**South Carolina General Assembly**

125th Session, 2023-2024

**A114, R115, S418**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hembree, Turner, Gustafson, Loftis and Kimbrell

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**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/19/2023 Senate Introduced and read first time (Senate Journal‑page 3)

 1/19/2023 Senate Referred to Committee on **Education** (Senate Journal‑page 3)

 2/8/2023 Senate Committee report: Favorable with amendment **Education** (Senate Journal‑page 49)

 2/9/2023 Scrivener's error corrected

 3/8/2023 Senate Committee Amendment Adopted (Senate Journal‑page 17)

 3/8/2023 Senate Amended (Senate Journal‑page 17)

 3/9/2023 Senate Read second time (Senate Journal‑page 12)

 3/9/2023 Senate Roll call Ayes-41 Nays-0 (Senate Journal‑page 12)

 3/14/2023 Senate Read third time and sent to House (Senate Journal‑page 14)

 3/14/2023 Senate Roll call Ayes-38 Nays-0 (Senate Journal‑page 14)

 3/15/2023 House Introduced and read first time (House Journal‑page 11)

 3/15/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 11)

 5/2/2023 House Committee report: Favorable with amendment **Education and Public Works** (House Journal‑page 3)

 5/3/2023 House Amended (House Journal‑page 30)

 5/3/2023 House Read second time (House Journal‑page 30)

 5/3/2023 House Roll call Yeas-107 Nays-0 (House Journal‑page 52)

 5/4/2023 House Read third time and returned to Senate with amendments (House Journal‑page 26)

 1/17/2024 Senate Recommitted to Committee on **Education** (Senate Journal‑page 16)

 2/14/2024 Senate Committee report: Favorable with amendment **Education** (Senate Journal‑page 9)

 2/22/2024 Senate House amendment amended (Senate Journal‑page 26)

 2/22/2024 Senate Roll call Ayes-41 Nays-2 (Senate Journal‑page 26)

 2/22/2024 Senate Returned to House with amendments (Senate Journal‑page 26)

 2/27/2024 Scrivener's error corrected

 2/29/2024 House Concurred in Senate amendment and enrolled (House Journal‑page 37)

 2/29/2024 House Roll call Yeas-111 Nays-0 (House Journal‑page 38)

 3/7/2024 Ratified R 115

 3/11/2024 Signed By Governor

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 3/14/2024 Act No. 114

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**VERSIONS OF THIS BILL**

[01/19/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/418_20230119.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/418_20230208.docx)

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(A114, R115, S418)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59‑155‑110, RELATING TO THE SOUTH CAROLINA READ TO SUCCEED OFFICE AND THE COMPREHENSIVE READING PROGRAM IMPLEMENTED BY THE OFFICE, SO AS TO ELIMINATE THE OFFICE, TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL ADMINISTER THE PROGRAM, and TO REVISE REQUIREMENTS FOR THE PROGRAM; BY AMENDING SECTION 59‑155‑120, RELATING TO DEFINITIONS CONCERNING THE STATEWIDE READING PROGRAM, SO AS TO REVISE VARIOUS DEFINITIONS; BY AMENDING SECTION 59‑155‑130, RELATING TO FUNCTIONS OF THE PROGRAM FOR WHICH THE DEPARTMENT SHALL PROVIDE GUIDANCE AND SUPPORT TO SCHOOL DISTRICTS AND EDUCATOR PREPARATION PROGRAMS IN IMPLEMENTING THE PROVISIONS OF THE PROGRAM, SO AS TO REVISE THE FUNCTIONS AND TO PROVIDE DIStrICtS THAT FAIL TO MEET REPORTING REQUIREMENTS ON READING CAMPS ARE INELIGIBLE TO RECEIVE STATE FUNDING FOR THE CAMPS DURING THE FOLLOWING FISCAL YEAR BUT SHALL CONTINUE TO OPERATE THE CAMPS; BY AMENDING SECTION 59‑155‑140, RELATING TO COMPONENTS OF THE PROGRAM, SO AS TO REQUIRE ANNUAL APPROVAL BY THE STATE BOARD OF EDUCATION, TO REVISE CERTAIN COMPONENTS, AND TO REVISE OTHER REQUIREMENTS FOR THE PROGRAM; BY AMENDING SECTION 59‑155‑150, RELATING TO DUTIES OF THE STATE SUPERINTENDENT TO ENSURE CERTAIN READINESS ASSESSMENTS ARE ADMINisTERED WITHIN THE FIRST FORTY‑FIVE DAYS OF SCHOOL, SO AS TO PROVIDE DISTRICTS AND CHARTER SCHOOLS MAY REQUEST WAIVERS FROM STATUTORY ATTENDANCE REQUIREMENTS TO SCHEDULE THE ASSESSMENTS, AMONG OTHER THINGS; BY ADDING SECTION 59‑155‑155 SO AS TO PROVIDE REQUIREMENTS FOR THE NUMBER OF UNIVERSAL READING SCREENERS THAT DISTRICTS MAY USE, TO PROVIDE REQUIREMENTS FOR SCREENERS, TO PROVIDE DISTRICTS SHALL ADMINiSTER SCREENERS AT LEAST THREE TIMES DURING EACH SCHOOL YEAR IN CERTAIN INTERVALS, TO PROVIDE RELATED REQUIREMENTS OF THE DEPARTMENT, AND TO PROVIDE FOR ALTERNATE ASSESSMENT AND PROGRESS MONITORING TOOLS; BY AMENDING SECTION 59‑155‑160, RELATING TO MANDATORY RETENTION PROVISIONS FOR THIRD GRADERS WHO FAIL TO DEMONSTRATE READING PROFICIENCY, SO AS TO REVISE EXEMPTIONS AND EXemPTION PROCESSES, TO PROVIDE SERVICES AND SUPPORT THAT MUST BE PROVIDED TO RETAINED STUDENTS, TO PROVIDE RETAINED STUDENTS SHALL ENROLL IN SUMMER READING CAMPS, AMONG OTHER THINGS; BY AMENDING SECTION 59‑155‑170, RELATING TO THE REQUIREMENT OF TEACHERS IN CERTAIN CONTENT AREAS MASTER CERTAIN READING COMPREHeNSION INSTRUCTION PRACTICES AND ASSIST IN THE IMPLEMENTATION OF THESE PROVISIONS, SO AS TO REMOVE THE REQUIREMENT, AMONG OTHER THINGS, AND TO REQUIRE THE DEPARTMENT SHALL IMPLeMENT CERTAIN FOUNDATIONAL LITERACY SKILLS TRAINING FOR ALL KINDERGARTEN THROUGH THIRD GRADE TEACHERS CERTIFIED IN CERTAIN TEACHING AREAS, AND TO PROVIDE SUCCESSFUL COMPLETION OF THIS TRAINING SHALL SATISFY LITERACY ENDORseMENT REQUIREMENTS; BY AMENDING SECTION 59‑155‑180, RELATING TO LITERACY READING COACHES, SO AS TO REVISE TRAINING REQUIREMENTS FOR THE COACHES, among other things; BY AMENDING SECTION 59‑155‑200, RELATING TO THE PROMOTION OF READING AND WRITING HABITS AND SKILLS DEVELOPMENT, SO AS TO REMOVE FAMILY SUPPORT PROVISIONS; BY AMENDING SECTION 59‑155‑210, RELATING TO STANDARDS, PRACTICES, AND PROCEDURES DEVELOPED BY THE BOARD AND DEPARTMENT TO IMPLEMENT THE PROGRAM, SO AS TO REMOVE THE BOARD FROM THE PROVISIONS, AMONG OTHER THINGS; AND BY AMENDING SECTION 59‑18‑310, RELATING TO ASSESSMENTS REQUIRED IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE ASSESSMENTS AND THEIR USES, AMONG OTHER THINGS.

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

Program established, administrator revised, requirements revised

SECTION 1. Section 59‑155‑110 of the S.C. Code is amended to read:

 Section 59‑155‑110. The South Carolina Department of Education shall implement a comprehensive, systemic approach to reading which will ensure:

 (1) classroom teachers use scientifically based reading instruction in prekindergarten through grade five, to include oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension; administer and interpret valid and reliable assessments; analyze data to inform reading instruction; and provide scientifically based interventions as needed so that all students develop proficiency with literacy skills and comprehension;

 (2) each district, in consultation with classroom teachers, periodically reassess curriculum and instructional materials for alignment with foundational literacy skills and exclusion of materials that employ the three‑cueing system model of reading, visual memory as the primary basis for teaching word recognition, or the three‑cueing system model of reading based on meaning, structure and syntax, and visual cues;

 (3) each student who cannot yet comprehend grade‑level text is identified and served as early as possible and at all stages of his or her educational process;

 (4) each student receives targeted, effective, comprehensive support from the classroom teacher and, if needed, supplemental support from a reading interventionist so that ultimately all students can comprehend grade‑level texts;

 (5) after each administration of a universal reading screener or formative assessment as defined in this chapter, each student and his parent or guardian are informed in writing of:

 (a) the student’s reading proficiency needs, progress, and ability to comprehend grade‑level texts;

 (b) specific actions the classroom teacher and other reading professionals have taken and will take to help the student comprehend texts; and

 (c) specific actions that the parent or guardian can take to help the student comprehend grade‑level texts;

 (6) classroom teachers receive pre‑service and in‑service coursework based in the science of reading, structured literacy, and foundational literacy skills;

 (7) all students develop reading and writing proficiency to prepare them to graduate and to succeed in their career and post‑secondary education;

 (8) each school district publishes annually a comprehensive scientifically based reading plan that includes intervention options available to students and funding for these services; and

 (9) all programs focused on early childhood literacy development promote parental involvement in children’s literacy and development of foundational literacy skills.

Definitions

SECTION 2. Section 59‑155‑120 of the S.C. Code is amended to read:

 Section 59‑155‑120. As used in this chapter:

 (1) “Board” means the State Board of Education.

 (2) “Department” means the State Department of Education.

 (3) “Foundational literacy skills” means phonological and phonemic awareness, phonics, fluency, vocabulary, and reading comprehension and excludes models based on meaning, structure, syntax, and visual cues.

 (4) “Formative assessment” means nationally normed formative assessments approved by the board and aligned with state standards used during the school year to analyze general strengths and weaknesses in learning and instruction, to include reading comprehension, of students individually as to adapt instruction, make decisions about appropriate intervention services, and inform placement and instructional planning for the next grade level.

 (5) “Literacy” means the mastery of foundational literacy skills and the use of those skills to comprehend texts and write proficiently to meet grade‑level English/Language Arts standards.

 (6) “Readiness assessment” means an assessment used to analyze students’ competency in prekindergarten or kindergarten.

 (7) “Reading interventions” means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and a literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the department.

 (8) “Reading proficiency” means the ability of students to meet state reading standards in kindergarten through grade five, demonstrated by readiness, formative, or summative assessments.

 (9) “Reading proficiency skills” means the ability to understand how written language works at the word, sentence, paragraph, and text level and mastery of the skills, strategies, and oral and written language needed to comprehend grade‑level texts.

 (10) “Science of reading” means the comprehensive body of scientific research on how proficient reading develops, why some students have difficulty learning to read, and the scientifically based approaches to effectively, explicitly, and systematically teach students to read, including foundational literacy skills. The science of reading also addresses the developmental stages of reading, effective instructional strategies, the identification and support of diverse learners to include those with reading difficulties such as dyslexia, and the application of these research findings in an educational setting to ensure effective reading instruction and literacy develops for all students.

 (11) “Scientifically based” means reading instruction, interventions, programs, and other reading services provided to students that are aligned with the science of reading. These approaches and methods must be grounded in systematic and objective research conforming to established scientific principles.

 (12) “Substantially fails to demonstrate third grade reading proficiency” means a student who does not demonstrate reading proficiency at the end of the third grade as indicated by scoring Does Not Meet Expectations or at the lowest achievement level on the statewide summative reading assessment.

 (13) “Summative assessment” means state‑approved assessments administered in grades three through eight and any statewide assessment used in grades nine through twelve to determine student mastery of grade‑level or content standards.

 (14) “Summer reading camp” means an educational program offered by each local school district or consortia of school districts for students who are unable to comprehend grade‑level texts and who qualify for mandatory retention.

 (15) “Third grade reading proficiency” means the ability to read grade‑level texts by the end of a student’s third grade year as demonstrated by scoring Meets or Exceeds Expectations as a result of state‑approved summative reading assessments administered to third grade students, or through other assessments as noted in this chapter and adopted by the board.

 (16) “Universal reading screener” means a nationally normed formative assessment used to screen and monitor the progress of students in foundational literacy skills to identify or predict students at risk of not meeting grade-level proficiency and determine effectiveness of instruction and intervention. All universal reading screeners must be aligned with state standards to English/Language Arts, meet the criteria of a nationally normed formative assessment, and be recommended by the department and approved by the board.

Guidance and support

SECTION 3. Section 59‑155‑130 of the S.C. Code is amended to read:

 Section 59‑155‑130. (A) The department shall guide and support districts and collaborate with educator preparation programs to increase reading proficiency through the following functions including, but not limited to:

 (1) providing professional development to teachers, school principals, and other administrative staff based in the science of reading, structured literacy, and foundational literacy skills;

 (2) working collaboratively with institutions of higher learning offering courses in reading and writing for initial certification in early childhood, elementary, and special education, and accredited master’s degrees in reading/literacy to design coursework leading to a literacy teacher endorsement by the State;

 (3) providing coaching for already certified reading/literacy coaches and literacy teachers based in the science of reading, structured literacy, and foundational literacy skills;

 (4) developing information and resources that school districts can use to provide workshops for parents about how they can support their children as readers and writers;

 (5) assisting school districts in the development and implementation of their district reading proficiency plans as provided for in Section 59‑155‑140;

 (6) annually reviewing and approving the reading proficiency plan of each district;

 (7) monitoring and reporting to the board the yearly success rate of summer reading camps. Districts must provide the department with data to include the:

 (a) number of students enrolled in camps;

 (b) number of students by grade level who successfully complete the camps;

 (c) number of third graders promoted to fourth grade;

 (d) number of third graders retained;

 (e) total expenditures to operate the camps to include source of funds and in‑kind donations;

 (f) number of third graders promoted using a good cause exemption as provided in this chapter;

 (g) number of first and second graders who are projected to score Does Not Meet and Approaches Expectations or at the lowest levels of the statewide summative reading assessment; and

 (8) providing an annual report to the General Assembly regarding the implementation of the South Carolina Read to Succeed Act to include the state’s and district’s progress toward ensuring at least ninety‑five percent of all students are reading at grade level.

 (B) Districts failing to provide reports on summer reading camps pursuant to Section 59‑155‑130 are ineligible to receive state funding for summer reading camps for the following fiscal year; however, districts must continue to operate summer reading camps as defined in this act.

Components

SECTION 4. Section 59‑155‑140 of the S.C. Code is amended to read:

 Section 59‑155‑140. (A)(1) The department, with approval by the board, shall develop, implement, evaluate, and continuously refine a comprehensive state plan to improve reading achievement in public schools. The State Reading Proficiency Plan must be approved by the board annually, and must include, but not be limited to, sections addressing the following components:

 (a) reading process;

 (b) professional development to increase teacher reading expertise;

 (c) professional development to increase reading expertise and literacy leadership of principals and assistant principals;

 (d) reading instruction;

 (e) reading assessment;

 (f) support for struggling readers;

 (g) early childhood interventions;

 (h) family support of literacy development;

 (i) district guidance and support for reading proficiency;

 (j) state guidance and support for reading proficiency;

 (k) accountability; and

 (l) urgency to improve reading proficiency.

 (2) The state plan must be based on research and evidence‑based practices, aligned to the science of reading, structured literacy, and foundational literacy skills, and applied to the conditions prevailing in reading/literacy education in this State, with special emphasis on addressing instructional and institutional deficiencies. The plan must present and explain the scientifically based rationale for state‑level actions to be taken. The plan must be updated annually and incorporate a state reading proficiency progress report.

 (3) The state plan must include specific details and explanations for all substantial uses of state, local, and federal funds promoting reading/literacy and best judgment estimates of the cost of scientifically based, thoroughly analyzed proposals for initiation, expansion, or modification of major funding programs addressing reading and writing. Analyses of funding requirements must be prepared by the department for incorporation into the plan.

 (B)(1) Each district must prepare a comprehensive annual reading proficiency plan for prekindergarten through fifth grade.

 (2) Each district reading proficiency plan shall:

 (a) document how reading and writing assessment and instruction for all PK‑5 students are aligned to the science of reading, structured literacy, and foundational literacy skills;

 (b) document scientifically based interventions being provided to students who have failed to demonstrate grade‑level reading proficiency;

  (c) include a system for helping parents understand how they can support the student as a reader at home;

  (d) provide for the monitoring of reading achievement and growth at the classroom, school, and district levels with decisions about intervention based on all available data; and

 (e) explain how the district will provide teacher training based in the science of reading, structured literacy, and foundational literacy skills from an approved list provided by the department.

 (3)(a) The department shall develop the format for the plan and the deadline for districts to submit their plans for approval. A district that does not submit a plan or whose plan is not approved shall not receive any state funds for reading until it submits a plan that is approved. All district reading plans must be reviewed and approved by the department. The department shall provide written comments to each district on its plan and to all districts on common issues raised in prior or newly submitted district reading plans.

 (b) The department shall monitor the district and school plans and use their findings to inform the training and support the office provides to districts and schools.

 (c) The department may direct a district that is persistently unable to prepare an acceptable PK‑12 reading proficiency plan or to help all students comprehend grade‑level texts to enter into a multidistrict or contractual arrangement to develop an effective intervention plan.

 (C) Each school serving students in grades kindergarten through fifth grade must prepare, submit to the district, and post on its website prior to the start of each year an implementation plan aligned with the district reading proficiency plan to enable the district to monitor and support implementation at the school level. The school plan must be a component of the school’s strategic plan required by Section 59‑18‑1310. A school implementation plan shall be sufficiently detailed to provide practical guidance for classroom teachers. Proposed strategies for assessment, instruction, and other activities specified in the school plan must be sufficient to provide to classroom teachers and other instructional staff helpful guidance that can be related to the critical reading and writing needs of students in the school. In consultation with the School Improvement Council, each school must include in its implementation plan the training and support that will be provided to parents as needed to maximize their promotion of reading and writing by students at home and in the community.

 (D) The department shall identify schools serving students in sixth through eighth grade with fifty percent or more of its students scoring at the lowest achievement level on the statewide summative assessment. Each year identified, the school shall prepare, submit to the district, and post on its website prior to the start of the school year a school implementation plan aligned with the district’s reading proficiency plan to enable the district to monitor and support implementation at the school level. The school implementation plan shall be sufficiently detailed to provide classroom teachers and instructional staff with strategies based in the science of reading, structured literacy, and foundational literacy skills for assessments, instruction, and other activities related to the critical reading and writing needs of students. In consultation with the School Improvement Council, the implementation plan shall include training and supports provided to parents as needed to maximize the promotion of reading and writing by students at home and in the community.

Assessment administration

SECTION 5. Section 59‑155‑150 of the S.C. Code is amended to read:

 Section 59‑155‑150. (A) The State Superintendent of Education shall ensure every student entering publicly funded prekindergarten and kindergarten will be administered a board‑approved readiness assessment within the first forty‑five days of school. The approved assessments of academic readiness must be aligned with first and second grade standards for English/language arts and mathematics. The purpose of the assessment is to provide teachers and parents or guardians with information to address the readiness needs of each student by identifying early language and literacy development, physical well‑being, and cognitive development to inform and assist appropriate instruction for each child. The results of the assessment and the developmental intervention strategies recommended to address the child’s identified needs must be provided, in writing, to the parent or guardian. Reading instructional strategies and developmental activities for children whose oral language skills are assessed to be below the norm of their peers in the State must be aligned with the district’s reading proficiency plan for addressing the readiness needs of each student. The results of each assessment with the date of when the assessment was administered must be reported to the department.

 (B) A district superintendent or charter school authorizer may submit a request to the department to waive the minimum one hundred eighty‑day school attendance requirement for kindergarten and South Carolina Child Early Reading Development and Education Program (CERDEP) students for the purpose of scheduling readiness assessments. Upon approval of the waiver request, the approved school may allow kindergarten and CERDEP students to be administered the assessments during a shortened school day within the first five days of the academic year.

Universal reading screeners

SECTION 6. Chapter 155, Title 59 of the S.C. Code is amended by adding:

 Section 59‑155‑155. (A) Beginning with the 2025‑2026 School Year, the board shall approve no more than five reliable and valid universal reading screeners for selection and use by districts for kindergarten through fifth grade and shall use the same process as required by Section 59‑18‑310 to ensure the validity and reliability of the instruments and to periodically reevaluate approved instruments. All districts shall use one of the approved universal reading screeners.

 (B) Each approved universal reading screener must:

 (1) provide screening and diagnostic capabilities for monitoring student progress in reading;

 (2) measure, at minimum, foundational literacy skills;

 (3) identify students who have a reading deficiency, including identifying students with characteristics of dyslexia; and

 (4) meet the criteria of a nationally normed formative assessment.

 (C) In determining which instrument to approve, the board shall consider the following factors:

 (1) the time required to conduct the assessments with the intention of minimizing the impact on instructional time;

 (2) the level of integration of assessment results with instructional supports offered to teachers and students;

 (3) the timeliness in reporting assessment results to teachers, administrators, and parents; and

 (4) the recommendation of the department.

 (D) In order to determine student progression in reading, a district shall administer a universal reading screener three times per school year with the first administration occurring within the first forty‑five days of school, the second administration occurring at the midpoint of the school year, and the third administration occurring by the end of the school year. Within fifteen days of each administration, the district shall notify the parent or guardian regarding the performance of their student and whether the student may be considered for retention. For each student demonstrating literacy deficiencies and not meeting grade‑level proficiencies based on the data received from the administration of the universal reading screeners, the district shall create an individualized reading plan and include a copy in the notification to the parent or guardian.

 (E) The department shall:

 (1) provide technical assistance and support to districts and classroom teachers in administering universal reading screeners and in understanding the results so teachers are able to provide appropriate, scientifically based interventions;

 (2) require districts and approved universal reading screeners to annually submit data as requested by the department for purposes of determining whether the screening instruments are accurately identifying students in need;

 (3) reimburse districts for the cost of the universal reading screener upon receipt of the data as requested by the department as funding allows;

 (4) annually report, on a grade‑level basis, data received from districts and approved universal reading screeners; and

 (5) implement an online reporting system to monitor the effectiveness of universal reading screeners which must:

 (a) track, screen, and monitor the reading progress of students in kindergarten through third grade toward reading proficiency;

 (b) create a consistent statewide reporting mechanism to identify students with a reading deficiency to include students with characteristics of dyslexia; and

 (c) be used to receive the annual reporting requirements pursuant to Section 59‑33‑540.

 (F) Administration of a universal reading screener may be replaced with an alternative assessment and progress monitoring tool for students who qualify for an alternative assessment based on a cognitive disability in kindergarten through third grade.

Mandatory retention

SECTION 7. Section 59‑155‑160 of the S.C. Code is amended to read:

 Section 59‑155‑160. (A) Beginning with the 2024‑2025 School Year, a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring Does Not Meet Expectations or at the lowest achievement level on the state summative reading assessment. A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

 (1) with limited English proficiency and less than two years of instruction in English as a Second Language program;

 (2) with disabilities whose Individualized Education Program indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose Individualized Education Program or Section 504 Plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;

 (3) who successfully participate in a summer reading camp at the conclusion of third grade and demonstrate reading proficiency by achieving Approaches Expectations, or at least a level above the lowest level, on the state summative reading assessment;

 (4) who demonstrate third grade reading proficiency by scoring the equivalent of Approaches Expectations, or the level above the lowest level, on the statewide summative assessment or a norm‑referenced alternative assessment approved by the board for use in summer reading camps; or

 (5) who have received two years of reading intervention and were previously retained.

 (B) The superintendent of the local district may determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:

 (1) The teacher of a student eligible for retention must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate based on the student’s academic record. This evidence must be limited to the student’s Individualized Education Program, performance on the statewide summative assessment, or performance on an alternative assessment.

 (2) The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion, to include an individualized reading plan providing additional supports to be offered to the student to ensure reading proficiency is achieved, to the district superintendent for final determination.

 (3) The district superintendent’s acceptance or rejection of the recommendation, as well as the individualized reading plan provided by the principal, must be in writing and a copy must be provided to the parent or guardian of the child.

 (4) A parent or legal guardian may appeal the decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision in writing to the parent or legal guardian and the principal.

 (C) Prior to the decision for a student to be retained, if the student is not demonstrating third grade reading proficiency by the end of the second grading period of the third grade:

 (1)(a) his parent or guardian timely must be notified, in writing, that the student is being considered for retention and a conference with the parent or guardian must be held prior to a determination regarding retention is made, and conferences must be documented;

 (b) within two weeks following the parent/teacher conference, copies of the conference form must be provided to the principal, parent or guardian, teacher and other school personnel who are working with the child on literacy, and summary statements must be sent to parents or legal guardians who do not attend the conference; and

 (c) following the parent/teacher retention conference, the principal, classroom teacher, and other school personnel who are working with the child on literacy must review the recommendation for retention and provide suggestions for supplemental instruction.

 (2) The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in scientifically based services outside the instructional day.

 (D) Retained students must be provided intensive instructional services and support, including a minimum of ninety minutes of daily reading instruction, supplemental foundational literacy skill instruction, and other strategies grounded in the science of reading prescribed by the district. These strategies may include, but are not limited to, instruction directly focused on improving the student’s individual foundational literacy skills through small group instruction, reduced teacher‑student ratios, more frequent student progress monitoring, high dose low ratio tutoring or mentoring as prescribed by the department, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The delivery of additional supports and interventions shall not result in a student losing access to regular instruction in subject areas identified in the defined program for grades K‑5 as established by the board. The school must report to the department on the progress of students in the class at the end of the school year and at other times as required by the department based on the reading progression monitoring requirements of these students.

 (E)(1) For students in kindergarten through second grade who are not demonstrating reading proficiency, additional support in foundational literacy skills shall be provided. These interventions must be based in the science of reading, be at least thirty minutes daily, and be in addition to the minimum of ninety minutes of daily reading and writing instruction provided to all students in kindergarten through second grade. The delivery of additional supports and interventions shall not result in a student losing access to regular instruction in subject areas identified in the defined program for grades K‑5 as established by the board. The district must continue to provide intensive interventions until the student is meeting grade‑level reading proficiency.

 (2) To ensure early interventions, districts are encouraged to retain students in kindergarten through second grade who are not demonstrating grade‑level reading proficiency. In making retention decisions, districts shall seek recommendations from the student’s teacher(s) and principal.

 (F) For students in grades four and above who are not demonstrating reading proficiency shall be provided additional reading interventions which may include services from a reading interventionist in the classroom or supplementally by teachers with a literacy teacher endorsement or reading/literacy coaches. This supplemental support will be provided during the school day and, as appropriate, before or after school, as documented in the district reading plan, and may include high dose low ratio tutoring or mentoring as prescribed by the department, or in summer reading camps.

 (G) Students eligible for retention pursuant to this section shall enroll in a summer reading camp provided by their district or a summer reading camp consortium to which their districts belong prior to being retained the following school year. Summer reading camps must be at least the equivalent of ninety‑six hours of instruction. The camps must be taught by compensated teachers who have at least a literacy endorsement or who have documented and demonstrated substantial success in helping students achieve proficiency of grade‑level reading standards. The department shall assist districts that cannot find qualified teachers to work in the summer camps. Districts may choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith‑based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. A parent or guardian of a student who does not demonstrate reading proficiency for his grade level shall make the final decision regarding the student’s participation in the summer reading camp.

 (H) A district shall include in the summer reading camps first and second grade students who are not exhibiting grade‑level reading proficiency. This shall be implemented beginning with the 2025‑2026 School Year by including first grade students not exhibiting grade‑level reading proficiency and beginning with the 2026‑2027 School Year by including second grade students not demonstrating grade‑level reading proficiency. Students at any other grade who are not exhibiting reading proficiency may be included in summer reading camps at the discretion of the district. Districts may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59‑19‑90, except where a child is found to be reading below grade level in the first through third grade and does not meet the good cause exemption.

Literacy skills training for educators

SECTION 8. Section 59‑155‑170 of the S.C. Code is amended to read:

 Section 59‑155‑170.  (A) The department shall establish a set of essential competencies describing what certified teachers in early childhood, elementary, middle and secondary levels, and special education must know and be able to do so that all students can comprehend grade‑level texts. These competencies, developed collaboratively with the faculty of higher education institutions and based on the science of reading, must then be incorporated into the coursework required by Section 59‑155‑180. The department shall provide professional development courses to ensure that educators have access to multiple avenues of receiving endorsements.

 (B)(1) The department shall deliver professional development that has demonstrated success in establishing deep knowledge of foundational literacy skills grounded in the science of reading and promoting student reading achievement. Each district shall participate in the implementation of this foundational literacy skills training with the goal of statewide implementation to include all kindergarten through third grade teachers certified in early childhood, elementary, or special education, and elementary administrators. This training shall be offered at no cost to the district or teacher.

 (2) Successful completion of this training shall satisfy the requirements of the literacy endorsement provided for in Section 59‑155‑180.

Literacy coaches

SECTION 9. Section 59‑155‑180(C) of the S.C. Code is amended to read:

 (C)(1) To ensure that practicing professionals possess the knowledge and skills necessary to assist all children in becoming proficient readers, multiple pathways are needed for developing this capacity.

 (2) A reading/literacy coach shall be employed in each elementary school. Reading coaches shall serve as job‑embedded, stable resources for professional development throughout schools in order to generate improvement in reading and literacy instruction and student achievement. Reading coaches shall support and provide initial and ongoing professional development to teachers based on an analysis of student assessment and the provision of differentiated instruction and intensive intervention. The reading coach shall:

 (a) model effective instructional strategies for teachers by working weekly with students in whole, and small groups, or individually;

 (b) facilitate study groups;

 (c) train teachers in data analysis and using data to differentiate instruction;

 (d) coaching and mentoring colleagues;

 (e) work with teachers to ensure that scientifically based reading programs are implemented with fidelity;

 (f) work with all teachers (including content area and elective areas) at the school they serve, and help prioritize time for those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in the classrooms; and

 (g) help lead and support reading leadership teams.

 (3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. The department must publish guidelines that define the minimum qualifications for a reading coach. Districts must provide to the department information on the name and qualifications of reading coaches funded by the state appropriations.

 (4) The board is authorized to approve guidelines on an annual basis for professional development, coursework, certification, and endorsement requirements for teachers of early childhood and elementary education, including special education teachers, interventionists, reading specialists, and administrators, whose responsibilities, either directly or indirectly, substantially relate to reading and literacy instruction, support, or interventions as provided in this section. The guidelines approved by the board shall also include the issuance of appropriate credit to individuals who have completed a department‑approved intensive and prolonged professional development program. Local school districts, working with the department, shall offer the required professional development, coursework, certification, and endorsements at no charge to teachers. In‑service hours earned through professional development must be used for renewal of teaching certificates in all subject areas.

 (5) Beginning September 1, 2026, early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically based reading instruction and intervention and data‑based decision making principles as approved by the board. The objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students.

 (6) The board shall approve guidelines and procedures to allow in‑service teachers the option of utilizing the test in item (5) to exempt requirements established by the board pursuant to item (4). As part of this process, the board shall set a minimum cut score for an in‑service teacher to achieve to take advantage of this provision. A teacher’s score on this assessment may not be used for evaluation purposes. Contingent upon funding by the General Assembly, this test shall be provided at no cost to the teacher.

 (7) Teachers, administrators, and other certified faculty and staff are exempt from having to earn the literacy endorsement to maintain certification only if they are not educating or serving students in a school or other educational setting. The literacy endorsement must be earned before an individual who was previously exempt pursuant to this item returns to a position where they educate or otherwise serve students.

 (8) Annually by August first, the department shall publish guidelines and procedures used in evaluating all courses offered to teachers, including virtual courses and professional development, leading to the literacy endorsement. The department shall publish the approved courses and professional development leading to the literacy endorsement no later than January first, annually.

 (9) Prior to August 1, 2026, and continuing every five years thereafter, the department will conduct an evaluation of approved courses used for compliance of this section. The evaluation should include survey data from prior course participants. The department shall remove any courses receiving an unsatisfactory evaluation from the list of approved courses and professional development under this section.

Reading and writing habits and skills development

SECTION 10. Section 59‑155‑200 of the S.C. Code is amended to read:

 Section 59‑155‑200. The department and each school district must plan for and act decisively to engage the families of students as full participating partners in promoting the reading habits and skills development of their children. With support from the department, districts and individual schools shall provide families with information about how children progress as readers and writers and how they can support this progress.

Standards, practices, and procedures for program implementation

SECTION 11. Section 59‑155‑210 of the S.C. Code is amended to read:

 Section 59‑155‑210. The department shall translate the statutory requirements for reading and writing specified in this chapter into guidance for districts, boards, and other organizations as appropriate. In this effort, they shall solicit the advice of education stakeholders who have a deep understanding of the science of reading, as well as school boards, administrators, and others who play key roles in facilitating support for and implementation of effective reading instruction.

Education Improvement Act assessment requirements

SECTION 12. Section 59‑18‑310(D) of the S.C. Code is amended to read:

 (D)(1) Beginning with the 2025‑2026 School Year, the State Board of Education shall create a statewide adoption list of no more than five nationally normed formative assessments for use in kindergarten through eighth grade aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information in a timely manner to all school districts for each student during the course of the school year. Subject to appropriations by the General Assembly for the assessments, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans.

 (2) Districts shall ensure all students in kindergarten through eighth grade are assessed using a state‑approved, nationally normed formative assessment tool during the fall, winter, and spring each year. School districts shall provide all formative assessment data and scores by grade level and school to the department from the prior school year. The department is directed to compile the information received and submit a comprehensive report regarding performance on the formative assessments to the General Assembly by June 1, annually. Any school district failing to provide this data to the department shall have ten percent of their State Aid to Classroom funding withheld until the data is provided.

 (3) The state‑approved, nationally normed formative assessments shall be periodically reevaluated pursuant to a timeline established by the department not to exceed four years.

Time effective

SECTION 13. This act takes effect upon approval by the Governor.

Ratified the 7th day of March, 2024.

Approved the 11th day of March, 2024.

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