Agency Name: Board of Education

Statutory Authority: 59-5-60, 59-18-310, 59-18-320, 59-18-330, 59-18-340, 59-20-60, and 20 U.S.C. 6301 et seq.

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**STATE BOARD OF EDUCATION**

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-310, 59-18-320, 59-18-330, 59-18-340, 59-20-60, and 20 U.S.C. 6301 et seq.

43-262. Assessment Program

**Synopsis:**

The State Board of Education proposes to amend R 43-262 in response to amendments to the Education Accountability Act of 1998 (EAA), S.C. Code Ann. § 59-18-310 (Supp. 2008).

Section-by-Section Discussion

Section I(A) Deletes the reference to the Basic Skills Assessment Program legislation of 1978 (BSAP). Updates reference to the Education Accountability Act.

Section I(B) Deletes reference to BSAP legislation. Deletes reference to the Palmetto Achievement Challenge Tests. Changing wording of agency to South Carolina Department of Education and deleting the word State. Adds the Palmetto Assessment of State Standards (PASS) and South Carolina Alternate Assessment (SC-Alt).

Section I(D-E)(2)(3)(4) Changing wording of agency to South Carolina Department of Education and deleting the word State and adding the word statewide.

Section II(A) Deletes reference to the Basic Skills Assessment Program (BSAP).

Section II(A) Letter B now changes to A and updates reference to the Education Accountability Act. Deletes references to an exit examination in science and social studies.

Section II(B) Letter C now changes to B. Deletes the word “modifications.”

Section II(C) Letter D now changes to C. Changing wording of agency to South Carolina Department of Education and deleting the word State.

Section II(D) Letter E now changes to D. Deletes the word “four” and adds the word “five.”

Section II(E) Letter F now changes to E. Inserting the language from Section II(F)(2).

Section II(E)(1) Reference to the BSAP exit examination has been deleted.

Section II(E)(2) Deletes and adds language to Section II(E). Deletes “modifications.” Deletes HSAP-Alt (test no longer used) and adds SC-Alt. Deletes “R 43-262”
and adds the words “this regulation.”

Section II(F) Letter G now changes to F.

Section II(G)(1) Letter H now changes to G. Change wording of agency to South Carolina Department of Education and deleting the word State.

Section II (G)(3)(4) Removes the wording “exit examination” and adds “HSAP.”

(5)(6)(b)

Section III Deletes reference to the Readiness Tests for First and Second Grade.

Section IV Deletes reference to the Norm Referenced Test.

Section (III) Section V changes to Section III. Deletes references to reading and mathematics and grades 4 and 8. Changes bi-annual to annually and proscribed to prescribed.

**Instructions:** The following section of Regulation 43-262 is modified as provided below. All other items and sections remain unchanged.

**Text:**

43-262. Assessment Program.

I**.** STATEWIDE ASSESSMENT PROGRAM

1. The Education Accountability Act of 1998 (EAA), S.C. Code Ann. § 59-18-310 (Supp. 2008), and the No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et seq. (2002) (NCLB) require that the State Board of Education develop or adopt a statewide assessment program in certain grades and selected content/skill areas.

 B. The statewide assessment program will involve testing public school students at selected grade levels and in selected content and skill areas at times specified by the South Carolina Department of Education. The grade(s) and content/skill areas to be included in the assessment program are identified by the EAA, NCLB, and State Board of Education regulations. The statewide assessment program includes

 Palmetto Assessment of State Standards (PASS),

 South Carolina Alternate Assessment (SC-Alt),

 Exit Examination, and

 End-of-Course Tests.

 C. The program is funded through an annual appropriation included in the South Carolina General Appropriations Act. The request for such funding is included in the annual budget request of the State Superintendent of Education. Continued operation of the program is contingent upon the availability of funds.

 D. Responsibilities of the South Carolina Department of Education for assessments in which school districts are required to participate.

1. Supply all necessary test materials, scoring, and standard score reports at no cost to the local school districts.

 2. Pay all shipping costs for the transportation of test materials and score reports between the Department, school districts, and scoring service(s).

 3. Provide workshops on test administration, interpretation, and utilization for district test coordinators and other selected staff.

 4. Report the statewide results of the program to the State Board of Education on an annual basis.

 5. Field-test, at the discretion of the State Superintendent of Education, new assessment instruments and/or procedures and recommend changes in the Statewide Assessment Program to the State Board of Education, the Education Oversight Committee, and other appropriate policy-making bodies.

 E. Responsibilities of local school districts

1.As used in these regulations, “local school district” shall mean public school districts as well as other state-supported educational institutions that award state high school diplomas.

 2. Participate in the statewide assessment program as required by law.

 3. Designate one or more district test coordinators (DTCs)who will be the point of contact for the South Carolina Department of Education or its contractors as well as attend the workshops provided by the South Carolina Department of Education. The DTC is responsible for training school test coordinators (STCs) and the distribution, receipt, storage, and return of test materials and reports.

4.Administer the tests (including field tests) in accordance with procedures and at dates and times specified by the South Carolina Department of Education.

 5. Maintain a complete and accurate inventory of all state-owned tests and related materials that are stored in the district.

 F. Students with disabilities shall be included in the assessment program in compliance with the provisions of South Carolina and federal statutes and regulations.

 G. The State Superintendent of Education is authorized to develop and implement such administrative procedures as he or she may deem necessary and appropriate for the purpose of implementing the South Carolina Statewide Assessment Program. Any administrative action taken under this regulation will be presented to the State Board of Education during the next regularly scheduled meeting of the Board.II. SOUTH CAROLINA HIGH SCHOOL EXIT EXAMINATION

A. The exit examination required by the Education Accountability Act (EAA), S.C. Code Ann. § 59-18-310 (Supp. 2008) shall be in standard written American English, braille, and signed language and shall consist of tests in English language arts and mathematics based on South Carolina curriculum standards. The requirement for passing the EAA exit examination in mathematics and English language arts shall be in effect for the graduating class of spring 2006.

 For the purpose of the High School Assessment Program (HSAP), high school will be considered to include grades 9–12. Students will initially take HSAP in the second spring after their initial enrollment in high school. For purposes of meeting the state testing requirements these students will be considered as tenth graders.

B. Accommodations, if any, for special populations (e.g., Limited English Proficient students and students with documented disabilities) taking the exit examination shall be consistent with state and federal statutes and regulations.

 C. To pass the exit examination, each student shall meet the minimum performance standard established by the South Carolina Department of Education on each part.

D. A student who is enrolled in the South Carolina public school system for the entire tenth-grade, eleventh-grade, and twelfth-grade years and remains actively enrolled and in good standing until graduation shall have a minimum of five opportunities to pass the examination.

E. Any student who fails to pass the exit examination and who is actively enrolled in school will take an equivalent form of only the parts on which he or she did not meet the minimum performance standard(s) at the next designated administration. Students will have two opportunities per year (spring and fall) to take the failed part or parts.

 All students except students who meet the participation criteria for alternate assessment will take the HSAP in the second spring after initial enrollment in the ninth grade. Students with an IEP may take the HSAP with accommodations determined to be appropriate by the IEP team and allowable by state and federal statutes and regulations. Students who meet the participation criteria for alternate assessment will take the South Carolina Alternate Assessment (SC-Alt) in accordance with guidelines on file with the South Carolina Department of Education.

 For students with disabilities who meet all of the following conditions, the IEP team will determine on an annual basis participation in the HSAP.

 a. The student failed to pass any part of HSAP during the initial administration, and

 b. the student has not earned any Carnegie units in the core curriculum (mathematics, English language arts, social studies, and science), and

 c. the student is not enrolled in a course in the core curriculum required for high school graduation.

 All students who do not meet these three conditions will take the examination as required by this regulation.

F. An administration of the exit examination may be available during the summer after the twelfth–grade year for students who have met all other requirements for graduation and who were actively enrolled in school.

G. Local school districts shall ensure

 1. that the administration and security procedures established by the South Carolina Department of Education for the purpose of the exit examination are implemented;

 2. that students and parent(s) or guardian(s) are adequately notified that passage of the exit examination is a requirement for a state high school diploma; notification shall be

 a. written,

 b. issued through an established procedure, and

 c.issued to students and parent(s) or guardian(s) by the seventh grade or upon entry into the system, whichever occurs later;

 3. that the HSAP administration schedules are publicized;

 4. that students who are recommended for a state high school diploma have passed all parts of the HSAP;

5. that students who do not pass a particular part or parts of the HSAP are provided academic assistance related to the part or parts not passed;

6. that students who have met all other requirements for graduation but have not passed the HSAP are advised that they may elect one of the following alternatives:

 a. to accept, in lieu of a state high school diploma, a state certificate indicating the number of credits earned and the grades completed;

 b. to continue active enrollment in high school until the age of 21 or enroll in an adult education program until he or she passes the HSAP; or

 c. to accept a state certificate and acquire additional opportunities to pass the exit examination by enrolling in high school until age 21 or in an adult education program.

III. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP)

 Tests will be administered annually to samples of students as part of the state NAEP assessment. Schools selected for state NAEP will participate in the assessment program as prescribed by NAEP policies.

**Fiscal Impact Statement:**

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred by the state and its political subdivision in complying with the proposed revisions to R 43-262.

**Statement of Rationale:**

The Education Accountability Act of 1998 (EAA), S.C. Code Ann. § 59-18-310 (Supp. 2008), and the No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et seq. (2002) (NCLB), require that the State Board of Education develop or adopt a statewide assessment program in certain grades and selected content/skill areas.