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**S. 233**

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Summary: Standardized Testing Overburdens Pupils (STOP) Act

**HISTORY OF LEGISLATIVE ACTIONS**

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1/8/2019 Senate Referred to Committee on **Education** ([Senate Journal‑page 143](file:///h:\sj\20190108.docx))

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**VERSIONS OF THIS BILL**

[12/12/2018](file:///p:\pprever\2019-20\233_20181212.docx)

**A** **BILL**

TO ENACT THE “STANDARDIZED TESTING OVERBURDENS PUPILS (STOP) ACT” BY PROVIDING THAT BEGINNING WITH FISCAL YEAR 2019‑2020, NO STATE FUNDS MAY BE PROVIDED, UTILIZED, OR APPROPRIATED FOR ANY EDUCATIONAL ASSESSMENTS REQUIRED BY STATE LAW, EXCEPT FOR SPECIFIED ASSESSMENTS, TO ESTABLISH A NEW STATE GOAL OF MOVING THE AVERAGE TEACHER SALARY IN SOUTH CAROLINA TO THE NATIONAL AVERAGE BY THE BEGINNING OF FISCAL YEAR 2027, TO REQUIRE THE USE OF THE ADDITIONAL MONETARY SAVINGS REALIZED BY THE ELIMINATION OF CERTAIN MANDATED EDUCATIONAL ASSESSMENTS TO BE USED FOR THE PURPOSE OF INCREASING TEACHER SALARIES AND FOR A ONE-TIME BONUS IN THE MANNER REQUIRED BY THIS ACT, AND TO ALSO PROVIDE THAT ANY INCREASES IN REVENUE DERIVED FROM THE SALES AND USE TAXES IMPOSED UNDER THE EDUCATION IMPROVEMENT ACT, BEGINNING WITH FISCAL YEAR 2018-2019, MUST BE USED FOR THE SIMILAR PURPOSE OF INCREASING TEACHER SALARIES; TO AMEND SECTION 59‑18‑310, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM, TO REMOVE THE SOCIAL STUDIES TESTING REQUIREMENTS AND TO DELETE THE FORMATIVE ASSESSMENT REQUIREMENTS; TO AMEND SECTION 59‑18‑320, RELATING TO THE ADMINISTRATION OF ASSESSMENT TESTING, TO REMOVE THE SOCIAL STUDIES TESTING REQUIREMENT; TO AMEND SECTION 59‑18‑325, RELATING TO COLLEGE AND CAREER READINESS ASSESSMENTS, TO REMOVE THE REQUIREMENT THAT CAREER READINESS ASSESSMENTS ARE ADMINISTERED, TO PROVIDE THAT A STUDENT WHOSE PARENT OR GUARDIAN COMPLETES A FORM DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE DISTRICT MAY OPT THE STUDENT OUT OF EITHER THE COLLEGE ENTRANCE ASSESSMENT OR CAREER READINESS ASSESSMENT, TO REQUIRE SUMMATIVE ASSESSMENTS TO MEET MINIMAL FEDERAL REQUIREMENTS AND INCLUDE SCIENCE, TO REQUIRE A STANDARDS‑BASED ASSESSMENT IN SCIENCE BE ADMINISTERED IN GRADES FOUR AND SEVEN, AND TO REMOVE FORMATIVE ASSESSMENT REQUIREMENTS, THE CHANGES TO THE IDENTIFIED CODE SECTIONS ABOVE DONE FOR THE PURPOSE OF CONFORMING THEM TO THE PROVISIONS OF THIS ACT; AND TO REPEAL SECTION 59‑10‑50 RELATING TO THE ADMINISTRATION OF THE SOUTH CAROLINA PHYSICAL EDUCATION ASSESSMENTS.

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

SECTION 1. This act shall be known as the “Standardized Testing Overburdens Pupils (STOP) Act.”

SECTION 2. Notwithstanding another provision of law, beginning with Fiscal Year 2019‑2020, state funds may not be provided, appropriated, or utilized for any educational assessment required by state law, except for those required by federal law for accountability, and the state’s Advanced Placement and International Baccalaureate testing with these two tests being on an optional basis for students. The prohibition required by this section includes, but is not limited to, the following assessments:

(1) the Kindergarten Readiness Assessment (KRA);

(2) statewide accountability testing of students in grades K‑2;

(3) state career assessment testing (WIN); provided that students who do desire to take this testing as well as the state’s College Assessment Testing (ACT) must be permitted by their school district to take such testing at a time and place determined by the district which must be reimbursed for the cost of the testing by the State Department of Education;

(4) the state civics assessment;

(5) all state social studies assessments; and

(6) the state eighth grade science assessment.

SECTION 3. (A) The General Assembly declares and by the provision of this section establishes a new state goal of moving the average teacher salary in South Carolina to the national average by the beginning of state fiscal year 2027.

(B) The Office of Revenue and Fiscal Affairs within sixty days after the close of each fiscal year, beginning with Fiscal Year 2020‑2021, shall certify to the House Ways and Means Committee and the Senate Finance Committee the monetary savings realized by the provisions of SECTION 2. These monies in turn must be used to provide one‑time bonuses to all classroom teachers during Fiscal Year 2019‑2020, as the General Assembly may provide in the 2019‑2020 general appropriations act. Beginning with Fiscal Year 2020‑2021 and thereafter, these monetary savings must be added to appropriations necessary to meet the requirements of the state’s minimum teacher salary schedule pursuant to Section 59‑20‑50(4)(b) so that supplemental funds are available to be appropriated to provide additional salary increases to teachers in the form of teacher salary supplements or incentive pay in the manner the General Assembly provides by law.

(C) Notwithstanding another provision of law, any increases in the revenue derived from the sales and use taxes imposed under the Education Improvement Act during fiscal year 2018‑2019, must be added to the funds available to increase teacher salaries in the manner and under the terms and conditions provided in subsection (B). An increase in such revenues realized in a fiscal year shall become part of the base revenues from year to year provided for the increase in teacher salaries under this section.

SECTION 4. The following provisions of law are amended to conform to the provisions of SECTION 2 of this act:

A. Section 59‑18‑310 of the 1976 Code is amended to read:

“Section 59‑18‑310. (A) Notwithstanding any other provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and:

(1) identify areas in which students, schools, or school districts need additional support;

(2) indicate the academic achievement for schools, districts, and the State;

(3) satisfy federal reporting requirements; and

(4) provide professional development to educators.

Assessments required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable, and administered in English and in Braille for students as identified in their Individual Education Plan.

(B)(1) The statewide assessment program must include the subjects of English/language arts, mathematics, and science, ~~and social studies~~ not including an eighth grade science assessment, in grades three through eight, as delineated in Section 59‑18‑320, and end‑of‑course tests for courses selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability, which award units of credit in English/language arts, mathematics, and science~~, and social studies~~. A student’s score on an end‑of‑year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science ~~and a course in United States history~~ in which end‑of‑course examinations are administered to receive the state high school diploma. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma.

(2) A person who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements pursuant to this section and State Regulation may petition the local school board to determine the student’s eligibility to receive a high school diploma pursuant to this chapter. The local school board will transmit diploma requests to the South Carolina Department of Education in accordance with department procedures. Petitions under this section must be submitted to the local school district. Students receiving diplomas in accordance with this section shall not be counted as graduates in the graduation rate calculations for affected schools and districts, either retroactively or in current or future calculations. On or before January 31, 2019, the South Carolina Department of Education shall report to the State Board of Education and the General Assembly the number of diplomas granted, by school district, under the provision. The State Board of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations. The department shall advertise the provisions of this item in at least one daily newspaper of general circulation in the area of each school district within forty‑five days after this enactment. After enactment, the department may continue to advertise the provisions of this item, but it shall not be required to advertise after December 31, 2017. At a minimum, this notice must consist of two columns measuring at least ten inches in length and measuring at least four and one‑half inches combined width, and include:

(a) a headline printed in at least a twenty‑four point font that is boldfaced;

(b) an explanation of who qualifies for the petitioning option;

(c) an explanation of the petition process;

(d) a contact name and phone number; and

(e) the deadline for submitting a petition.

(C) While assessment is called for in the specific areas mentioned above, this should not be construed as lessening the importance of foreign languages, visual and performing arts, health, physical education, and career or occupational programs.

(D) ~~The State Board of Education shall create a statewide adoption list of formative assessments for grades kindergarten through nine 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. For use beginning with the 2009‑2010 School Year, and 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. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.~~

~~(E)~~ The State Department of Education shall provide on‑going professional development in the development and use of classroom assessments~~, the use of formative assessments~~, and the use of the end‑of‑year state assessments so that teaching and learning activities are focused on student needs and lead to higher levels of student performance.”

B. Section 59‑18‑320(B) of the 1976 Code is amended to read:

“(B) After review and approval by the Education Oversight Committee, and pursuant to Section 59‑18‑325, the standards‑based assessment of mathematics, English/language arts, ~~social studies,~~ and science will be administered for accountability purposes to all public school students in grades three through eight, not including an eighth grade science assessment, to include those students as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act. To reduce the number of days of testing, to the extent possible, field test items must be embedded with the annual assessments. To ensure that school districts maintain the high standard of accountability established in the Education Accountability Act, performance level results reported on school and district report cards must meet consistently high levels in all four core content areas. For students with documented disabilities, the assessments developed by the Department of Education shall include the appropriate modifications and accommodations with necessary supplemental devices as outlined in a student’s Individualized Education Program and as stated in the Administrative Guidelines and Procedures for Testing Students with Documented Disabilities.”

C. Section 59‑18‑325 of the 1976 Code is amended to read:

“Section 59‑18‑325. (A) Beginning in eleventh grade for the first time in School Year 2017‑2018 and subsequent years, all students must be offered a college entrance assessment that is from a provider secured by the department. In addition, all students entering the eleventh grade for the first time in School Year 2017‑2018 and subsequent years ~~must~~ may be administered a career readiness assessment. The results of the assessments must be provided to each student, their respective schools, and to the State to:

(1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student’s future ambitions;

(2) promote South Carolina’s Work Ready Communities initiative; and

(3) meet federal and state accountability requirements.

(B) Students subsequently may use the results of these assessments to apply to college or to enter careers. The results must be added as part of each student’s permanent record and maintained at the department for at least ten years. The purpose of the results is to provide instructional information to assist students, parents, and teachers to plan for each student’s course selection. This course selection might include remediation courses, dual‑enrollment or dual‑credit courses, advanced placement courses/International Baccalaureate, internships, career and technology courses that are aligned with appropriate industry credentials or certificates, or other options during the remaining semesters in high school.

(1) For purposes of this section, ‘eleventh grade students’ means students in the third year of high school after their initial enrollment in the ninth grade.

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

(3) In the twelfth grade, and as aligned to the student’s Individual Graduation Plan, if funds are available, the State shall provide all students the opportunity to take or retake a college readiness assessment, the career readiness assessment, and/or earn industry credentials or certifications at no cost to the students. The results of the assessments must be provided to each student, the respective schools, and to the State.

(4) A student with a disability, whose Individualized Education Program (IEP) team determines, and agrees in writing, that taking either of these assessments would not be aligned with the student’s program of study and the student should not be administered either assessment, must not be administered either assessment.

(5) A student whose parent or guardian completes, in writing, a form developed by the department and approved by the district, to enable the parent or guardian to opt the student out of either the college entrance assessment or career readiness assessment should not be administered the specified assessment.

(C) To maintain a comprehensive and cohesive assessment system that signals a student’s preparedness for the next educational level and ultimately culminates in a clear indication of a student’s preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the State Department of Education shall procure and maintain a summative assessment system.

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

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

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

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

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

(e) establishes at least four student achievement levels;

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

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

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

(2)(a) Beginning in the 2017‑2018 School Year, each school district shall administer the statewide summative assessment, with the exception of alternate assessments, for grades three through eight during the last twenty days of school as determined by the district’s regular instructional calendar, not including make‑up days. If an extension to the twenty‑day time period is needed, the school district or charter school may submit a request for an extension to the State Board of Education before December first of the school year for which the waiver is requested. The request must clearly document the scope and rationale for the extension. The request also must be accompanied by an action plan showing how the district or charter school will be able to comply with the twenty‑day time frame for the following school year.

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

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

(d) In the event of school closure due to extreme weather or other disruptions that are not the fault of the district, or significant school or district technology disruptions that impede computer‑based assessment administration, the school district or charter school may submit a request to the department to provide a paper‑based administration to complete testing within the last twenty days of school. The request must clearly document the scope and cause of the disruption.

(3) Beginning with the 2017‑2018 School Year, the department shall procure and administer the standards‑based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards‑based assessment in science to students in grades four~~, six,~~ and ~~eight~~ seven~~, and the standards‑based assessment in social studies to students in grades five and seven~~.

(4) The State Department of Education shall reimburse districts for the administration of the college entrance and career readiness assessments.

(5) ~~Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59‑18‑310.~~

~~(6)~~ Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end‑of‑course assessments in a format agreed upon by the department and the Oversight Committee. The results of these assessments must be included in state ratings for each school beginning in the 2017‑2018 School Year. The Oversight Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of 2017. While developing the single accountability system that will be implemented in the 2017‑2018 School Year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the Fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district, and statewide student assessment results in reading and mathematics in grades three through eight; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.

~~(7)~~(6) When standards are subsequently revised, the Department of Education, the State Board of Education, and the Education Oversight Committee shall approve assessments pursuant to Section 59‑18‑320.”

SECTION 5. Nothing in this act shall affect or decrease the Defined Minimum Program or Carnegie Unit state requirements for the teaching of social studies and science in South Carolina classrooms.

SECTION 6. Section 59‑10‑50 of the 1976 Code is repealed.

SECTION 7. This act takes effect upon approval by the Governor.

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