the declaration. Upon approval of a state-of-education emergency declaration, the State Superintendent must notify the district superintendent, local school board, local legislative delegation, and Governor and must also assume management of the district. The district superintendent and members of the local district board may appeal the State Board of Education’s approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. Upon approval by the State Board of Education of a state-of-education emergency declaration, the local district board of trustees is dissolved. The State Superintendent must assume the authority and responsibilities of the district superintendent and the local board of trustees until district management is transitioned to an appointed interim local district board of trustees.

Once a district that is subject to a state-of-education emergency declaration has met targets identified in the revised strategic plan for improvement for a minimum of three consecutive years, the State Superintendent must submit such documentation to the State Board of Education. The State Board of Education must approve that an interim local district board of trustees be appointed. The interim local district board of trustees must consist of five members, with one member appointed by the Governor, one member appointed by the local legislative delegation, and three members appointed by the State Superintendent in consultation with the local legislative delegation. All appointees must be residents of the school district for which the interim appointments are being made. The appointing authority must take certain factors into account so as to represent all segments of the population of the affected district. The interim local school board must serve for a minimum of three years.

SDE, in consultation with the district and interim board, must develop a transition plan and timeline for returning management of the district to a local board of trustees upon an affirmative vote by the State Board of Education to end the state-of-education emergency declaration. Local district board of trustee’s members will be elected or appointed pursuant to statutory requirements, beginning with the next regularly scheduled election. The state-of-education emergency declaration must expire, and the powers and duties of the district superintendent and local district school board of trustees are restored upon the swearing-in of a new local district board of trustees. A district in a state-of-education emergency declaration must have its fiscal authority relating to taxing authority and levying millage transferred to its county council until the declaration is lifted, notwithstanding any other provision of law.

**State Department of Education.** SDE indicates that expenses associated with takeovers will vary and depend upon the number of districts that may go through the takeover process. Depending upon the number of districts, SDE may need to hire additional staff or may choose to hire consultants. Therefore, the expenditure impact of this section is undetermined for FY 2021-22.

**State Agency Schools.** The Governor’s School for Science and Mathematics, the Governor’s School for Arts and Humanities, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that any expenses associated with this section can be managed within the agencies’ existing budgets. Based upon these responses, we anticipate that any expenditure impact on the Governor’s School for Agriculture at John de la Howe could be managed within the agency’s budget as well. If these agencies receive a state of emergency declaration, potential expenses would include legal expenses for the appeal. This would vary and would depend upon attorney costs and the length of time of the appeal process. Therefore, this section is not expected to have an expenditure impact on the state agency schools in FY 2021-22.

***Section 2:***

This section repeals Article 15, Chapter 18, Title 59, which relates to intervention and assistance.

**State Department of Education.** SDE indicates that the repeal of Article 15, Chapter 18, Title 59 will have no expenditure impact on the agency in FY 2021-22 since Section 1 of the bill adds back requirements related to intervention and assistance.

**State Agency Schools.** Section 2 of the bill will have no expenditure impact on state agency schools in FY 2021-22 since Section 1 of the bill adds back language related to intervention and assistance.

**Local Expenditure**

The impact on local expenditures is listed by section below:

***Section 1:***

Code Section 59-18-1625

This section requires SDE to place a school or district that has been designated as underperforming into a tiered status to provide technical assistance. Upon receiving notification from SDE that a district has been placed in a tiered status, the district superintendent along with school and community stakeholders must review and revise the school or district’s strategic plan with assistance of the School Improvement Council. The strategic plan must include a turnaround plan. The turnaround plan must be based on data or needs assessments to identify improvement strategies, must include certain specific measurable items necessary to improve student progress, and must include broad-based community input. The turnaround plan must be submitted to SDE for review and approval. After initial approval by SDE, the district superintendent and the local board of trustees must annually submit updates to SDE regarding the implementation of the turnaround or revised strategic plan. The revised strategic plan must then be posted on the websites of SDE, the district, and the school. SDE must monitor the district’s implementation of the revised strategic plan and must relay the district’s progress to the State Board of Education once a quarter.

**Local School Districts.** SDE indicates that this section will have an undetermined expenditure impact on local school districts since expenses to develop and solicit community input on a turnaround plan will vary by district. Also, expenses to notify parents of children enrolled in a school that receives an underperforming rating will vary by district depending upon the chosen communication method. Although expenses are unknown, SDE anticipates that any expenses incurred can be managed within the districts’ current budgets.

Code Section 59-18-1630

This section requires SDE to notify the appropriate legislative delegation of any school receiving an overall unsatisfactory rating on the annual report card. This section further provides for the steps to be taken by the local school board and district superintendent with jurisdiction over a school that has received an unsatisfactory rating on the annual report card.

**Local School Districts.** SDE indicates that this section will have an undetermined expenditure impact on local school districts. Expenses to notify parents of children enrolled in schools receiving an unsatisfactory rating on the annual report card will vary by district and will depend upon the number of schools receiving an unsatisfactory rating. Also, expenses to organize and hold a public meeting to explain an unsatisfactory rating are undetermined and will vary by district. Although expenses are unknown for this section, SDE anticipates that any expenses incurred can be managed within the districts’ current budgets.

Code Section 59-18-1635

This section allows the State Superintendent to seek a state-of-education emergency declaration for a school that is chronically underperforming, has systemic educational failures, has been denied accreditation, or has insufficient turnaround plan results. Once the State Superintendent determines that a state-of-education declaration is justified, the State Board of Education must meet to approve or disapprove of the declaration. Upon approval of a state-of-education emergency declaration, the State Superintendent must notify the district superintendent, local school board, local legislative delegation, and Governor and must also assume management of the school. The district superintendent and members of the local district board may appeal the State Board of Education’s approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. Once a school that is subject to a state-of-education emergency declaration has met targets identified in the revised strategic plan for improvement for a minimum of three consecutive years, the State Superintendent must submit such documentation to the State Board of Education. SDE, in consultation with the district and local board of trustees, must develop a transition plan and timeline for returning management of the school to the district upon an affirmative vote by the State Board of Education to end the state-of-education emergency declaration.

**Local School Districts.** SDE indicates that this section could have an undetermined expenditure impact on local school districts if districts appeal the State Board of Education’s declaration decision. Legal expenses would vary and will depend upon the number of appeals, attorney costs, and the length of time of the appeal process.

Code Section 59-18-1640

This section allows the State Superintendent to seek a state-of-education emergency declaration for a district that is identified as underperforming for three consecutive years, has systemic educational failures, has been denied accreditation, has insufficient turnaround plan results, or is classified as being in a fiscal emergency status. Once the State Superintendent determines that a state-of-education declaration is justified, the State Board of Education must meet to approve or disapprove of the declaration. Upon approval of a state-of-education emergency declaration, the State Superintendent must notify the district superintendent, local school board, local legislative delegation, and Governor and must also assume management of the district. The district superintendent and members of the local district board may appeal the State Board of Education’s approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. Upon approval by the State Board of Education of a state-of-education emergency declaration, the local district board of trustees is dissolved. The State Superintendent must assume authority and responsibilities of the district superintendent and the local board of trustees until district management is transitioned to an appointed interim local district board of trustees.

Once a district that is subject to a state-of-education emergency declaration has met targets identified in the revised strategic plan for improvement for a minimum of three consecutive years, the State Superintendent must submit such documentation to the State Board of Education. The State Board of Education must approve that an interim local district board of trustees be appointed. The interim local district board of trustees must consist of five members with one member appointed by the Governor, one member appointed by the local legislative delegation, and three members appointed by the State Superintendent in consultation with the local legislative delegation. All appointees must be residents of the school district for which the interim appointments are being made. The appointing authority must take certain factors into account, so as to represent all segments of the population of the affected district. The interim local school board must serve for a minimum of three years.

SDE, in consultation with the district and interim board, must develop a transition plan and timeline for returning management of the district to a local board of trustees upon an affirmative vote by the State Board of Education to end the state-of-education emergency declaration. Local district board of trustee’s members will be elected or appointed pursuant to statutory requirements, beginning with the next regularly scheduled election. The state-of-education emergency declaration must expire, and the powers and duties of the district superintendent and local district school board of trustees are restored upon the swearing in of a new local district board of trustees. A district in a state-of-education emergency declaration must have its fiscal authority relating to taxing authority and levying millage transferred to its county council until the declaration is lifted, notwithstanding any other provision of law.

**Local School Districts.** SDE indicates that this section could have an undetermined expenditure impact on local school districts if districts appeal the State Board of Education’s declaration decision. Legal expenses would vary and will depend upon the number of appeals, attorney costs, and the length of time of the appeal process.

***Section 2:***

This section repeals Article 15, Chapter 18, Title 59, which relates to intervention and assistance.

**Local School Districts.** SDE indicates that repealing Article 15, Chapter 18, Title 59 will have no expenditure impact on local school districts since Section 1 of this bill adds back language related to intervention and assistance.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO THE EDUCATION ACCOUNTABILITY ACT, BY ADDING ARTICLE 16, TO PROVIDE REVISED ACCOUNTABILITY MEASURES FOR PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS; AND TO REPEAL ARTICLE 15, CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO INTERVENTION AND ASSISTANCE UNDER THE EDUCATION ACCOUNTABILITY ACT.

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 by adding:

“ARTICLE 16

Assistance and Intervention

Section 59-18-1615. As used in this article:

(1) ‘Chronically underperforming school’ means a school that receives an overall rating of unsatisfactory for three consecutive years on its annual school report card, as provided in Section 59-18-900.

(2) ‘School district’ or ‘district’ is defined pursuant to Section 59-1-160.

(3) ‘Turnaround plan’ means a plan outlining goals for a school or district’s educational improvement that includes specific strategies designed to increase student achievement and measures to evaluate the success of the implementation of the plan so that the school or district is no longer underperforming or chronically underperforming. The department is required to provide schools and districts with a template to complete the turnaround plan.

(4) ‘Underperforming district’ means a district in which sixty-five percent or more of the schools in the district have an overall rating of unsatisfactory or below average on their annual school report cards, as provided in Section 59-18-900.

(5) ‘Underperforming school’ means a school that receives an overall rating of unsatisfactory or below average on its annual school report card, as provided in Section 59-18-900.

Section 59‑18-1620. (A) The department shall implement a tiered system for providing technical and other assistance, professional development, and monitoring for schools and districts. By December thirty-first of each year, the State Superintendent of Education shall report to the General Assembly on the tiered system’s progress relating to assistance provided to schools and school districts. The report shall include data documenting the impact of the assistance on student academic achievement, college and career readiness, and high school graduation rates.

(B) As a component of determining if and where assistance and changes are necessary, the department shall:

(1) monitor the professional development of teachers, staff, and administrators provided by or approved through districts and schools;

(2) monitor local school board operations for efficient and effective management; and

(3) identify and provide a summary of improvements and changes to the school districts, district school boards, and other involved parties.

Section 59‑18‑1625. (A) Upon a school or district’s designation as an underperforming school or district, the department shall immediately place the school or district into a tiered status to provide technical assistance. The department shall notify the underperforming school or district and the district superintendent of the tiered status.

(B)(1) Upon receiving notification from the department, the district superintendent, in consultation with school and community stakeholders, must review and revise the school and district’s strategic plan with the assistance of the School Improvement Council, as established in Section 59‑20‑60, to include a turnaround plan component for any underperforming school or district.

(2) The turnaround plan component of the revised strategic plan must:

(a) be based on data or needs assessments to identify specific improvement strategies related to underperforming school turnaround;

(b) include, at a minimum, specific and measurable goals, actions, activities, resource needs, student achievement goals, professional development plans, and academic interventions that are reasonable and necessary to improve student progress toward achieving the Profile of the Graduate for each school;

(c) include broad‑based community input, including, but not limited to, input from parents, teachers, principals, local school board members, businesses, community leaders, health providers, social services agencies, school improvement councils, or early childhood providers; and

(d) be submitted by the district superintendent to the local board of trustees for approval.

(C) Upon approval by the local board of trustees, the turnaround plan component of the revised strategic plan must be submitted to the department for review and approval. Thereafter, the district superintendent and the local board of trustees shall annually submit updates to the department regarding the implementation of the turnaround and revised strategic plan, including metrics assessing the impact of the activities included in the plan.

(D) Once approved by the department, the revised strategic plan must be prominently posted on the respective websites of the department, district, and school. The department shall monitor the district’s implementation of the revised strategic plan and evaluation of students’ academic progress, as provided for in the plan, and shall apprise the State Board of Education of the district’s progress once a quarter.

(E) For a school receiving an underperforming rating, the district and local board of trustees must work with the school principal to inform the parents of enrolled children of the rating. The notification must outline the steps in the revised strategic plan to improve performance, including the support that the local district board of trustees has agreed to give the plan.

Section 59‑18‑1630. Upon the release of the annual report card issued pursuant to Section 59-18-900, the department shall notify the appropriate legislative delegation of any school receiving an overall unsatisfactory rating. The local school board and district superintendent with jurisdiction over the unsatisfactory school shall:

(1) notify parents of students in writing and electronically;

(2) schedule, prominently publicize, and hold a public meeting to explain the school’s rating, its implications, how it must develop and implement a revised strategic plan for improvement, and how it will involve and engage the community in its plans, within thirty days of receiving the rating;

(3) immediately review and revise its strategicplan, which must incorporate and focus on turnaround plan components for each school designated as unsatisfactory in accordance with the template and guidelines provided by the department; and

(4) upon department approval, immediately list the revised strategic plan as a topic on the local district board meeting agenda at least once a quarter.

Section 59‑18‑1635. (A) The State Superintendent of Education may seek a state-of-education emergency declaration for a school that he has the capacity to serve under the following circumstances:

(1) the school is chronically underperforming;

(2) the school’s accreditation is denied; or

(3) the State Superintendent of Education determines that a school’s turnaround plan results are insufficient.

(B) If the State Superintendent of Education determines that a school state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon the approval of a state-of-education emergency declaration, the State Superintendent of Education shall:

(1) notify the appropriate district superintendent, local school board, and local legislative delegation and the Governor; and

(2) assume management of the school.

(D) The local district board may, upon a majority vote, appeal the State Board of Education’s approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court’s rules, provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E) Once a school subject to subsection (C) has met annual targets identified in the revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and local board of trustees, shall develop a transition plan and timeline for returning management of the school to the district.

(F) After a school has been in a state-of-education emergency for three consecutive years, the State Superintendent of Education may extend the state-of-education emergency for an additional three-year period only upon the approval of the State Board of Education. The State Superintendent of Education may make requests every three years, which must be approved or disapproved by the board. If the State Superintendent of Education does not request additional time, or if the State Board of Education disapproves a request, then the school shall revert back to the control of the local school board.

Section 59‑18‑1640. (A) The State Superintendent of Education may seek a state-of-education emergency declaration for a district that he has the capacity to serve under the following circumstances:

(1) the district is identified as underperforming for three consecutive years;

(2) the district’s accreditation is denied;

(3) the Superintendent of Education determines that a district’s turnaround plan results are insufficient; or

(4) the district is classified as being in a fiscal emergency status pursuant to Section 59-20-90, or financial mismanagement resulting in a deficit has occurred.

(B) If the State Superintendent of Education determines that a district state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration and cite the circumstances justifying that the district has failed to satisfactorily address circumstances. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon the approval of a state-of-education emergency, the State Superintendent of Education shall:

(1) notify the Governor and the appropriate district superintendent, local school board, and local legislative delegation; and

(2) assume management of the district and all schools in the district.

(D) The local district board may, upon a majority vote, appeal the State Board of Education’s approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court’s rules, provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E)(1) The local district board of trustees shall be dissolved upon the State Board of Education’s approval of the state-of-education emergency declaration and upon the expiration of the ten business day appeal window as provided in subsection (D).

(2)(a) Once a district subject to subsection (C) has met annual targets identified in the district’s revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. The State Board of Education shall approve that an interim local district board of trustees be appointed. The interim local district board of trustees shall consist of five members appointed in the following manner with a chairman elected by the appointees:

(i) one member appointed by the Governor;

(ii) three members appointed by the local legislative delegation; and

(iii) one member appointed by the State Superintendent of Education in consultation with the local legislative delegation.

(b) All appointees must be residents of the school district for which the interim appointments are being made. In making appointments to the interim local district board of trustees, the appointing authority shall consider knowledge and experience in the field of education and shall further take into account race, gender, and other demographic factors, such as residence in a rural or urban area, so as to represent, to the greatest extent possible, all segments of the population of the affected district. However, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the interim local district board of trustees shall represent the educational needs of the district.

(c) The interim local district board shall be appointed to begin serving within forty-five days of the State Board of Education’s approval of the appointments of the interim local district board and shall serve for a minimum of three years.

(d) Any vacancy shall be filled in the original manner of appointment.

(3) For a minimum of three years and until the State Board of Education votes to end the state-of-education emergency, the interim local district board shall remain in place, and its appointed members shall continue to serve.

(F)(1) Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and interim board, shall develop a transition plan and timeline for returning management of the district to a local board of trustees. Beginning with the next regularly scheduled election, members for the local district board of trustees will be elected or appointed pursuant to statutory requirements.

(2) Upon the swearing in of a new local district board of trustees, the declaration of a state-of-education emergency shall expire, and the powers and duties of the district superintendent and local district school board of trustees are restored.

(G) Notwithstanding any other provision of law, a district in a state-of-education emergency pursuant to this section shall have its fiscal authority relating to taxing authority and levying millage transferred to its county council until the state-of-education emergency is lifted. The county council may not exceed millage limitations established pursuant to Section 6-1-320 or otherwise established prior to the state-of-education emergency declaration.”

SECTION 2. Article 15, Chapter 18, Title 59 of the 1976 Code is repealed.

SECTION 3. This act takes effect on July 1, 2022, upon approval by the Governor.

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