S.419 - ACCOUNTABILITY - **WORKING DRAFT** - for **7/8/19**

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Subpart X

Schools of Innovation

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

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

**SECTION XX**

Chapter 18, Title 59 of the 1976 Code is **amended** to read:

Section 59-18-1300. District ~~accountability system~~ ***strategic planning***; development and review.

1. The State Board of Education, based on recommendations of the *~~division~~* ***Department of Education***, ~~must~~ ***shall develop guidelines and promulgate*** regulations requiring that each district board of trustees must establish ***a single district strategic plan that supports the Profile of the South Carolina Graduate, the merged state and federal accountability systems and targets assistance and intervention to the lowest performing schools as defined in this chapter. The Department of Education shall provide the State Board of Education with a list of all state and federal plans required of schools and recommendations on how to merge these plans into a single strategic plan no later than October 1, 2020. This plan must be developed with the input of district and school stakeholders that shall include, but is not limited to: parents, teachers, principals, local businesses, and other school staff. The local board of trustees must adopt the strategic plan at a public meeting not later than August 31, 2021 and submit the plan to the department for approval. If the department does not approve the strategic plan it must provide notice and feedback to the district and local board chair thirty days after receipt of the plan, which then has thirty days to resubmit the plan for approval. Districts shall be required to review and update the plans at least triennially and pursuant to Article 16, and to support continuous improvement and may provide amendments and updates as needed which must be approved by the department.*** ~~and annually review a performance based accountability system, or modify its existing accountability system, to reinforce the state accountability system. Parents, teachers, and principals must be involved in the development, annual review, and revisions of the accountability system established by the district. The board of trustees shall ensure that a district accountability plan be developed, reviewed, and revised annually. In order to stimulate constant improvement in the process of teaching and learning in each school and to target additional local assistance for a school when its students' performance is low or shows little improvement, the district accountability system must build on the district and school activities and plans required in Section 59-139-10~~. In keeping with the emphasis on school accountability, principals should be actively involved in the selection, discipline, and dismissal of personnel in their particular school. ~~The date the school improvement reports must be provided to parents is changed to February first~~.
2. The Department of Education shall offer technical support to any district requesting assistance in the development of ~~an accountability~~ a ***strategic*** plan. Furthermore, the department must ***establish and*** conduct a ***cyclical*** review of ~~accountability~~ ***strategic*** plans ~~as part of the peer review process required in Section 59-139-10(H)~~ to ensure strategies are contained in the plans that shall maximize student learning.
3. ***District strategic plans must be published on the department’s web site and in a prominent place on each district’s website***.

SECTION 59-18-1310. Consolidation of strategic plans and improvement reports; submission dates.

The strategic plans and improvement reports required of the public schools and districts in Sections 59-18-1300, 59-18-1500, and 59-20-60 are consolidated and reported as follows: district and school five-year plans and annual updates and district programmatic reports, and school reports developed in conjunction with the school improvement council to parents and constituents to include recommendations of Education Accountability Act external review teams as approved by the State Board of Education and the steps being taken to address the recommendations, and the advertisement of this report are due on a date established by the Department of Education, but no later than April thirtieth annually; schools reviewed by external review teams shall prepare a report to the parents and constituents of the school, to be developed in conjunction with the School Improvement Council, and this report must be provided and advertised no later than April thirtieth annually. The school report card narrative in Section 59-18-900continues on its prescribed date.

PART VI

Help for Students in Underperforming Schools

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

“Article 16

Increasing Accountability

**SECTION 59‑18‑1612.** Technical Assistance to schools and districts; monitoring of performance.

*(Replaces revisions needed to 59-18-1610, repealed in SEC. 56)*

(A) The State Department of Education shall develop a system for providing academic assistant services, professional development, and technical assistance to schools and districts. The State Superintendent of Education shall report the design of the system to the General Assembly no later than December 31, 2020. Annually thereafter, the Superintendent shall report on the progress of the system in regard to assistance provided to the local school districts and data documenting the impact of the assistance on student academic achievement and on high school graduation rates.

(B) In addition to the provisions of subsection (A), the State Department of Education shall monitor the professional development of teachers, staff, and administrators in districts it determines are underperforming to ascertain what improvements and changes are necessary in accordance with the provisions of the Education Accountability Act. The department also shall monitor the operations of school boards in underperforming districts in order to determine if they are operating efficiently and effectively. These improvements and changes must be communicated to the school districts and other parties or entities involved.

**Section 59‑18‑1615**. Improving the performance of low-performing schools and districts.

Provisions in this Article shall govern responses and interventions for improving the performance of low-performing schools and districts described herein.

(A) Low-performing schools shall immediately be placed into a tier status by the State Department of Education (the department) for the provision of technical assistance. Low-performing schools are those schools:

(1) which according to the most recent annual school report cards, ranked in the bottom ten percent and received an overall rating of below average or unsatisfactory, or

(2) in which fewer than twenty-five percent of its students  
 (a) in grades three through eight are at ‘meets’ or ‘exceeds expectations’ on the English/language arts and mathematics state summative assessments, or

(b) in high school score at least a C or better on end-of-course assessments in English and mathematics.

(B) Immediately upon notification by the department as a low-performing school, the faculty of the school with the leadership of the principal must review the annual update to its strategic planand with the assistance of the School Improvement Council established in Section 59‑20‑60, revise to include a component for low-performing school turnaround. The revised plan must:

(1) be submitted to the district superintendent pursuant to the turnaround and improvement template and guidelines provided by the department for low-performing schools;

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

(3) be pursuant to the timeline established by the department for all provisions in this Section.

(C) Once the school’s plan is revised to include the turnaround component pursuant to subsection (B), the district superintendent and the local board of trustees shall review the plan, and revise as necessary to ensure that it aligns with the district plan and focuses on strategies to increase student academic performance and college and career readiness.

(1) Once the local district board has approved the plan, the district shall delineate the strategies and support it will give the plan.

(2) The State Board of Education, through the department, shall review and approve the plan and supporting strategies.

(3) The approved plan must immediately be posted prominently on the respective websites of the department, the school, and the district.

(4) Annually, the district superintendent and the local board of trustees shall submit updates to the department on implementation of the plan and how it measures the impact of the activities in the plan. These annual reports must be provided to the State Board of Education and made publicly available on the respective websites of the department, the school, and the district.

(D) For schools identified in subsection (A), the local school district board of trustees, in consultation with the department, shall assist schools by:

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

(2) including in the revision of the annual update to the five-year plan, after considering the recommendations of the local stakeholder group, the following:

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

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

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

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

(e) alternative English language learning programs for limited English‑proficient students; and

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

(E) The school, in conjunction with the local district board, must inform the parents of children attending the school of the ratings received and must outline the steps in the revised annual plan (the plan) to improve performance, including the support which the local district board of trustees has agreed to give the plan. This information must be:

(1) provided to the parents no later than December first of the year following the publication of the rating; and

(2) prominently placed on the home page of the school and district web sites.

(F) The department annually before January first shall report to the General Assembly and Governor on the activities, support, services, and technical assistance provided to each school and the projected and actual impact of such intervention.

(G) (1) The school shall offer an orientation class for parents which focuses on:

(a) the value of education;

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

(c) student discipline;

(d) school policies;

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

(f) other pertinent issues.

(2) The school shall offer the orientation class each year the school receives an overall rating of unsatisfactory or below average on the school report card and shall provide parents with written notification of the date, time, and location of the meeting. A school shall offer the orientation class:

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

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

(H)(1) For schools identified pursuant to subsection (A) as low-performing, the department shall implement the provisions of this section through a community partnership-focused framework for tiers of technical assistance as provided herein.

(2) The scope and intensity of tiers of technical assistance in the framework and made available by and through the department for the school shall be in accordance with a framework that:

(a) identifies and incorporates factors, approaches, reviews, and resource needs determined to be effective best practices for each specified level of severity of low performance, as recommended by the Superintendent of Education and approved by the State Board of Education;

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

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

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

(3) The tiers of technical assistance may include but are not limited to a per student allocation, placement of a principal mentor, transformation coach, instructional leader, replacement of the principal, reconstitution of a school, and declaration of a state of emergency. Low‑performing schools and districts must be placed within the tiered technical assistance framework not later than January fifteenth each year of the designation.

(4) Low‑performing schools must receive, at a minimum, a needs assessment through the department. In addition, schools identified as being in the bottom five percent must receive a diagnostic review in the year of designation, and at least every third year thereafter. These reports must be made available on the department’s website; any information pertaining to personnel matters or containing personally identifiable information is exempt. The revised plan in 59-18-1615(B) must include the recommendations included in the diagnostic review and must address evidence-based strategies designed to increase student achievement and must include measures to evaluate the success of implementation of the plan.

(5) The department shall:

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

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

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

(7) Funds appropriated for technical assistance:

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

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

(c) are not subject to agency flexibility provisions.

**Section 59‑18‑1620**. Measures to address low-performing schools at risk of becoming chronically underperforming.

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

(B) Beginning with the 2019-2020 school report cards, when a school receives an overall rating of unsatisfactory, the State Department of Education shall notify the legislative delegation for the location of the school; in addition, the local school board that governs the school and the district superintendent shall:

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

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

(b) immediately review and revise its annual plan, which must incorporate turnaround components in accordance with the template and guidelines provided by the department; and

(c) immediately place ‘School Annual Plan and Improvement Update’ on the local district board meeting agenda at least once a quarter, listing each school rated unsatisfactory and the number of years in that status.

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

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

(b) scrutinize and revise its School Annual Plan and Improvement document again, in accordance with the template and guidelines provided by the department pursuant to sub item (1); and

(c) place ‘School Annual Plan and Improvement Update’ on a local district board meeting agenda within 45 days and at least every other month thereafter, and listing each school rated unsatisfactory and the number of consecutive years in that status.

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

(C) Beginning with the 2019-2020 school report cards, if a school has received an overall rating of unsatisfactory for the third consecutive year, local efforts pursuant to subsection (A) will be deemed insufficient to meet the needs of the students and the school is considered to be ‘chronically underperforming’. The State Superintendent of Education, upon approval by a majority of the members of the State Board of Education and in partnership with school, district, and community leaders is authorized to, and must begin immediately to, pursue a school turnaround approach with related strategies to address weaknesses and deficiencies. The approach and strategies selected shall be commensurate with the severity of the situation and the willingness and capacity of those stakeholders to effect a turnaround.

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

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

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

(b) reconstitution of a school means the redesign or reorganization of the school and may include that all positions in the school are considered vacant.

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

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

(iii) In the event of reconstitution of a school, the State Superintendent of Education shall hire the new principal and staff and shall develop the budget for the reconstituted school.

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

(d) Intensive technical assistance provided by the department shall be commensurate with the school’s needs assessment, and in accordance with best practices established by the department.

(2) Alternatively, and pursuant to (C) and in accordance with 59-19-90(7), the State Superintendent may close the school and its students shall be transferred to higher‑performing schools either in the district, or to higher performing schools in a contiguous district. If the State Superintendent of Education directs that the students be served by a school in another district he is authorized to enter into a Memorandum of Agreement with the receiving district in order to transfer all federal, state and local dollars that support the students.

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

(E) A school identified as ‘chronologically underperforming’ must have that designation included on the first page of its report card in a conspicuous location.

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

(A) When the State Department of Education (the department) determines that fifty percent or more of the schools in a district have an overall rating of below average or unsatisfactory, the State Superintendent of Education shall immediately review the district strategic plan, any corresponding school annual plans, district finances, and may, contingent on funding, conduct a district diagnostic review.

(1) The district diagnostic review shall include:

(a) examination of all facets of school and district;

(b) parents and community members;

(c) identification of personnel changes, if any, that are needed at the school level, district level, or both, and discuss such findings with the local district board;

(d) a review of the design of the district’s strategic plan, implementation strategies, and professional development training;

(e) identification of needed support from the department and other sources for targeted long‑term technical assistance;

(f) a review of the financial management of the district; and

(g) a report of findings and recommendation no later than ninety days after the district receives the designation as a district in a state of emergency, which shall be submitted to the district superintendent, the local district board of trustees, and the State Board of Education.

(2) The State Superintendent of Education shall begin to, or continue to, provide the schools with technical assistance pursuant to 59-18-1615 and 1620, and may declare the district to be in a state of emergency if upon review of the district’s strategic plan and any corresponding school annual plan updates he determines the district is in need of additional interventions to prevent further decline.

(3) If a district state of emergency is declared, the home page of the district web site and the annual report card of each school in the district must identify the district as being in a state of emergency. In addition, the State Superintendent of Education shall immediately:

(a) so notify the State Board of Education, the local district school board, and the local delegation; and

(b) take over management of the district and provide for a diagnostic review of district educational programs and financial management in the district, and identify factors affecting the student performance.

(4) A district status report pursuant to subitem (2) must be submitted for the next four years to the local delegation and local district board of trustees and to the State Board of Education, or more frequently as considered necessary by the State Board, on the progress of the district toward implementing its strategic plan and recommendations and improving student performance.

(B) Management of a district pursuant to (A)(1) may include direct management, consolidation with another district, charter management, public/private management, entering into an agreement with an educational management organization or another school district to include the Transformation District pursuant to 59-18-1650. The department annually shall report the district’s progress in implementing the recommendations and improving student performance to the parents of the students in the district the State Board of Education over the next two years and pursuant to 59-18-1612.

(C) When the State Superintendent of Education declares a state of emergency in a school district:

(1)the Governor shall remove the local district board of trustees. Once a district has met school annual plan targets for sustained improvement, as defined by the department and aligned to the district strategic plan for low-performing schools, for a minimum of three years, an interim district board shall be appointed pursuant to section 59-19-60. The interim district board shall remain in place until the district has experienced consistent improvement, as defined by the department and aligned to the strategic plan, for an additional three years. The election of board members shall commence after the three years with one board member being elected at the next regular election and one additional board member being elected at each subsequent regular election until the entire board has transitioned back to an elected board.

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

Section 59‑18‑1650. (A) The South Carolina Transformation School District is established by the State Superintendent of Education (the Superintendent) as an organizational unit of the Department of Education for the purpose of providing an option for the Superintendent to operate and manage underperforming schools pursuant to Sections 59‑18‑1620 and 59‑18‑1640.

(B) The Superintendent may include direct management, charter management, public/private management, an agreement with an educational management organization or an agreement with another school district to manage the daily operations of any or all schools placed in the Transformation School District including, but not limited to, providing direct services to students.

(C) The Transformation School District may apply to the State Board of Education for a waiver of any regulation that inhibits or hinders the ability of the school to achieve the required adequate yearly progress benchmarks. Notwithstanding the provisions of this subsection, the State Board of Education may not waive rules relating to:

(1) federal and state civil rights;

(2) federal, state and local health and safety;

(3) federal and state public records;

(4) immunizations;

(5) possession of weapons on school grounds;

(6) background checks and fingerprinting of personnel;

(7) federal and state special education services;

(8) student due process;

(9) parental rights;

(10) federal and state student assessment and accountability; and

(11) the South Carolina Freedom of Information Act.

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

(E) For schools placed in the Transformation School District whose local districts have not been dissolved or consolidated, the State Superintendent shall develop a transition plan for the purpose of returning the school to the jurisdiction of the local board of trustees if the school achieves the required progress benchmarks for two consecutive years.

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

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

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

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

(G) An individual, governmental entity, or nonprofit entity utilized by the State Superintendent to manage the operation of a school under the provisions of this section timely shall provide information to the local school board of trustees and superintendent regarding its operation of the schools, including, but not limited to, matters relating to employment of personnel at the school. The local school board of trustees may continue to support the educational improvement of the school under the direction and guidance of the Superintendent and in accordance with this section. In addition, an individual, governmental entity, or nonprofit entity in an agreementwith the State Superintendent voluntarily may work with the local school board of trustees to provide the schools with professional development or technical assistance, instructional and administrative support, and other support that may benefit academic progress of the school.

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

**SECTION XX *(NEW BILL SECTION)***

**59-18-XXXX** Recognizing highest level of school and district performance.

To recognize and stimulate the highest level of performance in schools and districts, by January 1, 2021, the State Superintendent of Education, through the State Board of Education, shall develop and submit a report of recommendations for a system of effective and innovative incentives targeted at the highest degree of academic outcomes at the school and district level. The report, which shall be submitted to the respective Chairs of the Senate Education Committee and the House Education and Public Works Committee, may include but is not to be limited to competitive and or all-inclusive incentives at the school and or district level in recognition of exceptional student outcomes that are directly related to school and or district plans and goals. Recommendations submitted could propose incentives such as reduced or streamlined reporting requirements to the State Department of Education (the department), reduced monitoring by the department, scheduling flexibility, or other innovative strategies, and must be consistent with federal requirements.

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

~~Section 59‑39‑100 of the 1976 Code is amended to read:~~

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

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

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

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

~~(C) Beginning with students entering ninth grade in the 2020‑2021 School Year, a local board of trustees may require additional units of credit for a high school diploma.~~

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

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

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

PART VII

Local School Board Accountability

***EXCERPT FROM ORIGINAL BILL SECTION 47, TRANSFERRED FROM ETHICS TO ACCOUNTABILITY***

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

…….

**Section 59‑19‑760. (A)** The State Department of Education (the department) or another public school accrediting agency shall notify the State Board of Education upon placing any district or school on the level of accreditation that immediately precedes the loss of accreditation for school governance reasons. This notice shall include the reason or reasons for the decision of the accrediting agency.

(B) The State Board of Education shall conduct a hearing no less than ten days before, but no more than ninety days after, it receives or gives the notice provided in subsection (A), and shall recommend to the Governor whether he should suspend all eligible members of the local board without pay.

(1) Eligible members pursuant to this Section shall be defined as local district board of education members who were serving on the local district board at the time the accrediting agency placed the local school system or school on the level of accreditation immediately preceding loss of accreditation.

(2) Upon a showing of good cause, the State Board of Education may in its sound discretion continue any such hearing. Notwithstanding another provision of law, deliberations held by the State Board of Education pursuant to this subsection to formulate its recommendation to the Governor may not be open to the public and are not subject to the Freedom of Information Act; provided, however, that testimony must be taken in an open meeting and a vote on the recommendation must be taken in an open meeting following the hearing or at the next regularly scheduled meeting.

(3) If the State Board of Education makes a recommendation to suspend, the Governor may, in his discretion, suspend all eligible members, but not selective individual members, of the local board of education, without pay. The Governor, in consultation with the State Board of Education, shall appoint temporary replacement district board members who are otherwise qualified to serve as members of the district board. A temporary replacement member appointed pursuant to this subsection must serve until the completion of the suspension or until the seat becomes vacant, whichever occurs first.

(C) All hearings pursuant to this Section must be conducted by the State Board of Education, with the Board Chair presiding. In conducting a hearing:

(1) the Board Chair shall notify the parties of the time and place of the hearing;

(2) all witnesses shall testify under oath and are subject to cross‑examination;

(3) the Board Chair shall require the testimony and other evidence to be transcribed by a court reporter or recorded by other appropriate means;

(4) the rules of evidence prevailing in courts of law are applicable; and

(5) at the conclusion of the hearing, or within fifteen days thereafter, the State Board of Education shall notify the Governor and the parties of its decision in writing.

(D) The provisions of this section apply only to a local school district or school which is placed on the level of accreditation immediately preceding loss of accreditation after July 1, 2021.

***SECTION TRANSFERRED FROM ETHICS TO ACCOUNTABILITY***

**SECTION 48**. Section 59‑18‑920 of the 1976 Code is **amended** to read:

“Section 59‑18‑920. “Section 58‑19‑920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the ***State*** Department of Education necessary to generate a report card and a rating. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District ***or registered institution of higher learning*** must be included in the overall performance ratings of each school ~~in the South Carolina Public Charter School District~~. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district’s report card. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.”

***EXCERPT FROM ORIGINAL BILL SECTION 53, TRANSFERRED TO ACCOUNTABILITY***

**SECTION 53**. Section 59‑19‑60 of the 1976 Code is **amended** to read:

***(C) If the entire membership of a board of trustees is removed, five vacancies automatically are created, regardless of the prior number of seats held by the board of trustees. The Governor shall appoint members to fill three of the vacancies, the State Superintendent of Education shall appoint a member to fill one of the vacancies, and the local legislative delegation shall appoint a member to fill one of the vacancies within ninety days.***

***(D) If one or more members, but not the entire membership, of a board of trustees is removed, the Governor must fill the vacancies within ninety days.***

***(E) A person appointed pursuant to subsection (C) or (D) to fill a vacant seat on a board of trustees shall serve until the next general election is held for the seat and may run in that general election for the seat to which he was appointed.***

***(F) If only two members remain serving on a board of trustees, the members may take no action that requires a vote until a third member is appointed.”***

PART VIII

Miscellaneous Provisions

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

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

~~“Section 59‑1‑444. (A) All reports, studies, published findings, memoranda, guidelines, rules, and other documents concerning implementation of programs and initiatives concerning student performance and achievement, school district and school accountability, curriculum revisions, the Education Finance Act, facility funding and construction, and other such matters as may be requested by Senate Education Committee or House Education and Public Works Committee must be posted by the department on its Internet website within twenty‑four hours after being made public. The posting must be in a form and manner that is easily:~~

~~(1) locatable by the public through a prominent link on the homepage of the department’s website; and~~

~~(2) accessible for viewing and downloading in a portable document format (PDF) by the public.~~

~~(B) The department shall pay a fine of ten thousand dollars per day for each separate failure to comply with the provisions of this section. These funds must be deposited into the General Fund.”~~

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

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

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

**SECTION 57**. Section 59‑59‑30 of the 1976 Code is **repealed**.

**SECTION 58**. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

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