**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 59 SO AS TO ENACT THE “EDUCATION PROFESSIONAL PERFORMANCE AND PAY ACCOUNTABILITY ACT OF 2011”; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO CREATE AND IMPLEMENT A SYSTEM FOR ASSESSING THE PERFORMANCE OF TEACHERS AND OTHER SCHOOL‑BASED STAFF; TO PROVIDE A FRAMEWORK FOR RATING TEACHERS AND OTHER SCHOOL‑BASED STAFF BASED ON JOB FUNCTION; AND TO REQUIRE THE DEPARTMENT TO DEVELOP GUIDELINES WHEREBY LOCAL SCHOOL DISTRICTS SHALL ESTABLISH PAY PLANS THAT OFFER BONUSES TO CERTAIN HIGHLY EFFECTIVE PERSONNEL; AND TO AMEND SECTION 59‑28‑160, RELATING TO LOCAL SCHOOL DISTRICT PARENTAL INVOLVEMENT PLANS, SO AS TO REQUIRE LOCAL SCHOOL DISTRICTS TO DEVELOP PLANS TO ENCOURAGE PARENTAL INVOLVEMENT IN ALL ASPECTS OF STUDENT EDUCATION AND DEVELOPMENT.

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

SECTION 1. This act is referred to and may be cited as the “Education Professional Performance and Pay Accountability Act of 2011”.

SECTION 2. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 70

Education Professional Performance and Pay

Section 59‑70‑100. By January 1, 2013, the State Department of Education shall create and begin phase‑in implementation of a system for assessing the performance of teachers and other school‑based personnel within the framework provided in this chapter. The purpose of this system is to build upon state systems for assisting, developing, and evaluating school‑based personnel, pursuant to Title 59, Chapters 24 and 26. The goal is to generate a culture in which all school‑based personnel have a clear understanding of what defines excellence in their work, are provided with constructive feedback about their performance, and receive support to increase their effectiveness. Performance ratings must be completed as prescribed in this chapter. The State Board of Education shall develop and adopt guidelines and promulgate regulations to implement the provisions of this chapter.

Section 59‑70‑110. As used in this chapter:

(1) ‘Communities Advancing Professional Practices (CAPPs)’ means organized groups of practitioners dedicated to learning with and from one another to support student learning.

(2) ‘Employment Category One’ means teachers for whom individual value‑added student achievement data can be generated, specifically, teachers who teach reading or mathematics in grades three through eight.

(3) ‘Employment Category Two’ means teachers for whom individual value‑added student achievement data cannot be generated, specifically, teachers who are not included in the employment category one and who are not included in any other employment category.

(4) ‘Employment Category Three’ means special education teachers.

(5) ‘Employment Category Four’ means instructional support personnel. This category includes, but is not limited to, the following personnel: mentors, master teachers, curriculum specialists, instructional coaches, teacher specialists, curriculum coordinators, special education coordinators, and content‑area coordinators.

(6) ‘Employment Category Five’ means special area personnel. This category includes, but is not limited to, the following personnel: library media specialists, school guidance counselors, career specialists, speech‑language therapists, and school psychologists.

(7) ‘Employment Category Six’ means school leaders. This category includes, but is not limited to, the following personnel: principals, assistant principals, and any other person serving in a school leadership capacity.

(8) ‘Employment Category Seven’ means school service and support providers. This category includes but is not limited to, the following personnel: social workers, audiologists, occupational and physical therapists, nurses, office staff, educational aides, custodial staff, athletic trainers, attendance counselors, and cafeteria workers.

(9) ‘Evaluation Rating Levels’ means the four categories used to describe the performance of school‑based personnel.

(a) ‘Ineffective’ means unacceptable performance. Personnel who receive this rating are subject to separation from their school district.

(b) ‘Emerging’ means performance that does not yet meet full expectations. Personnel who receive this overall rating are required to participate in professional development activities as prescribed in their professional growth and development plans. These individuals must be held at their current salary step until they earn a rating of effective or higher. Personnel who receive this overall rating for two consecutive years must be considered for separation from their school district.

(c) ‘Effective’ means solid performance. Personnel who receive this rating progress normally on their pay scales.

(d) ‘Exemplary’ means exceptional performance. Personnel who receive this rating are eligible for additional compensation pursuant to Section 59‑70‑190.

(10) ‘Master educator’ means an expert practitioner in a particular content area who serves as an impartial observer of certain teachers. All master educators must be certified as ADEPT evaluators.

(11) ‘Value‑added’ means a measure of the impact a staff member has on student learning over the course of the school year, as evidenced by State Board of Education‑approved assessments.

Section 59‑70‑120. Personnel within employment category one, teachers with value‑added student achievement scores, must be rated on the following five components:

(1) individual value‑added student achievement data, which is a measure of the impact the teacher has on his students’ learning over the course of the school year, as evidenced by one or more State Board of Education‑approved assessments. This component makes up thirty percent of the teacher’s overall rating;

(2) ADEPT performance standards, which are measures of the teacher’s instructional expertise. The teacher must be evaluated four times through formal observation, two times by an ADEPT‑certified school administrator and twice by an ADEPT‑certified master educator. This score makes up fifty percent of the teacher’s overall rating;

(3) productive membership in CAPPs, which is a measure of the extent to which the person collaborates with his colleagues to (a) identify specific needs of the learners or the school community; (b) identify promising practices that address these needs; (c) implement the practices; (d) determine the impact of these practices on student learning and the school community; and (e) share the findings and implications with the larger professional community. This component makes up ten percent of the teacher’s overall rating;

(4) school value‑added student achievement data, which is a measure of the overall academic improvement the school has made over the course of the academic year, as evidenced by one or more State Board of Education‑approved assessments. This component makes up five percent of the teacher’s overall rating; and

(5) core professionalism, which is a measure of professional conduct as defined for each employment category. This component makes up five percent of the teacher’s overall rating.

Section 59‑70‑130. Personnel within employment category two, teachers without value‑added student achievement scores, must be rated on the following five components:

1. ADEPT performance standards, which are measures of the teacher’s instructional expertise. The teacher must be evaluated four times through formal observation, two times by an ADEPT‑certified school administrator and twice by an ADEPT‑certified master educator. This score makes up fifty percent of the teacher’s overall rating;
2. state approved end‑of‑course evaluation student achievement data, which is a measure of student learning over the course of the year, as evidenced by rigorous assessments other than a State Board of Education‑approved assessment. This component makes up thirty percent of the teacher’s overall rating;

(3) productive membership in CAPPs, which is a measure of the extent to which the person collaborates with his colleagues to: (a) identify specific needs of the learners or the school community; (b) identify promising practices that address these needs; (c) implement the practices; (d) determine the impact of these practices on student learning and the school community; and (e) share the findings and implications with the larger professional community. This component makes up five percent of the teacher’s overall rating;

(4) school value‑added student achievement data, which is a measure of the overall academic improvement the school has made over the course of the academic year, as evidenced by one or more State Board of Education‑approved assessments. This component makes up ten percent of the teacher’s overall rating; and

(5) core professionalism, which is a measure of professional conduct as defined for each employment category. This component makes up five percent of the teacher’s overall rating.

Section 59‑70‑140. Personnel within employment category three, special education teachers, must be rated on the following six components:

1. ADEPT performance standards, which are measures of the teacher’s instructional expertise. The teacher must be evaluated four times through formal observation, two times by an ADEPT‑certified school administrator, and twice by an ADEPT‑certified master educator. This score makes up fifty percent of the teacher’s overall rating;
2. state approved end‑of‑course evaluation student achievement data, which is a measure of student learning over the course of the year, as evidenced by rigorous assessments other than a State Board of Education‑approved assessment. This component makes up five percent of the teacher’s overall rating;

(3) compliance with federal and state policies and regulations concerning exceptional children, as established by the State Department of Education. This component makes up twenty‑five percent of the teacher’s overall rating;

(4) productive membership in Communities Advancing Professional Practices (CAPPs), which is a measure of the extent to which the person collaborates with his colleagues to (a) identify specific needs of the learners or the school community; (b) identify promising practices that address these needs; (c) implement the practices; (d) determine the impact of these practices on student learning and the school community; and (e) share the findings and implications with the larger professional community. This component makes up ten percent of the teacher’s overall rating;

(5) school value‑added student achievement data, which is a measure of the overall academic improvement the school has made over the course of the academic year, as evidenced by one or more State Board of Education‑approved assessments. This component makes up five percent of the teacher’s overall rating; and

(6) core professionalism, which is a measure of professional conduct as defined for each employment category. This component makes up five percent of the teacher’s overall rating.

Section 59‑70‑150. Personnel within employment category four, instructional support personnel, must be rated on the following five components:

(1) ADEPT performance standards for instructional support personnel, which measure an individual’s instructional coaching expertise. This component makes up fifty percent of the educator’s overall rating;

(2) ADEPT performance of the teachers he is responsible for coaching. This component makes up thirty percent of the educator’s overall rating;

(3) productive leadership of and/or membership in CAPPs, which is a measure of the extent to which the person collaborates with his colleagues to (a) identify specific needs of the learners or the school community; (b) identify promising practices that address these needs; (c) implement the practices; (d) determine the impact of these practices on student learning and the school community; and (e) share the findings and implications with the larger professional community. This component makes up ten percent of the educator’s overall rating;

(4) school value‑added student achievement data, which is a measure of the overall academic improvement the school has made over the course of the academic year, as evidenced by one or more State Board of Education‑approved assessments. This component makes up five percent of the educator’s overall rating; and

(5) core professionalism, which is a measure of professional conduct as defined for each employment category. This component makes up five percent of the educator’s overall rating.

Section 59‑70‑160. Personnel within employment category five, special area personnel, must be rated on the following four components:

(1) ADEPT performance standards for special area personnel, which measure an individual’s performance in his area of employment. This component makes up eighty percent of the educator’s overall rating;

(2) productive membership in CAPPs, which is a measure of the extent to which the person collaborates with his colleagues to (a) identify specific needs of the learners or the school community; (b) identify promising practices that address these needs; (c) implement the practices; (d) determine the impact of these practices on student learning and the school community; and (e) share the findings and implications with the larger professional community;

(3) school value‑added student achievement data, which is a measure of the overall academic improvement the school has made over the course of the academic year, as evidenced by one or more State Board of Education‑approved assessments. This component makes up five percent of the educator’s overall rating; and

(4) core professionalism, which is a measure of professional conduct as defined for each employment category. This component makes up five percent of the educator’s overall rating.

Section 59‑70‑170. Personnel within employment category six, school leaders, must be rated on the following four components:

(1) ADEPT performance standards, which define excellence for school leaders within the State. This component makes up fifty percent of the administrator’s overall rating;

(2) commitment to the school community, which is a measure of the extent to which the administrator creates the working conditions that support CAPPs and that foster a positive climate and a culture of learning within the school. The aspects for this component will be defined for each employment category. This component makes up five percent of the administrator’s overall rating;

(3) school value‑added student achievement data, which is a measure of the overall academic improvement the school has made over the course of the academic year, as evidenced by one or more State Board of Education‑approved assessments. This component makes up forty percent of the administrator’s overall rating; and

(4) core professionalism, which is a measure of professional conduct as defined for each employment category. This component makes up five percent of the administrator’s overall rating.

Section 59‑70‑180. Personnel within employment category seven, school service and support providers, must be evaluated according to their performance based on their respective job descriptions, their conduct, and their impact on individual student or overall school success, as determined by the employing local board of trustees. The department shall provide local school boards of trustees model performance measures for school service and support providers.

Section 59‑70‑190. The department shall develop guidelines for use by local school districts in establishing differentiated pay plans for educators. District plans must include supplemental performance bonuses to reward personnel who receive overall evaluation ratings of exemplary, based on the evaluation system established by this chapter. District plans must also include additional pay for teaching in hard‑to‑fill content fields and for working in hard‑to‑staff schools, as defined by the department. District plans must be renewed and evaluated annually to consider any changes in circumstances regarding the recruitment, retention, and distribution of highly effective teachers and leaders in the district. The department shall approve each district’s plan prior to implementation. All school districts shall implement an approved plan beginning with the 2013‑2014 school year.”

SECTION 3. Section 59‑28‑160(3) of the 1976 Code is amended to read:

“(3) ~~adopt policies that emphasize the importance, strive to increase and clearly define expectations for effective parental involvement practices in the district schools;~~ adopt a policy on parental involvement that applies to all schools in the district, based on guidelines adopted by the State Board of Education. The policy must be designed to build consistent and effective communication between the students’ parents/legal guardians and the teachers and administrators assigned to the schools the children attend. The policy must provide the opportunity for parents /legal guardians to be actively involved in their students’ education and to be informed of the following:

(a) the importance parents/legal guardians involvement in promoting the educational success of their students;

(b) when and how much to assist their students in completing their assignments; and

(c) techniques, strategies, and skills to support and extend their students’ academic efforts to help guide their students in becoming responsible and contributing adult members of society;”

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

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