

1 **S.419- ACCOUNTABILITY-WORKING DRAFT-for 9/9/19**
2 **(& excerpts transf. from Ethics)** **V.8.1.w**
3 **(Rev. to V.7.3.3.a 8/14/19)** **(as of 9/5/19)**

4 Subpart X

5
6 Schools of Innovation

7
8 **SECTION 33.** Section 59-19-350(A) of the 1976 Code is
9 amended to read:

10
11 “(A) A local school district board of trustees of this State desirous
12 of creating an avenue for new, innovative, and more flexible ways
13 of educating children within their district, may create ~~a school~~
14 schools of choice-innovation within the district that is are exempt
15 from state statutes which govern other schools in the district and
16 regulations promulgated by the State Board of Education. To
17 achieve the status of exemption from specific statutes and
18 regulations, the local board of trustees, at a public meeting, shall
19 identify specific statutes and regulations which will be considered
20 for exemption. The exemption may be granted by the governing
21 board of the district only if there is a two-thirds affirmative vote of
22 the board for each exemption and the proposed exemption is
23 approved by the State Board of Education.”

24
25
26 PART VI

27
28 Help for Students in Underperforming Schools
29 Planning, Assistance, and Interventions for Accountability and
30 Performance

31
32 **SECTION XX**

33 Chapter 18, Title 59 of the 1976 Code is amended by **adding**:

34
35 ARTICLE 13
36 District Accountability Systems

37
38
39 ****ADDS NEW SECTION TO STATUTE****

40 Section 59-18-1315 Comprehensive district strategic planning;
41 development and review.

42 By August 31, 2021, each district shall deploy a comprehensive
43 district strategic plan in accordance with the district strategic plan

1 process developed by the State Board of Education. The process,
2 which must be developed by the State Board by October 1, 2020,
3 shall provide the framework for districts to use in short and long-
4 range district strategic planning, and is intended to streamline and
5 improve the efficacy of existing district planning and reporting
6 requirements. The department shall provide the State Board with a
7 list of all state and federal plans required of schools, and
8 recommendations on how to merge the plans into the comprehensive
9 district strategic plan.

10 (A) The State Board of Education, based on recommendations of the
11 Department of Education, shall develop guidelines with timelines
12 and templates, and promulgate regulations requiring each district
13 board of trustees to establish a comprehensive district strategic plan
14 that supports the Profile of the South Carolina Graduate; aligns to
15 the merged state and federal accountability systems; addresses the
16 unique needs of the district and each school within the district;
17 further consolidates plan requirements pursuant to 59-18-1310;
18 where possible, merges all state and federal plans; and targets
19 assistance and intervention as defined in this chapter.

20
21 (B) A district's comprehensive strategic plan must be developed
22 with the input of district and school stakeholders that shall include,
23 but is not limited to: parents, teachers, principals, other school staff,
24 local businesses, and local health, mental health and social services
25 agencies and providers.

26 (1) The local board of trustees must adopt its initial comprehensive
27 strategic plan at a public meeting and the district must submit the
28 plan adopted to the department for approval not later than August
29 31, 2021. If the department does not approve the strategic plan it
30 must provide notice and feedback to the district and local board
31 chair ~~ninety-thirty~~ days after receipt of the plan, which then has
32 thirty days to resubmit the plan for approval. Thereafter, the
33 timeline established by the department shall be used by districts to
34 perform an annual review and update of the comprehensive strategic
35 plan for department review and approval of required plan
36 components.

37 (2) To support continuous improvement, districts may provide
38 amendments and updates to the comprehensive strategic plan as
39 needed and pursuant to the format and dates established by the
40 department.

41 (3) Districts must publish their approved initial comprehensive
42 district plans and subsequent approved updates or amendments in a
43 prominent place on their respective websites.

1
2 (C) The Department of Education shall:
3 (1) offer technical support to any district requesting assistance in the
4 development, implementation, update, or amendment of a
5 comprehensive strategic plan;
6 (2) establish and conduct a cyclical review of comprehensive
7 strategic plans, including updates, to ensure that strategies contained
8 in the plans maximize student learning; and
9 (3) publish approved district strategic plans, updates and
10 amendments on the department's web site.

11
12 **SECTION 44.B (place after SECTION 44)**
13 Unless otherwise specified, requirements for plans, updates, and
14 reports pursuant to Article 16, Chapter 18, Title 59 shall be
15 followed according to the requirements and timelines specified
16 therein, including those for consolidated district strategic plans and
17 for tiered assistance practices.

18
19 **SECTION 44.** Chapter 18, Title 59 of the 1976 Code is amended
20 by **adding**:

21
22 "Article 16

23
24 Assistance and Intervention

25
26 **SECTION 59-18 1612.** Tiered assistance to schools and districts;
27 monitoring of performance.
28 *(Replaces revisions needed to 59-18-1610, repealed in SEC. 56)*
29

30 (A) The State Department of Education shall develop a tiered
31 system for providing technical and other assistance, professional
32 development, and monitoring for schools and districts. The State
33 Superintendent of Education shall report the design of the system to
34 the General Assembly no later than December 31, 2020. Annually
35 thereafter, the Superintendent shall report on the progress of the
36 system in regard to assistance provided to schools and local school
37 districts and data documenting the impact of the assistance on
38 student academic achievement, college and career readiness, and
39 high school graduation rates.

40
41 (B) As a component of ascertaining where assistance and changes
42 are necessary, the State Department of Education shall:
43 (1) monitor the professional development of teachers, staff, and

1 administrators provided by and **or approved** through districts and
2 schools;
3 (2) monitor the operations of school boards in order to determine if
4 they are operating efficiently and effectively; and
5 (3) communicate improvements and changes identified to the
6 school districts, district school boards, and other parties or entities
7 involved.

8
9

10 **Section 59-18-1615.** Responses and interventions for improving
11 the performance of schools and districts

12

13 (A) Low-performing schools shall immediately be placed into a
14 tiered status by the State Department of Education (the department)
15 for the provision of tiered assistance. For state accountability
16 purposes, low-performing schools are those schools which,
17 according to the most recent annual school report cards, received an
18 overall rating of below average or unsatisfactory.

19 (B) Immediately upon notification by the department as a low-
20 performing school, the district Superintendent, with the leadership
21 of the principal and in consultation with the faculty of the school,
22 must review its strategic plan and or annual update, and with the
23 assistance of the School Improvement Council established in
24 Section 59-20-60, revise to include a component for low-performing
25 school turnaround. The revised strategic plan targeting school
26 turnaround must:

27 (1) be based on data or needs assessments to identify specific
28 improvement strategies related to low-performing school
29 turnaround and aligned with 59-20(60) for each school;

30 (2) include but not be limited to specific and measurable goals,
31 actions, activities, resource needs, student achievement,
32 professional development, and academic interventions as may be
33 reasonable and necessary to improve student progress towards
34 achieving the Profile of the Graduate for each school; and

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

37 (4) Upon approval by the local board of trustees, the turnaround
38 component of the strategic plan must be submitted to the department
39 for review and approval pursuant to the process and timeline
40 established by the department for all provisions in this Section.

41

1 (C) Once approved by the department, the revised plan must be
2 immediately posted prominently on the respective websites of the
3 department, district, and school.

4 (1) ~~(E)~~ The district, with the involvement of the school principal and
5 in conjunction with the local district board, must inform the parents
6 of children attending any school receiving a low-performance
7 rating, and must outline the steps in the revised strategic plan to
8 improve performance, including the support which the local district
9 board of trustees has agreed to give the plan. This information must
10 be provided to the parents no later than sixty days after publication
11 of the rating and ~~(2)~~ prominently placed on the home page of the
12 school and district web sites.

13
14 ~~(2)~~ Annually thereafter, the district superintendent and the local
15 board of trustees shall submit updates to the department on
16 implementation of the plan and how it measures the impact of the
17 activities in the plan. These annual reports must be provided to the
18 State Board of Education and made publicly available on the
19 respective websites of the department, the school, and the district.

20
21 (D) For schools identified in subsection (A) as low-performing, the
22 local school district board of trustees, in consultation with the
23 department, shall assist schools by:

24 (1) creating a stakeholder group that includes local
25 representatives from the Department of Social Services, Department
26 of Mental Health, Department of Employment and Workforce, and
27 law enforcement; and

28 (2) including in the annual updates of the revised strategic
29 plan, after considering the recommendations of the local stakeholder
30 group, the following:

31 (a) steps to address social service and health needs of
32 students at the school and their families, to help students arrive and
33 remain at school ready to learn;

34 (b) steps to improve or expand child welfare services and,
35 as appropriate, law enforcement services in the school community,
36 in order to promote a safe and secure learning environment;

37 (c) steps to improve workforce development services
38 provided to students and their families at the school, to provide
39 students and families with meaningful employment skills and
40 opportunities;

41 (d) steps to address achievement gaps for limited English
42 proficient, special education and low-income students;

1 (e) alternative English language learning programs for
2 limited English-proficient students; and

3 (f) a financial plan for the school, including any additional
4 funds to be provided by the district, state, federal government, or
5 other sources.

6
7 ~~(E) The district, with the involvement of the school principal ...~~

8
9 (E) The department annually before January first shall report to
10 the General Assembly and Governor on the activities, support,
11 services, and tiered assistance provided to each school and the
12 projected and actual impact of such intervention.

13
14 (F) (1) The school shall offer an orientation class for parents
15 which focuses on:

16 (a) the value of education;

17 (b) academic assistance programs that are available at the
18 school and in the community;

19 (c) student discipline;

20 (d) school policies;

21 (e) explanation of information that will be presented on the
22 school's report card issued; and

23 (f) other pertinent issues.

24 (2) The school shall offer the orientation class at least once
25 each year the school receives an overall rating of unsatisfactory or
26 below average on the school report card and shall provide parents
27 with written notification of the date, time, and location of the class.

28 A school shall offer the orientation class:

29 (a) at a time when the majority of parents are able to attend;
30 and

31 (b) in community settings or workplaces to better meet the
32 needs of parents with transportation difficulties or scheduling
33 conflicts.

34
35 (G)(1) For schools identified as low-performing pursuant to this
36 section, the department shall implement the provisions of this
37 section through a community partnership-focused framework for
38 tiered assistance as provided herein.

39 (2) The scope and intensity of tiered assistance in the
40 framework and made available by and through the department for
41 the district and schools within the district shall be in accordance with
42 a framework that:

1 (a) identifies and incorporates factors, approaches, reviews,
2 and resource needs determined to be effective best practices ~~for each~~
3 ~~specified according to~~ level of severity of low performance, as
4 recommended by the State Superintendent of Education in
5 consultation with districts, and approved by the State Board of
6 Education;

7 (b) provides the State Superintendent of Education with the
8 degree of innovation, authority and flexibility as may be reasonable
9 and necessary to direct the tiers of assistance provided to each low-
10 performing school; and

11 (c) if followed and implemented with fidelity can be
12 reasonably expected to achieve timely and impactful improvement
13 in student progress towards meeting the Profile of the Graduate; and

14 (d) can be clearly communicated and explained to key
15 stakeholders.

16 (3) ~~Tiered assistance may include but is not limited to:~~

17 ~~(a) Targeted or intensive professional development,~~
18 ~~technical assistance, and monitoring;~~

19 ~~(b) Placement of a principal mentor, literacy coach,~~
20 ~~transformational coach, or instructional leader;~~

21 ~~(c) Redirection of State or Federal funds to address the low~~
22 ~~performance;~~

23 ~~(d) Replacement of the principal; and~~

24 ~~(e) Reconstitution of the school.~~

25 Low-performing schools must be placed within the tiered assistance
26 framework not later than one hundred twenty days after the
27 designation.

28 (4) Low-performing schools must receive, at a minimum, a
29 needs assessment through the department. Schools designated as
30 unsatisfactory must also receive a diagnostic review in the year of
31 designation, and at least every third year thereafter. These
32 diagnostic review reports must be made available on the
33 department's website; any information pertaining to personnel
34 matters or containing personally identifiable information is exempt.
35 The revised plan in subsection (B) must include the
36 recommendations included in the diagnostic review and must
37 address evidence-based strategies designed to increase student
38 achievement and must include measures to evaluate the success of
39 implementation of the plan.

40 (5) The department shall:

41 (a) assist low-performing schools and districts with all
42 aspects of designing and implementing strategies and measures
43 identified in the revised annual plans;

1 (b) monitor and review student academic achievement and
2 progress on revised strategic plan implementation, based on the
3 reports provided in subsection (C), and report their findings to the
4 Chairman of the Senate Finance Committee, the Chairman of the
5 House Ways and Means Committee, the Chairman of the Senate
6 Education Committee, the Chairman of the House Education and
7 Public Works Committee, the local legislative delegation, and the
8 Governor in the fall following the school or district designation as
9 low-performing. Findings may include recommendations of
10 changes needed to any district's strategic plan.

11 (6) If the school or school district does not provide the evaluation
12 information necessary to determine effective use of, or fails to
13 provide the required **district annual** reports in, subsection (C), the
14 district superintendent shall be subject to findings of unprofessional
15 conduct by the State Board of Education pursuant to State
16 Regulation 43-58, if the district superintendent is determined to be
17 responsible for the failure to provide the required information.

18 (7) Funds appropriated for tiered assistance:

19 (a) must be used by the department to work with those
20 schools identified as low-performing;

21 (b) may not be transferred to another funding category by
22 the school district without prior approval of the State Superintendent
23 of Education; and

24 (c) are not subject to agency flexibility provisions.
25
26

27 **Section 59-18-1620.** Measures to address low-performing schools
28 at risk of becoming or are designated as chronically
29 underperforming.

30
31 (A) To ensure timely, adequate, and appropriate attention is
32 given each time a school receives an overall school report card
33 rating of unsatisfactory, and to prevent chronic underperformance
34 and further decline in student outcomes, local district school boards
35 and the respective district superintendents shall be required to
36 inform and effectively engage the community being served by each
37 applicable school of such status, and in the most severe and or
38 chronic cases of unsatisfactory ratings, be subject to tiered
39 assistance and or interventions pursuant to this article.
40

41 (B) Beginning with the 2019-2020 school report cards, when a
42 school receives an overall rating of unsatisfactory, the State
43 Department of Education shall notify the legislative delegation for

1 the location of the school; in addition, the local school board that
2 governs the school and the district superintendent shall:

3 (1) Upon the first occasion of receiving a rating of
4 unsatisfactory:

5 (a) within 30 days of receiving the rating, schedule,
6 prominently publicize, and hold a public meeting to explain the
7 school's rating, its implications, how it must develop and implement
8 a revised strategic plan for improvement, and how it will involve
9 and engage the community in its plans, including where applicable
10 the school revised annual plan pursuant to 59-18-1310, 59-18-1315,
11 59-18-1615 and 59-20-60;

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

16 (c) immediately place the revised strategic plan as a topic
17 on the local district board meeting agenda at least once a quarter,
18 listing each school rated unsatisfactory and the number of years in
19 that status, which may be satisfied by fulfilling requirements in sub-
20 item (a).

21 (2) Upon receiving a rating of unsatisfactory for the second
22 consecutive year:

23 (a) within 30 days of receiving the rating, schedule,
24 prominently publicize, and hold a public meeting to report the
25 school's continued rating as unsatisfactory, its implications to
26 include at risk of designation as 'chronically underperforming',
27 describe and explain strategies that are succeeding and those that are
28 not, its approach to prevent continued or further decline, and how it
29 will involve and engage the community in those efforts including a
30 revised annual plan;

31 (b) scrutinize and further revise its strategic plan, in
32 accordance with the template and guidelines provided by the
33 department pursuant to sub item (1); and

34 (c) place the further revised strategic plan as a topic on a
35 local district board meeting agenda within 45 days and at least every
36 other month thereafter, and listing each school rated unsatisfactory
37 and the number of consecutive years in that status.

38 (3) Provisions in this subsection apply, but are not limited to,
39 schools designated as low-performing pursuant to subsection (A).

40
41 (C) Beginning with the 2019-2020 school report cards, if a school
42 has received an overall rating of unsatisfactory for the third
43 consecutive year, local efforts pursuant to subsection (A) will be

1 ~~deemed insufficient to meet the needs of the students and~~ the school
2 is considered to be ‘chronically underperforming’. The State
3 Superintendent of Education, upon approval by a majority of the
4 membership of the State Board of Education ~~in a called meeting,~~
5 and in partnership with school, district, and community leaders is
6 authorized to, and must begin immediately to, pursue a school
7 turnaround approach with related strategies to address weaknesses
8 and deficiencies. The approach and strategies selected shall be
9 commensurate with the severity of the situation and the willingness
10 and capacity of those stakeholders to effect a turnaround.

11

12 (D) Authorized turnaround approaches required of the State
13 Superintendent of Education pursuant to subsection (C) are to
14 assume management of the school, including reconstitution, or to
15 close the school, utilizing one or more strategies for the approach.
16 Strategies to be utilized for the applicable turnaround approach may
17 include but are not limited to the following, and shall be in
18 accordance with an informed assessment, performed by the
19 department, of the community and its immediate needs:

20 (1) The State Superintendent of Education may assume
21 partial or full management of the school, either directly or indirectly,
22 which shall be done in accordance with Memorandums of
23 Agreement (MOA) between and among the department, the district,
24 another district or district consortium, and or a third party provider
25 secured through the state procurement process and who is
26 demonstrably qualified to provide the services needed. Should the
27 parties involved with the MOA fail to reach agreement on a
28 necessary signed agreement within 30 days of the school being
29 designated as chronically underperforming, the State
30 Superintendent of Education may proceed with provisions pursuant
31 to the outstanding MOA.

32 (a) Management of the school may include but not be
33 limited to employment decisions by the State Superintendent of
34 Education, reconstitution of a school, tiered assistance, and
35 consolidation or shared services with another district.

36 (b) Reconstitution of a school means the redesign or
37 reorganization of the school ~~and may include that all positions in the~~
38 ~~school are considered vacant.~~

39 (i) ~~Educators who were employed at a school that is~~
40 ~~being reconstituted and to whom the employment and dismissal~~
41 ~~laws apply will not lose their rights in the reconstitution. Dismissed~~
42 ~~employees may reapply for open positions.~~

1 (ii) The decision to reconstitute a school shall be
2 made by April first, at which time notice shall be given to all
3 employees of the school.

4 (ii ~~iii~~) In the event of reconstitution of a school, the
5 State Superintendent of Education shall ~~hire the new principal and~~
6 ~~staff and shall develop the budget for the reconstituted school~~ have
7 the same authority and responsibilities as the district superintendent
8 and district board of trustees in all matters concerning the
9 reconstituted school.

10 (c) Third party providers engaged by the State
11 Superintendent of Education to assist with or to provide
12 management services must have a proven record of success in
13 working with underperforming schools and districts and shall be
14 closely monitored by the department.

15 (d) Intensive technical and other tiered assistance
16 provided by the department shall be commensurate with the school's
17 needs assessment, and in accordance with guidelines and best
18 practices established by the department.

19
20 (2) Alternatively, the State Superintendent may close the
21 school and its students shall be transferred to higher-performing
22 schools either in the district, or to higher performing schools in a
23 contiguous district. If the State Superintendent of Education directs
24 that the students be served by a school in another district he is
25 authorized to enter into a Memorandum of Agreement with the
26 receiving district in order to transfer all federal, state and local
27 dollars that support the students.

28
29 (3) The State Superintendent of Education, with input from
30 the local school district board of trustees, shall determine which
31 alternative and action is in the best interest of the students and shall
32 advise the State Board of Education of its determination.

33
34 (E) Upon a showing of good cause, the State Superintendent of
35 Education, upon approval by a majority of the membership of the
36 State Board of Education in a called meeting, and in partnership
37 with school, district, and community leaders, is authorized to
38 remove the designation as a chronically underperforming school;
39 until such time, a school identified as 'chronologically
40 underperforming' must have that designation included on the first
41 page of its report card in a conspicuous location.

1 **Section 59-18-1640.** Measures to address low-performing
2 districts, including declaring a state of emergency.

3
4 (A) When the State Department of Education (the department)
5 determines that sixty-five percent or more of the schools in a district
6 have an overall rating of below average or unsatisfactory, the district
7 is designated eligible to be declared in a state of emergency. Upon
8 this designation, the State Superintendent of Education shall, for the
9 purpose of determining if requesting State Board of Education
10 approval for declaration of a state of emergency is necessary,
11 should be declared for the district, immediately have access to and
12 review the district strategic plan, district finances, any other school
13 or district records as reasonable and necessary, and may conduct a
14 district diagnostic review.

15
16 (1) The A district diagnostic review conducted shall include, but is
17 not limited to:

- 18 (a) examination of all facets of school and district;
- 19 (b) engagement of parents and community members;
- 20 (c) identification of personnel changes, if any, that are
21 needed at the school level, district level, or both, and discuss such
22 findings with the local district board;
- 23 (d) a review of the design of the district's strategic
24 plan, implementation strategies, and professional development
25 training;
- 26 (e) identification of support needed from the
27 department and other sources for targeted long-term tiered
28 assistance;
- 29 (f) a review of the financial management of the
30 district; and
- 31 (g) a report of findings and recommendation no later
32 than ninety days after the district receives the designation as eligible
33 to be declared a district in a state of emergency, which shall be
34 submitted to the district superintendent, the local district board of
35 trustees, the local delegation, and the State Board of Education.

36
37 (2) The State Superintendent of Education shall begin to, or
38 continue to, provide the schools with tiered assistance pursuant to
39 59-18-1615 and 1620, and upon approval by a majority of the
40 membership of the State Board of Education in a called meeting,
41 may declare the district to be in a state of emergency if, based upon
42 review of the district's: (a) trends in school report cards; (b)
43 strategic plan and district finances; and (c) diagnostic review,

1 provided a diagnostic review was completed, he determines the
2 district is in need of additional interventions to prevent further
3 decline.

4

5 ~~(B)~~ ~~(3)~~ When a district state of emergency is
6 declared, communications and actions to begin addressing the
7 declaration are called for.

8 ~~(1)~~ The State Superintendent of Education shall immediately:

9 (a) so notify ~~the State Board of Education,~~ the district
10 superintendent, local district school board, ~~and the local delegation,~~
11 ~~and the Governor who shall remove the board members pursuant to~~
12 ~~this section;~~

13 (b) assume management of the district and shall have the
14 same authority and responsibilities as the district superintendent and
15 district board of trustees in all matters concerning the district until
16 an interim board is appointed pursuant to this section;

17 (c) provide for, or continue to provide for, a diagnostic
18 review of district educational programs and financial management
19 in the district, and identify factors affecting the student
20 performance; and

21 (d) take any action as reasonable and necessary to promote
22 the educational interest of the district and support the Profile of the
23 SC Graduate.

24 ~~(2)~~ ~~In addition,~~ The home page of the district web site and the annual
25 report card of each school in the district must be updated to identify
26 the district as being in a state of emergency.

27

28 ~~(4)~~ ~~A status report on~~

29

30 ~~(3)~~ The district superintendent and members of the local district
31 board ~~of trustees~~ may appeal the declaration to the State Board of
32 Education within ten business days of receipt of the notice of the
33 declaration to outline the reasons why a state of emergency must not
34 be declared in the district. The State Board of Education must hold
35 a hearing on the appeal within thirty days after the filing of the
36 appeal or at the next regularly scheduled State Board of Education
37 meeting, whichever is later.

38

39 ~~(4)~~ ~~(B)~~ The State Superintendent shall, in consultation with the local
40 delegation, district leaders, the State Board of Education, and other
41 key stakeholders, determine an assumption of management
42 approach in the best interest of the district which ~~Management of a~~
43 ~~district under a State of Emergency~~ may include direct or indirect

1 management, consolidation with another district, Charter
2 Management Organization, public/private management, entering
3 into an agreement with an educational management organization or
4 another school district to include the Transformation District
5 pursuant to 59-18-1650. Any third party provider being considered
6 for management services must be demonstrably qualified to provide
7 the relevant services needed on a sustained basis.

8
9 (C D) Upon receiving notification of a district's state of
10 emergency declaration When the State Superintendent of Education
11 declares a state of emergency in a school district and assumes
12 district management pursuant to this section, the Governor shall
13 remove all members of the local district board of trustees and the
14 State Superintendent shall assume the management of the district
15 until the management has been transitioned back to the jurisdiction
16 of a local district board of trustees.

17 (1) Upon affirmation confirmation by the State Board of
18 Education that a district declared to be in a state of emergency has
19 met annual targets for sustained improvement, as identified through
20 the district strategic plan and as approved by the department, for a
21 minimum of three consecutive years, an interim district board
22 consisting of five members shall be appointed to begin serving
23 within ninety forty-five days.

24 (a) Of the interim board members three one shall be appointed
25 by the Governor, one three shall be appointed by the State
26 Superintendent of Education, and one shall be appointed by the local
27 legislative delegation.

28 (b) Interim board members must be residents of the school district
29 for which the interim appointments are being made.

30 (c) The interim district board shall remain in place and its
31 appointed members shall continue to serve until the district has
32 experienced consistent improvement as affirmed by the State Board
33 of Education, as defined and communicated by the department or
34 specified in an MOA, and aligned to the strategic plan, for an
35 additional three consecutive years; until such time, any vacancy in
36 an interim board member position shall be filled in the original
37 manner appointed.

38 (2) Upon notification of the State Board of Education
39 confirmation achieving affirmed annual plan targets pursuant to
40 subsection (1), steps towards returning management of the district
41 to a local board shall commence. Beginning with the next regularly
42 scheduled election, board members will be elected or appointed in a
43 manner consistent with local and state statute in effect at the time of

1 the notification; the local delegation, in consultation with the local
2 election commission, shall address and resolve related issues
3 regarding the method for proceeding with the election.

4 (3) The terms of the interim board members, appointed and serving
5 until requirements pursuant to subitem (1) are met, shall expire
6 upon the certification of the election results and the swearing in of
7 all new board members, at which time the declaration of the state of
8 emergency expires. Prior to then and in consultation with the
9 district and the interim board, the department shall develop a
10 transition plan and timeline for returning management of the district
11 to a local board of trustees

12
13 ~~(a) The election of new board members shall commence after the~~
14 ~~three years with two board members being elected at the next regular~~
15 ~~election and two additional board members being elected at each~~
16 ~~subsequent regular election until the entire board has transitioned~~
17 ~~back to an elected board. No more than one regular election shall~~
18 ~~occur within a twelve month period.~~

19
20 .
21 (3) SC Code 59-19-60 shall not apply to this subsection.

22
23 (D) For a district determined as eligible for, but not declared as,
24 state of emergency:

25 (1) The local board of trustees shall:

26 (a) immediately contact the department to begin work on a
27 mutually developed corrective action plan for turnaround;

28 (b) within 30 days schedule a public meeting pursuant to 59-19-
29 90(4) to consult with electors, and to engage key stakeholders in
30 plans for improvement; and

31 (c) at least quarterly place District State of Emergency
32 Eligibility Status on its board meeting agenda.

33 (2) upon receipt of the annual status report pursuant to
34 subsection (E), include the report on its next board meeting agenda,
35 or within 90 days, whichever is sooner, and provide an update on
36 district progress.

37
38 (E) ~~(A)(4)~~ A status report on the progress of districts toward
39 implementing its strategic plans and recommendations, and meeting
40 benchmarks for improving student performances shall be submitted
41 annually by the department to the applicable local delegation, local
42 district board of trustees or interim board, district parents, and also

1 to the State Board of Education, or more frequently as considered
2 necessary by the State Board, for:
3 (1) districts declared to be in a state of emergency; and
4 (2) districts eligible for but not declare to be in a state of emergency.

5
6 **59-18-1645** Special provision for consolidations
7 If a school or district has an approved and active consolidation plan
8 in effect, plan and reporting requirements delineated in this Article
9 for the school or district may be satisfied via a signed Memorandum
10 of Agreement with the State Superintendent of Education.

11
12
13 **Section 59-18-1650.** Transformation School District.

14 (A) The South Carolina Transformation School District (TSD) is
15 established by the State Superintendent of Education (the
16 Superintendent) as an organizational unit of the Department of
17 Education for the purpose of providing an option for the
18 Superintendent to operate and manage underperforming schools and
19 districts, in whole or in part, pursuant to Sections 59-18-1620 and
20 59-18-1640. The Superintendent may develop and implement
21 provisions in this Section by:

- 22 (1) deploying a regional approach within the TSD to maximize
23 resources and results and to best meet the needs of the students and
24 the communities being served under this option; and
25 (2) phasing in components all or in part, including a pilot, over time.

26
27 (B) The Superintendent may include direct management or
28 indirect management, including but not limited to, an agreement
29 with another school district to manage any or all of the daily
30 operations of any or all schools or districts placed in the
31 Transformation School District including, but not limited to,
32 providing direct services to students.

33
34 (C) The Transformation School District may apply to the State
35 Board of Education for a waiver of any regulation that inhibits or
36 hinders the ability of the school or district under TSD governance to
37 achieve the required adequate yearly progress benchmarks.
38 Notwithstanding the provisions of this subsection, the State Board
39 of Education may not waive rules relating to:

- 40 (1) federal and state civil rights;
41 (2) federal, state and local health and safety;
42 (3) federal and state public records;
43 (4) immunizations;

- 1 (5) possession of weapons on school grounds;
- 2 (6) background checks and fingerprinting of personnel;
- 3 (7) federal and state special education services;
- 4 (8) student due process;
- 5 (9) parental rights;
- 6 (10) federal and state student assessment and accountability;
- 7 and
- 8 (11) the South Carolina Freedom of Information Act.

9
10 (D) Pursuant to the provisions in 59-18-1620, the schools served
11 in the Transformation School District may be reconstituted partially
12 or in whole. Any entity utilized by the Superintendent to manage the
13 district shall have the option to extend employment to any educator
14 or employee of the schools.

15
16 (E) For schools or districts placed in the Transformation School
17 District whose local board of trustees have not been removed, or
18 whose local districts have not been consolidated, the State
19 Superintendent shall develop a transition plan for the purpose of
20 returning the school **or district** to the jurisdiction of the local board
21 of trustees if the school achieves the required progress benchmarks
22 for three consecutive years.

23
24 (F) The State Superintendent shall enter into a memorandum of
25 agreement with any district that has a school or schools being served
26 by the Transformation School District.

27 (1) The memorandum shall include, at a minimum, funding, student
28 transportation, school food service, or student assessment for special
29 education eligibility that are compliant with all laws and regulations
30 governing such services and facilities maintenance.

31 (2) The memorandum shall address state, local, and federal funds
32 generated by the students served **that are needed** to operate a school
33 placed in alternative governance and to implement new initiatives
34 and programs as appropriate.

35 (3) If a district refuses to agree to the funding requirements included
36 in the memorandum of agreement, the State Department of
37 Education is authorized to withhold an amount equal to the state and
38 local support calculated pursuant to the Education Finance Act from
39 the district pending an agreement. A local district is authorized to
40 submit an appeal to the State Board of Education within 30 days of
41 such withholding. The State Board of Education must hear the
42 appeal at its next regularly scheduled meeting

43

1 (G) An individual, governmental entity, or nonprofit entity utilized
2 by the State Superintendent to manage the operation of a school or
3 district under the provisions of this section timely shall provide
4 information to the local school board of trustees and superintendent
5 regarding its operation of the schools or the district, including, but
6 not limited to, matters relating to employment of personnel. The
7 local school board of trustees may be enjoined to continue to support
8 the educational improvement of the school, schools or district under
9 the direction and guidance of the Superintendent and in accordance
10 with this section and the trustees' duties pursuant to 59-19-90. In
11 addition, an individual, governmental entity, or nonprofit entity in
12 an agreement with the State Superintendent may work with the local
13 school board of trustees to provide the schools and the district with
14 professional development or tiered assistance, instructional and
15 administrative support, and other support that may benefit academic
16 progress of the school **and or district.**

17 (H) The Transformation School District may use a building,
18 facility, and property otherwise part of the school or district and
19 recognized as part of the facilities or assets of the school or district
20 before its placement in the Transformation School District and shall
21 have access to such additional facilities as are typically available to
22 the school or district, its students, faculty, and staff before its
23 placement in the school district. This use is unrestricted.”
24

25 **SECTION YY (NEW BILL SECTION)**

26 **59-18-YYYY** Recognizing highest level of school and district
27 performance.
28

29 To recognize and stimulate the highest level of performance in
30 schools and districts, by October 1, 2020, the State Superintendent
31 of Education, through the State Board of Education, shall develop
32 and submit a report of recommendations for a system of effective
33 and innovative incentives targeted at the highest degree of academic
34 outcomes at the school and district level. The report, which shall be
35 submitted to the respective Chairs of the Senate Education
36 Committee and the House Education and Public Works Committee,
37 may include but is not to be limited to competitive and or all-
38 inclusive incentives at the school and or district level in recognition
39 of exceptional student outcomes that are directly related to school
40 and or district plans and goals. Recommendations submitted could
41 propose incentives such as reduced or streamlined reporting and
42 audit requirements to the State Department of Education, reduced
43 monitoring by the department, scheduling flexibility, or other

1 innovative strategies, and must be consistent with federal
2 requirements.

3
4
5 **SECTION ZZ (NEW BILL SECTION)**

6
7 (A) To meet provisions in this Article and pursuant to 59-5-
8 60(9), the Superintendent may call upon the State Board of
9 Education for its assistance and support with any district
10 declared to be in a state of emergency.

11 (B) The Superintendent may enter into an agreement with one
12 or more state research institutions to:

13 (1) review and evaluate the K-12 governance structure in
14 this state, its impact on student outcomes, and make
15 recommendations for strengthening capacity at the state
16 and or local level;

17 (2) review and evaluate the efficacy of the current
18 accreditation process and make recommendations; and

19 (3) assist with any reviews, evaluations, or reports required.
20

21
22 **DELETE SECTION 46 FROM BILL (no changes to statute)**

23
24 ~~Section 59-39-100 of the 1976 Code is amended to read:~~

25
26 ~~“Section 59-39-100. (A) Diplomas issued to graduates of~~
27 ~~accredited high schools within this State must be uniform in every~~
28 ~~respect and particularly as to color, size, lettering, and marking. In~~
29 ~~accordance with Section 59-59-10, et seq., districts and schools shall~~
30 ~~provide students with personalized pathways for earning the~~
31 ~~uniform diploma, and students may earn endorsements based upon~~
32 ~~their course of study, which may be represented by seals added to~~
33 ~~the student’s uniform diploma. The State Board of Education shall~~
34 ~~promulgate regulations establishing these pathways and~~
35 ~~endorsements.~~

36 ~~—(B) Beginning with students entering the ninth grade in School~~
37 ~~Year 1997-1998, the number of units required for a high school~~
38 ~~diploma was increased to twenty four units. To support the Profile~~
39 ~~of the Graduate, for students entering the ninth grade beginning with~~
40 ~~the 2018-2019 School Year, the twenty four units required are as~~
41 ~~prescribed in this section and in regulation by the State Board of~~
42 ~~Education.~~

1 —(1) Students will continue to be required to earn the units of
2 credit as prescribed in regulation and, when applicable, be offered
3 national industry certifications or credentials.

4 —(2) Coursework must be aligned with a student’s personalized
5 diploma pathway. The State Board of Education shall promulgate
6 regulations that outline the process and procedures for approval of
7 courses to personalize pathways based on students’ postsecondary
8 plans and include an annually updated course activity coding
9 manual listing approved courses. The individualized graduation
10 planning process must plan each student’s personalized pathway
11 based on his postsecondary plans.

12 —(C) **Beginning with students entering ninth grade in the**
13 **2020-2021 School Year, a local board of trustees may require**
14 **additional units of credit for a high school diploma.**

15 —(D) The State Board of Education, through the Department of
16 Education and in collaboration with the Vocational Rehabilitation
17 Department, the Department of Employment and Workforce,
18 businesses, and stakeholders shall develop criteria for a uniform
19 state recognized employability credential that is aligned to the
20 program of study for students with a disability whose Individualized
21 Education Program (IEP) team determines, and agrees in writing,
22 that a diploma pathway would not provide a free appropriate public
23 education. The State Board of Education, in conjunction with the
24 department, shall develop a rubric and guidelines to identify and
25 assess the employability skills of the students, based on appropriate
26 standards established. The credentials must be uniform in size,
27 shape, and design.

28 —(E) The department shall monitor the number of diplomas and
29 employability credentials earned by students and shall report to the
30 State Board of Education and the General Assembly biannually by
31 February 15, beginning in 2020.

32 —(F) Nothing in this section prohibits local school boards of
33 trustees from awarding recognition to students who complete
34 additional units and credits beyond those required by this section.”

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PART VII

Local School Board Accountability

1 **DELETE SECTION 47 FROM BILL - EXCERPT FROM**
2 **ORIGINAL BILL SECTION 47, TRANSFERRED FROM ETHICS**
3 **TO ACCOUNTABILITY (no changes to statute)**

4
5 **SECTION 47.** Chapter 19, Title 59 of the 1976 Code is amended
6 by **adding** 59-19-760:

7
8
9 ~~Section 59-19-760. (A) The State Department of Education or~~
10 ~~another public school accrediting agency shall notify the State~~
11 ~~Board of Education upon placing any district or school on the level~~
12 ~~of accreditation that immediately precedes the loss of accreditation~~
13 ~~for school governance reasons. This notice shall include the reason~~
14 ~~or reasons for the decision of the accrediting agency.~~

15 ~~—(B) Notwithstanding another provision of law, if a school district~~
16 ~~or school is placed on the level of accreditation that immediately~~
17 ~~precedes the loss of accreditation for school governance by an~~
18 ~~accrediting agency, the local board shall notify the State Board of~~
19 ~~Education, in writing, within three business days of the placement.~~
20 ~~This notice shall include the reason or reasons for the decision of~~
21 ~~the accrediting agency.~~

22 ~~—(C) The State Board of Education shall conduct a hearing no less~~
23 ~~than ten days before, but no more than ninety days after, it receives~~
24 ~~or gives the notice provided in subsections (A) and (B), and shall~~
25 ~~recommend to the Governor whether he should suspend all eligible~~
26 ~~members of the local board without pay. A majority of the members~~
27 ~~of a local board of education may petition the State Board of~~
28 ~~Education to continue any hearing scheduled under this subsection.~~
29 ~~Upon a showing of good cause, the state board may in its sound~~
30 ~~discretion continue any such hearing. Notwithstanding another~~
31 ~~provision of law, deliberations held by the State Board of Education~~
32 ~~pursuant to this subsection to formulate its recommendation to the~~
33 ~~Governor may not be open to the public and are not subject to the~~
34 ~~Freedom of Information Act; provided, however, that testimony~~
35 ~~must be taken in an open meeting and a vote on the recommendation~~
36 ~~must be taken in an open meeting following the hearing or at the~~
37 ~~next regularly scheduled meeting. If the State Board of Education~~
38 ~~makes a recommendation to suspend, the Governor may, in his~~
39 ~~discretion, suspend all eligible members, but not selective individual~~
40 ~~members, of the local board of education with pay and, in~~
41 ~~consultation with the State Board of Education, appoint temporary~~
42 ~~replacement members who are otherwise qualified to serve as~~
43 ~~members of the board. A temporary replacement member appointed~~

1 pursuant to this subsection must serve until the completion of the
2 suspension or until the seat becomes vacant, whichever occurs first.
3 —(D) All hearings pursuant to subsection (B) must be conducted
4 by the State Board of Education, a committee of the state board, or
5 a hearing officer appointed by the state board. In conducting a
6 hearing:
7 —(1) the presiding officer shall notify the parties of the time and
8 place of the hearing;
9 —(2) all witnesses shall testify under oath and are subject to
10 cross examination;
11 —(3) the presiding officer shall require the testimony and other
12 evidence to be transcribed by a court reporter or recorded by other
13 appropriate means;
14 —(4) the strict rules of evidence prevailing in courts of law are
15 not applicable; and
16 —(5) at the conclusion of the hearing, or within fifteen days
17 thereafter, the State Board of Education shall notify the Governor
18 and the parties of its decision in writing.
19 —(E) The provisions of this section apply only to a local school
20 district or school which is placed on the level of accreditation
21 immediately preceding loss of accreditation after July 1, 2020. This
22 section applies only to local board of education members who were
23 serving on the local board at the time the accrediting agency placed
24 the local school system or school on the level of accreditation
25 immediately preceding loss of accreditation.”

26
27
28 **SECTION TRANSFERRED FROM ETHICS TO**
29 **ACCOUNTABILITY**

30
31 **SECTION 48.** Section 59-18-920 of the 1976 Code is **amended**
32 to read:

33 “Section 59-18-920. “Section 58-19-920. A charter school
34 established pursuant to Chapter 40, Title 59 shall report the data
35 requested by the *State* Department of Education necessary to
36 generate a report card and a rating. The performance of students
37 attending charter schools sponsored by the South Carolina Public
38 Charter School District ***or registered institution of higher learning***
39 must be included in the overall performance ratings of each school
40 ~~in the South Carolina Public Charter School District.~~ The
41 performance of students attending a charter school authorized by a
42 local school district must be reflected on a separate line on the
43 school district’s report card. An alternative school is included in the

1 requirements of this chapter; however, the purpose of an alternative
2 school must be taken into consideration in determining its
3 performance rating. The Education Oversight Committee, working
4 with the State Board of Education and the School to Work Advisory
5 Council, shall develop a report card for career and technology
6 schools.”

7
8 **EXCERPT FROM ORIGINAL BILL SECTION 53,**
9 **TRANSFERRED TO ACCOUNTABILITY**

10
11 **SECTION 53.** Section 59-19-60 of the 1976 Code is amended to
12 **read:**

13
14
15 Section 59-19-60 (A) School district trustees shall be subject to
16 removal from office for cause by the county local boards of
17 education trustees, upon notice and after being given an opportunity
18 to be heard by the county local board of education trustees. Any such
19 order of removal shall state the grounds thereof, the manner of
20 notice and the hearing accorded the trustee, and any such trustee
21 shall have the right to appeal to the court of common pleas, as
22 provided in Section 59-19-560.

23 (B) Vacancies occurring in the membership of any board of trustees
24 for any cause shall be filled for the unexpired term by the Governor
25 upon the advice and consent of the local delegation ~~county board of~~
26 ~~education in the same manner as provided for full term~~
27 ~~appointments.~~

28
29 (C) If only two members remain serving on a board of trustees, the
30 members may take no action that requires a vote until a third
31 member is appointed and serving.

32
33 (D) This section does not apply to school board members appointed
34 by a local delegation.

35
36 PART VIII

37
38 Miscellaneous Provisions

39
40 **SECTION 54. DELETE FROM BILL (no changes to statute)**

41
42 ~~Article 5, Chapter 1, Title 59 of the 1976 Code is amended by~~
43 ~~adding:~~

1
2 ~~“Section 59-1-444. (A) All reports, studies, published findings,~~
3 ~~memoranda, guidelines, rules, and other documents concerning~~
4 ~~implementation of programs and initiatives concerning student~~
5 ~~performance and achievement, school district and school~~
6 ~~accountability, curriculum revisions, the Education Finance Act,~~
7 ~~facility funding and construction, and other such matters as may be~~
8 ~~requested by Senate Education Committee or House Education and~~
9 ~~Public Works Committee must be posted by the department on its~~
10 ~~Internet website within twenty four hours after being made public.~~
11 ~~The posting must be in a form and manner that is easily:~~
12 ~~—(1) locatable by the public through a prominent link on the~~
13 ~~homepage of the department’s website; and~~
14 ~~—(2) accessible for viewing and downloading in a portable~~
15 ~~document format (PDF) by the public.~~
16 ~~—(B) The department shall pay a fine of ten thousand dollars per~~
17 ~~day for each separate failure to comply with the provisions of this~~
18 ~~section. These funds must be deposited into the General Fund.”~~

19
20 **SECTION 55.** Section 59-19-90(3) of the 1976 Code is amended
21 to read:

22
23 ~~“(3) Promulgate rules and regulations. Promulgate Adopt rules~~
24 ~~prescribing scholastic standards of achievement and standards of~~
25 ~~conduct and behavior that must be met by all pupils as a condition~~
26 ~~to the right of ~~such~~ the pupils to attend the public schools of ~~such~~~~
27 ~~the district. The rules shall must take into account the necessity of~~
28 ~~proper conduct on the part of all pupils and the necessity for~~
29 ~~scholastic progress in order that the welfare of the greatest possible~~
30 ~~number of pupils shall must be promoted, notwithstanding that ~~such~~~~
31 ~~the rules may result in the ineligibility of pupils who fail to observe~~
32 ~~the required standards, and require the suspension or permanent~~
33 ~~dismissal of ~~such~~ the pupils. A rule must align with applicable~~
34 ~~federal and state accountability requirements.”~~

35
36 **SECTION 56.** Article 15, Chapter 18, Title 59 of the 1976 Code
37 **repealed.**

38
39 **SECTION 57.** Section 59-59-30 of the 1976 Code is **repealed.**

40
41 **SECTION 58.** If any section, subsection, paragraph,
42 subparagraph, sentence, clause, phrase, or word of this act is for any
43 reason held to be unconstitutional or invalid, such holding shall not

1 affect the constitutionality or validity of the remaining portions of
2 this act, the General Assembly hereby declaring that it would have
3 passed this act, and each and every section, subsection, paragraph,
4 subparagraph, sentence, clause, phrase, and word thereof,
5 irrespective of the fact that any one or more other sections,
6 subsections, paragraphs, subparagraphs, sentences, clauses, phrases,
7 or words hereof may be declared to be unconstitutional, invalid, or
8 otherwise ineffective.

9

10 **SECTION 59.** This act takes effect upon approval by the
11 Governor.

12

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13