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

SECTION 1. Article 3, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-355. (A)(1) A revision to a state content standard recommended pursuant to Section 59-18-350(A), as well as a new standard or a change in a current standard that the State Board of Education otherwise considers for approval as an accountability measure, may not be adopted and implemented without the:

(a) advice and consent of the Education Oversight Committee; and
(b) approval by a Joint Resolution of the General Assembly.

(2) General Assembly approval required by item (1)(b) does not apply to a revision recommended pursuant to Section 59-18-350(A), other approval of a new standard, and other changes to an old standard if the revision, new standard, or changed standard is developed by the South Carolina Department of Education.

(B) A revision to an assessment recommended pursuant to Section 59-18-350(A), as well as a new
assessment or a change in a current assessment that the State Board of Education otherwise considers for approval as an accountability measure, may not be adopted and implemented without the advice and consent of the Education Oversight Committee.

(C) Upon initiating a change to an existing standard, including a cyclical review, the Education Oversight Committee and the Department of Education shall provide notice of their plans and intent to the General Assembly and the Governor.

(D) Nothing in this section may be interpreted to prevent the Department of Education, Board of Education, and Education Oversight Committee from considering best practices in education standards and assessments while developing its own standards and assessments.”

SECTION 2. Section 59-18-320 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59-18-320. (A) After the first statewide field test of the assessment program that is adopted or developed by the Department of Education in any one of the four academic areas, and after the field tests of the end of course assessments of high school credit courses that are adopted or developed by the Department of Education, the Education Oversight Committee, established in Section 59-6-10, will review the state assessment program and the course assessments for alignment with the state standards, level of difficulty and validity, and for the ability to differentiate levels of achievement, and will make recommendations for
needed changes, if any. The review will be provided to the State Board of Education, the State South Carolina Department of Education, the Governor, the Senate Education Committee, and the House Education and Public Works Committee as soon as feasible after the field tests. The Department of Education will then report to the Education Oversight Committee no later than one month after receiving the reports on the changes made to the assessments to comply with the recommendations.

If the Board of Education adopts an existing assessment that is available to other states to purchase, the Education Oversight Committee, as established in Section 59-6-10 must review and approve the assessment for its statewide administration and for its use in state accountability.

(B) After review and approval by the Education Oversight Committee, the standards based assessment of mathematics, English/language arts, social studies, and science will be administered to all public school students in grades three through eight, 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. In accordance with the requirements of the federal No Child Left Behind Act, science assessments must be administered annually to all students in one elementary and one middle school grade. The State Department of Education shall develop a sampling plan to administer science and social studies assessments to all other elementary
and middle-school students. The plan shall provide for all students and both content areas to be assessed annually; however, individual students, except in census testing grades, are not required to take both tests. In the sampling plan, approximately half of the assessments must be administered in science and the other half in social studies in each class. 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. The core areas must remain consistent with the following percentage weightings established and approved by the Education Oversight Committee: in grades three through five, thirty percent each for English/language arts and math, and twenty percent each for science and social studies; and in grades six through eight, twenty-five percent each for English/language arts and math, and twenty-five percent each for science and social studies. 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) After review and approval by the Education Oversight Committee, the end of course assessments of high school credit courses will be administered to all public school students as they complete each course.
Beginning in school year 2014-15, for federal and state accountability purposes, the State Board of Education and the Education Oversight Committee must by November 1, 2014, review and approve a summative assessment for administration to students in grades 3 through 8 that assesses students in English, reading, writing and mathematics. This assessment does not require field testing prior to Education Oversight Committee approval. The assessment will be administered to all public school students in grades three through eight, 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. The assessment must meet the following requirements:

1. be a vertically-articulated, benchmarked, standards-based system of summative and formative assessments;
2. document student progress toward national college and career benchmarks and state standards;
3. contain multiple questions types including such as constructed response, selected response, and technology-enhanced responses;
4. be administered either online or with a paper-and-pencil option; and
5. be anchored to a national college readiness assessment already used in the state.

Beginning with the 2014-2015 school year, all students in grades 4 through 8 will also take state-developed and approved assessments in social studies and science.

All students entering the eleventh grade for the first time in school year 2014-2015 and subsequent
years, and all students entering the twelfth grade for
the first time in school year 2014-2015 only, will be
administered both a career readiness assessment, and
a college readiness assessment that are provided by
the same vendor. The results of the assessments will
be provided to each student, to the school and to the
state in order to:
(1) assist students, parents, teachers and guidance
counselors in developing individual graduation plan
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 purposes.
Students may then 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
of Education for at least ten years. The results will
also provide instructional information to assist
students, parents and teachers to plan for each
student’s course selection which might include
remediation courses, dual-enrollment courses,
Advanced Placement courses, internships, or other
options during the remaining semesters in high
school.
(D) Any new standards and assessments required
to be developed by the Department of Education
and adopted by the State Board of Education,
through the Department of Education for use as an
accountability measure, must be developed and
adopted upon the advice and consent of the
Education Oversight Committee.
The Department of Education will provide to the Education Oversight Committee student performance results on each of the assessments authorized in this section in a format agreed upon by both the Department and the Committee and within thirty days of the data being provided to the school districts. The Committee will use the results of these assessments in school year 2014-2015 and in 2015-16 to report on student academic performance in each school and district pursuant to Section 59-18-900. However, the Committee may not determine ratings for schools or districts using the results of these new assessments pursuant to Section 59-18-900 until after the conclusion of the 2015-16 school year for public reporting beginning in the fall of 2016.

(F) The Department of Education shall submit a plan for approval and implementation to the Education Oversight Committee and the State Board of Education to mitigate the impact that changes in assessments are projected to have on teacher evaluation systems. If such an impact can be reasonably mitigated by delaying evaluations the Department shall seek a waiver if necessary for federal approval.

SECTION 3. Section 59-48-35 of the 1976 Code is amended to read:

“Section 59-48-35. The students enrolled in the Special School of Science and Mathematics who earn the total units of credit distributed as specified in the Defined Minimum Program for South Carolina school districts, who pass the exit [888]
examination described in Section 59-30-10(f) 59-18-310(B), and who meet the school’s requirements for graduation are eligible to receive a state high school diploma. The board of the Special School, in its discretion, may issue its own high school diploma.”

SECTION 4. Section 59-139-60 of the 1976 Code is amended to read:

“Section 59-139-60. The State Board of Education, through the State Department of Education and in consultation with the Education Oversight Committee, shall establish an assessment system to evaluate the degree to which the purposes of this chapter are met. To that end, the State Board of Education, through the Department of Education shall:

(1) develop or adapt a developmentally appropriate assessment program to be administered to all public school students by the end of grade three that is designed to measure a student’s strengths and weaknesses in skills required to perform academic work considered to be at the fourth grade level. Information on each student’s progress and on areas in need of improvement must be provided to the student’s parent and fourth grade teacher. Aggregated information on student progress must be given to the students’ kindergarten through third grade schools so that deficiencies in the schools’ academic programs can be addressed;

(2) review the performance of students on the eighth grade basic skills assessment test and performance on the exit examination pursuant to

Comment [D10]: DELETES ASSESSMENTS LANGUAGE FROM 1993; PROVIDES “CLAWBACK FOR STUDENTS CURRENTLY UNDER 21 WHO HAVE NOT PASSED THE EXIT EXAM.”
Section 59-30-10, or their equivalent, for progress in meeting the skill levels required by these examinations. Student data must be aggregated by the schools the students attended so that programs’ deficiencies can be addressed;

---

Subject to the data on students overage for grade in each school at grades four and nine;

---

(4) monitor the performance of schools and districts so that continuing weaknesses in the programs preparing students for the fourth grade, and ninth grade, and exit examination shall receive special attention from the Department of Education; and

---

(5) propose other methods or measures for assessing how well the purposes of this chapter are met.”

Any student who is twenty-one years of age or less as of July 1, 2014 and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements set forth in Section 59-18-310(B) and State Regulation, may petition the local school board to receive a high school diploma pursuant to this law. The State Board of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations."

**SECTION 5.** Section 59-18-310(B) is amended to read:

(B) The statewide assessment program must include the subjects of English/language arts, mathematics, science, and social studies in grades three through eight, as delineated in Section 59-18-320(B), to be first administered in 2009, an exit exam...
examination in English/language arts and mathematics to be first administered in a student's second year of high school enrollment beginning with grade nine, and end-of-course tests for gateway courses awarded units of credit in English/language arts, mathematics, science, and social studies. Student performance targets must be established following the 2009 administration. The assessment program must be used for school and school district accountability purposes beginning with the 2008-2009 school year. The publication of the annual school and school district report card may be delayed for the 2008-2009 school year until no later than February 15, 2010. 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 Section 59-18-310(310) and State Regulation to earn a South Carolina high school diploma.

SECTION 6. Section 59-18-950 is amended to read:

Notwithstanding another provision of law to the contrary, the Education Oversight Committee may
base ratings for school districts and high schools on criteria that include graduation rates, exit examination performance, and other criteria identified by technical experts and appropriate groups of educators and workforce advocates.

SECTION 7. Section 59-XX-XX is added. “Upon passage of this legislation, South Carolina will no longer be a governing or advisory state in the Smarter Balanced Assessment Consortium. Furthermore, the state of South Carolina may not adopt or administer the Smarter Balanced Assessment. “

SECTION 8. Section 59-18-350(A) of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“(A) The State Board of Education, in consultation with the Education Oversight Committee, shall provide for a cyclical review by academic area of the state standards and assessments to ensure that the standards and assessments are maintaining high expectations for learning and teaching. At a minimum, each academic area should be reviewed and updated every seven years. After each academic area is reviewed, a report on the recommended revisions must be presented to the Education Oversight Committee and the State Board of Education for consideration. After approval by the Education Oversight Committee and the State Board of Education, the recommendations may be implemented. However, The previous content standards shall remain in effect until approval has
been given by both entities the recommended revisions are adopted pursuant to Section 59-18-355. As a part of the review, a task force of parents, business and industry persons, community leaders, and educators, to include special education teachers, shall examine the standards and assessment system to determine rigor and relevancy.

(B) Beginning July 1, 2016, a cyclical review shall be performed pursuant to 59-18-350(A) for English Language Arts and Mathematics state standards not developed by the South Carolina Department of Education.

SECTION 9. Article 3, Chapter 1, Title 59 of the 1976 Code is amended by adding:

"Section 59-1-490. The State Board of Education, the South Carolina Department of Education, the Education Oversight Committee, and all other agencies and political subdivisions of the state are prohibited from providing any individual student data or any data that may be used to identify individual students to the United States Department of Education, any other agency of the federal government, or any third party without permission expressly provided for by the General Assembly through a Joint Resolution."

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

----XX----