**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA EDUCATION EFFICIENCY ACT”; TO AMEND SECTION 59‑3‑10, RELATING TO THE STATE SUPERINTENDENT OF EDUCATION, SO AS TO DELETE LANGUAGE PROVIDING FOR HIS ELECTION AND TO MAKE THE DEPARTMENT OF EDUCATION A MEMBER OF THE GOVERNOR’S EXECUTIVE CABINET TO BE HEADED BY THE STATE SUPERINTENDENT OF EDUCATION WHO MUST BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO AMEND SECTION 59‑3‑30, RELATING TO THE GENERAL DUTIES OF THE STATE SUPERINTENDENT OF EDUCATION, SO AS TO PROVIDE THAT THE SUPERINTENDENT ADMINISTER THROUGH THE DEPARTMENT OF EDUCATION ALL POLICES AND PROCEDURES PRESCRIBED BY LAW OR ASSIGNED TO IT BY THE EDUCATION OVERSIGHT COMMITTEE RATHER THAN THE STATE BOARD OF EDUCATION; TO AMEND CHAPTER 6, TITLE 59, RELATING TO MONITORING THE IMPLEMENTATION OF EDUCATION IMPROVEMENT PROGRAM BY THE EDUCATION OVERSIGHT COMMITTEE, SO AS TO REVISE THE CHAPTER IN ITS ENTIRETY, TO ABOLISH THE STATE BOARD OF EDUCATION AND TO TRANSFER ITS FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES, AUTHORITY, EMPLOYEES, AUTHORIZED APPROPRIATIONS, AND ASSETS AND LIABILITIES, AMONG OTHER THINGS, TO THE EDUCATION OVERSIGHT COMMITTEE, TO DELETE OBSOLETE REFERENCES, AND TO MAKE CONFORMING CHANGES, TO DIRECT THE CODE COMMISSIONER TO MAKE CONFORMING CHANGES AND TO REPORT THESE CHANGES TO THE GENERAL ASSEMBLY BEFORE JULY 1, 2015; TO REPEAL SECTION 59‑3‑20 RELATING TO FILLING A VACANCY IN THE OFFICE OF SUPERINTENDENT OF EDUCATION AND CHAPTER 5, TITLE 59 RELATING TO THE STATE BOARD OF EDUCATION; AND TO PROVIDE THAT THE PROVISIONS OF THIS ACT TAKE EFFECT UPON APPROVAL BY THE GOVERNOR AND ARE CONTINGENT ON THE RATIFICATION OF A CONSTITUTIONAL AMENDMENT TO SECTION 7, ARTICLE IV, AND TO SECTION 2, ARTICLE XI, OF THE SOUTH CAROLINA CONSTITUTION, MAKING THE STATE SUPERINTENDENT OF EDUCATION A MEMBER OF THE GOVERNOR’S EXECUTIVE CABINET RATHER THAN AN ELECTED OFFICIAL.

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

SECTION 1. This act may be known and must be cited as the “South Carolina Education Efficiency Act”.

PART I

Superintendent of Education

SECTION 2. Section 59‑3‑10 of the 1976 Code is amended to read:

“Section 59‑3‑10. ~~The State Superintendent of Education shall be elected at each general election in the same manner as other State officers and shall enter upon the duties of his office at the time prescribed by law. Before entering upon the duties of his office he shall give bond for the use of the State in the penal sum of five thousand dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office, and he shall also, at the time of giving bond, take and subscribe the oath prescribed in Section 26 of Article III of the Constitution of the State, which shall be endorsed upon the back of the bond. The bond shall be filed with the Secretary of State, and by him recorded and, when so recorded, shall be filed with the State Treasurer. The Superintendent of Education shall receive as compensation for his services such sum as the General Assembly shall by law provide, payable monthly out of the State Treasury, and his traveling expenses, not exceeding three hundred dollars, shall be paid out of the State Treasury upon duly itemized accounts rendered by him.~~ The Department of Education is a member of the Governor’s executive cabinet and must be headed by a director known as the State Superintendent of Education who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to Section 1‑3‑240(B). The State Superintendent of Education is the chief administrative officer of the Department of Education, and shall supervise the department under the direction and control of the Governor and shall exercise other powers and perform other duties as the Governor requires.”

SECTION 3. Section 59‑3‑30(6) of the 1976 Code is amended to read:

(6) Administer, through the State Department of Education, all policies and procedures adopted by the ~~State Board of~~ Education Oversight Committee.”

PART II

Education Oversight Committee

SECTION 4. Chapter 6, Title 59 of the 1976 Code is amended to read:

“CHAPTER 6

~~Monitoring Implementation of Education Improvement Program~~ Education Oversight Committee

Article 1

Membership, Powers, and Duties

~~Section 59‑6‑10.~~ ~~(A) In order to assist in, recommend, and supervise implementation of programs and expenditure of funds for the Education Accountability Act and the Education Improvement Act of 1984, the Education Oversight Committee is to serve as the oversight committee for these acts. The Education Oversight Committee shall:~~

~~(1) review and monitor the implementation and evaluation of the Education Accountability Act and Education Improvement Act programs and funding;~~

~~(2) make programmatic and funding recommendations to the General Assembly;~~

~~(3) report annually to the General Assembly, State Board of Education, and the public on the progress of the programs;~~

~~(4) recommend Education Accountability Act and EIA program changes to state agencies and other entities as it considers necessary.~~

~~Each state agency and entity responsible for implementing the Education Accountability Act and the Education Improvement Act funded programs shall submit to the Education Oversight Committee programs and expenditure reports and budget requests as needed and in a manner prescribed by the Education Oversight Committee.~~

~~The committee consists of the following persons:~~

~~(1) Speaker of the House of Representatives or his designee;~~

~~(2) President Pro Tempore of the Senate or his designee;~~

~~(3) Chairman of the Education and Public Works Committee of the House of Representatives or his designee;~~

~~(4) Chairman of the Education Committee of the Senate or his designee;~~

~~(5) Governor or his designee;~~

~~(6) Chairman of the Ways and Means Committee of the House of Representatives or his designee;~~

~~(7) Chairman of the Finance Committee of the Senate or his designee;~~

~~(8) State Superintendent of Education or the superintendent’s designee who shall be an ex officio nonvoting member;~~

~~(9) five members representing business and industry who must have experience in business, management, or policy to be appointed as follows: one by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee; and~~

~~(10) five members representing public education teachers and principals to be appointed as follows: one by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee.~~

~~Initial appointment must be made by July 31, 1998, at which time the Governor or his designee shall call the first meeting. At the initial meeting, a chairman elected from the members representing the business and industry appointees and a vice chairman representing the education members shall be elected by a majority vote of the committee. The members appointed pursuant to items (1) through (8) may serve notwithstanding the provisions of Section 8‑13‑770. Their terms of office on the committee must be coterminous with their terms of office as Governor, Superintendent of Education, or members of the General Assembly.~~

~~(B) The terms of office of the members of the Education Oversight Committee, except for the legislative members, Governor, and State Superintendent of Education, are four years and until their successors are appointed and qualify except of those first appointed the terms must be staggered as follows:~~

~~(1) initial terms of two years shall be served by the two members of the business and industry community appointed by the chairmen of the Education Committees;~~

~~(2) initial terms of three years shall be served by the members of the education community appointed by the President Pro Tempore of the Senate and the Speaker of the House; and~~

~~(3) all other voting members shall serve initial four‑year terms. The terms of chairman and vice chairman shall be two years. At the end of each two‑year term, an election must be held for the chairmanship and vice chairmanship by majority vote of the members attending with quorum present. No member shall serve more than four consecutive years as chairman or vice chairman.~~

~~Members of the committee shall meet no less than once a quarter and annually shall submit their findings and recommendations to the General Assembly before March first of each fiscal year. The staff positions of the Education Oversight Committee and the people presently in those positions initially shall be transferred to the Education Oversight Committee as administrative staff to carry out its functions.~~

~~Section 59‑6‑15.~~ ~~(A) There is created the Business‑Education Partnership for Excellence in Education and a permanent standing subcommittee of the partnership for the purpose of reviewing the implementation of the South Carolina Education Improvement Act of 1984 and recommending other major education initiatives.~~

~~The Business‑Education Partnership for Excellence in Education consists of the following persons:~~

~~(1) Thirty‑two prominent civic and business leaders of which fourteen are appointed by the Governor; six appointed by the State Superintendent of Education; three appointed by the Speaker of the House of Representatives; three appointed by the President of the Senate; three appointed by the Chairman of the Education and Public Works Committee of the House of Representatives; and three appointed by the Chairman of the Education Committee of the Senate;~~

~~(2) Twenty educators of which eight are appointed by the State Superintendent of Education; four appointed by the Governor; two appointed by the Speaker of the House of Representatives; two appointed by the President of the Senate; two appointed by the Chairman of the Education and Public Works Committee of the House of Representatives; and two appointed by the Chairman of the Education Committee of the Senate;~~

~~(3) Lieutenant Governor or his designee;~~

~~(4) Chairman of the Committee on Children or his designee;~~

~~(5) Chairman of the Education Oversight Committee or his designee;~~

~~(6) The Governor and State Superintendent of Education shall serve as ex officio members.~~

~~The term of office of the members of the Business‑Education Partnership must be four years except that of those first appointed an equal number must serve terms of two, three, and four years respectively as determined by lot. Except in those cases where the term of a member of the Business‑Education Subcommittee has not expired, no member of the Business‑Education Partnership may serve more than two consecutive terms. The number of appointments provided for in items (1) and (2) above must be reduced proportionately by the membership requirements of subsection (B).~~

~~The chairman of the Business‑Education Partnership for Excellence in Education must be elected by the members of the partnership and must be chosen from among the thirty‑two business and civic leaders serving on the partnership. The Business‑Education Partnership must meet at the call of the chairman but not less than quarterly. The Governor must preside at all regular and special meetings of the partnership in which he is in attendance; at those meetings at which the Governor is not in attendance the State Superintendent of Education must preside, and in the absence of the Superintendent, the chairman of the partnership must preside.~~

~~The partnership in conjunction with the State Department of Education may cause to be held statewide public forums for the purpose of fostering open discussions regarding the impact of the Education Improvement Act on the state’s education system and education reform in general.~~

~~(B) The Business‑Education Partnership must establish a permanent standing subcommittee called the Business‑Education Subcommittee. The subcommittee must be composed of sixteen members of the Business‑Education Partnership elected by the Business‑Education Partnership. The composition of the subcommittee must be:~~

~~(1) ten civic and business leaders; and~~

~~(2) six educators.~~

~~The eighteen members serving on the Joint Business‑Education Subcommittee must remain on the Business‑Education Subcommittee as reconstituted on the effective date of this section. The term of office for members of the Business‑Education Subcommittee must be six years except that of the initial members an equal number must serve terms of two, four, or six years respectively as determined by lot. The chairman of the subcommittee is to be elected by the members of the subcommittee and must be one of the ten civic and business leaders serving on the subcommittee. Vacancies on the subcommittee must be filled from the membership of the Business‑Education Partnership by a majority vote of the members of the partnership.~~

~~Section 59‑6‑16.~~ ~~The State Board of Education in consultation with the Business‑Education Subcommittee shall appoint a leadership network of representatives from the private sector. The leadership network shall assist the State Board of Education business‑education partnership program by: (1) promoting business‑education partnerships, (2) evaluating business‑education partnerships, (3) disseminating the benefits of business‑education partnerships, and (4) formulating recommendations on goals and activities for the business‑education partnership program. The leadership network shall meet at least quarterly and make regular reports to the Business‑Education Subcommittee, State Board of Education, and Education Oversight Committee.~~

~~Section 59‑6‑17.~~ ~~The Business‑Education Subcommittee in consultation with the Education Oversight Committee shall study requiring school attendance as a condition of licensing for the privilege of the operation of a motor vehicle and shall provide a report to the General Assembly by January 1, 1990.~~

~~Section 59‑6‑20.~~ ~~The State Board of Education and State Superintendent of Education must establish within the State Department of Education a special unit at the division level called the Public Accountability Division. This special unit must be eliminated on July 1, 1991. The unit head shall hold a position comparable to a deputy superintendent and must be under the direct supervision of and shall report to the State Superintendent of Education.~~

~~The deputy superintendent must provide all reports to the Governor, Education Oversight Committee, Business‑Education Partnership for Excellence in Education, Business‑Education Subcommittee, and State Board of Education, and respond to any inquiries for information.~~

~~The Business‑Education Subcommittee shall serve as a screening committee for the selection of the unit head. The screening committee shall recommend for consideration three applicants. Final selection of the unit head must be made by the State Superintendent of Education after consulting with the Governor. All other positions must be filled following current state personnel and State Department of Education employment procedures.~~

~~The new unit is responsible for planning, monitoring, and reviewing programs developed under the Education Improvement Act and shall provide information, recommendations, and an annual assessment of the Education Improvement Act to the Governor, Education Oversight Committee, and Business‑Education Subcommittee.~~

~~The operating procedures for the new unit are the same as the operating procedures for the three established divisions in the State Department of Education. The Business‑Education Subcommittee shall review and approve all products produced by the new unit and make recommendations to the State Board of Education for final approval.~~

~~Section 59‑6‑30.~~ ~~The State Board of Education shall provide an assessment of the South Carolina Education Improvement Act of 1984 for consideration by the Business‑Education Subcommittee and the General Assembly. A special assessment shall be provided on March 1, 1985. Commencing in 1985, an annual assessment must be provided by December first of each year and an appropriate amount of funding must be provided for this purpose. The Business‑Education Subcommittee shall provide a report on the assessment to the Business‑Education Partnership, and the partnership shall submit its recommendations to the General Assembly prior to February first. The staff of the Business‑Education Subcommittee shall serve as the primary staff to the Business‑Education Partnership and may solicit the assistance of the staffs of the House Education and Public Works Committee, the Senate Education Committee, the Education Oversight Committee, the Public Accountability Division, and the Governor’s Office.~~

~~Section 59‑6‑100.~~ ~~Within the Education Oversight Committee, an Accountability Division must be established to report on the monitoring, development, and implementation of the performance based accountability system and reviewing and evaluating all aspects of the Education Accountability Act and the Education Improvement Act.~~

~~The Education Oversight Committee will employ, by a majority vote, for a contract term of three years an executive director for the Accountability Division. The director must be chosen solely on grounds of fitness to perform the duties assigned to him and must possess at least the following qualifications: a demonstrated knowledge of public education, experience in program evaluation, and experience in a responsible managerial capacity. No member of the General Assembly nor anyone who will have been a member for one year previously will be contracted to serve as director. The director will have the authority to employ, with the approval of the subcommittee, professional and support staff as necessary to carry out the duties of the division, which shall be separate from the administrative staff of the Education Oversight Committee.~~

~~Section 59‑6‑110.~~ ~~The division must examine the public education system to ensure that the system and its components and the EIA programs are functioning for the enhancement of student learning. The division will recommend the repeal or modification of statutes, policies, and rules that deter school improvement. The division must provide annually its findings and recommendations in a report to the Education Oversight Committee no later than February first. The division is to conduct in‑depth studies on implementation, efficiency, and the effectiveness of academic improvement efforts and:~~

~~(1) monitor and evaluate the implementation of the state standards and assessment;~~

~~(2) oversee the development, establishment, implementation, and maintenance of the accountability system;~~

~~(3) monitor and evaluate the functioning of the public education system and its components, programs, policies, and practices and report annually its findings and recommendations in a report to the commission no later than February first of each year; and~~

~~(4) perform other studies and reviews as required by law.~~

~~The responsibilities of the division do not include fiscal audit functions or funding recommendations except as they relate to accountability. It is not a function of this division to draft legislation and neither the director nor any other employee of the division shall urge or oppose any legislation. In the performance of its duties and responsibilities, the division and staff members are subject to the statutory provisions and penalties regarding confidentiality of records as they apply to students, schools, school districts, the Department of Education, and the Board of Education.~~

~~Section 59‑6‑120.~~ ~~The State Department of Education, the State Board of Education, and the school districts and schools shall work collaboratively with the Division of Accountability to provide information needed to carry out the responsibilities and duties of its office. The Division of Accountability may call on the expertise of the state institutions of higher learning and any other public agencies for carrying out its functions and may coordinate and consult with existing agency and legislative staff.~~

Section 59‑6‑110. Effective July 1, 2014, the State Board of Education is abolished and its functions, powers, duties, responsibilities, and authority specified by law are devolved upon the Education Oversight Committee, and the employees, authorized appropriations, and assets and liabilities of the State Board of Education are transferred to the Education Oversight Committee. All rules, regulations, standards, orders, or other actions of these entities must remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act, or as otherwise provided.

Section 59‑6‑120. The Education Oversight Committee was originally established to assist in, recommend, and supervise implementation of programs and expenditure of funds for the Education Accountability Act and the Education Improvement Act of 1984 by serving as the oversight committee for these acts. The role of the committee is expanded to include all functions, powers, duties, responsibilities, and authority of the State Board of Education following the abolition of that board.

Section 59‑6‑130. (A) The committee consists of:

(1) the Speaker of the House of Representatives or his designee;

(2) the President Pro Tempore of the Senate or his designee;

(3) the Chairman of the Education and Public Works Committee of the House of Representatives or his designee;

(4) the Chairman of the Education Committee of the Senate or his designee;

(5) the Governor or his designee;

(6) the Chairman of the Ways and Means Committee of the House of Representatives or his designee;

(7) the Chairman of the Finance Committee of the Senate or his designee;

(8) the State Superintendent of Education or the superintendent’s designee who must serve as secretary of the committee and is a nonvoting member;

(9) the Chairman of the Commission on Higher Education or his designee, who serves as a nonvoting member;

(10) the Chairman of the Board for Technical and Comprehensive Education or his designee, who serves as a nonvoting member;

(11) five members representing business and industry who must have experience in business, management, or policy to be appointed as follows: one by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee; and

(12) five members representing public education teachers and principals to be appointed as follows: one by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee.

(B) The members appointed pursuant to items (1) through (10) may serve notwithstanding the provisions of Section 8‑13‑770. Their terms of office on the committee must be coterminous with their terms of office as Governor, Superintendent of Education, or members of the General Assembly.

(C) The terms of office of the members of the Education Oversight Committee, except for the legislative members, Governor, and State Superintendent of Education, are four years and until their successors are appointed and qualify. Members serving at the effective date of this article may continue to serve the duration of the terms to which they were appointed.

(D) The membership must elect a chairman and vice chairman. The members serving as chairman and vice chairman on the effective date of this act may continue to serve the duration of the terms to which they were elected as chairman and vice chairman. The terms of the chairman and vice chairman must be two years, and at the end of each two‑year term, an election must be held for the chairmanship and vice chairmanship by majority vote of the members attending with quorum present. A member may serve no more than four consecutive years as chairman or vice chairman.

(E) The members of the committee representing business and industry and teachers and principals must receive as compensation a per diem and mileage as is provided for members of the General Assembly.

(F) The committee shall meet at least monthly, on the call of its chairman, or upon the request of a majority of its members. A majority of the committee shall constitute a quorum for transacting business.

(G) The committee shall maintain minutes of all meetings and supporting documents and post them online at the committee’s website.

Section 59‑6‑140. The Education Oversight Committee has the power to:

(1) Adopt policies, rules and regulations not inconsistent with the laws of the State for its own government and for the government of public schools and other educational initiatives as authorized by the General Assembly.

(2) Annually approve budget requests for the institutions, agencies, and service under the control of the committee as prepared by the State Superintendent of Education prior to being submitted to the State Budget and Control Board and to the General Assembly.

(3) Adopt minimum standards for any phase of education as are considered necessary to aid in providing adequate educational opportunities and facilities.

(4) Prescribe and enforce rules for the examination and certification of teachers.

(5) Grant state teachers’ certificates and revoke them for immoral or unprofessional conduct, or evident unfitness for teaching.

(6) Prescribe and enforce courses of study for public schools.

(7) Prescribe and enforce the use of textbooks and other instructional materials, including digital materials and devices, for the various subjects taught or used in conjunction within all public schools in accordance with the courses of study as prepared and promulgated by the committee.

(8) Appoint committees and members of committees as may be required or as may be desirable to carry out the orderly function of the committee.

(9) Cooperate fully with the State Superintendent at all times to the end that the state system of public education may constantly be improved.

(10) With respect to its oversight role for the Education Accountability Act and the Education Improvement Act of 1984:

(a) review and monitor the implementation and evaluation of the Education Accountability Act and Education Improvement Act programs and funding;

(b) make programmatic and funding recommendations to the General Assembly;

(c) report annually to the General Assembly, the Governor, and the public on the progress of the programs;

(d) recommend Education Accountability Act and EIA program changes to state agencies and other entities as it considers necessary; and

(e) prescribe the manner in which each state agency and entity responsible for implementing the Education Accountability Act and the Education Improvement Act funded programs shall submit to the committee programs and expenditure reports and budget requests as needed.

(11) Assume other responsibilities and exercise other powers and perform other duties as may be assigned to it by law or as it may find necessary to aid in carrying out the purpose and objectives of the Constitution of the State.

Section 59‑6‑150. In addition to the powers and responsibilities in Section 59‑6‑140, the Education Oversight Committee has the power and responsibility to:

(1) Establish regulations prescribing minimum standards of conduct and behavior that must be met by all pupils as a condition to the right of pupils to attend the public schools of the State. The rules shall take into account the necessity of proper conduct on the part of all pupils in order that the welfare of the greatest possible number of pupils must be promoted notwithstanding that the rules may result in suspension or expulsion of pupils, provided, however, that disciplinary procedures must be in compliance with Public Law 94‑142.

(2) Promulgate regulations prescribing a uniform system of minimum enforcement by the various school districts of the rules of conduct and behavior.

(3) Establish rules prescribing scholastic standards of achievement. The rules shall take into account the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils must be promoted. School districts may impose additional standards of conduct and may impose additional penalties for the violation of these standards of behavior, provided, however, that disciplinary procedures must be in compliance with Public Law 94‑142.

(4) Establish regulations prescribing a uniform system of enforcement by the various school districts of the state compulsory attendance laws and regulations promulgated pursuant to Section 59‑65‑90.

(5) Promulgate regulations to ensure that all secondary schools, with the exception of career and technology schools and secondary schools whose enrollment is entirely handicapped, offer programs and services to assist all students to become college and career ready.

(6) Promulgate regulations to ensure that each school district in its secondary school or career and technology center shall establish clearly defined career and technology programs designed to assist all students to become college and career ready.

(7) Establish criteria for promotion of students to the next higher grade and graduation requirements.

(8) Develop and implement regulations requiring all school districts to provide at least one‑half day early childhood development programs for four‑year‑old children who have predicted significant readiness deficiencies and whose parents voluntarily allow participation. The regulations must require intensive and special efforts to recruit children whose participation is difficult to obtain. The school districts may contract with appropriate groups and agencies to provide part or all of the programs. If a local advisory committee exists in a community to coordinate early childhood education and development, school districts shall consult with the committee in planning and developing services. The State Department of Education shall collect and analyze longitudinal data to determine the effects of child development programs on the later achievement of children by tracking four‑year‑old child development program participants through kindergarten and the first three years of elementary school to examine their performance on appropriate performance measures.

(9) Adopt guidelines whereby the secondary schools of this State shall emphasize teaching as a career opportunity.

(10) Adopt policies and procedures for the local school districts to follow whereby:

(a) regular conferences between parents and teachers are encouraged;

(b) each school has active parent and teacher participation on the school improvement council and in parent‑teacher groups; and

(c) parenting classes and seminars are made readily available in every school district.

(11) Adopt policies and procedures to accomplish the following:

(a) have school personnel encourage advice and suggestions from the business community;

(b) have business organizations encourage their members to become involved in efforts to strengthen the public schools;

(c) encourage all schools and businesses to participate in adopt‑a‑school programs; and

(d) encourage statewide businesses and their organizations to initiate a Public Education Foundation to fund exemplary and innovative projects which support improvement in the public schools.

(12) Adopt policies and procedures to accomplish the following:

(a) expand school volunteer programs; and

(b) encourage civic and professional organizations to participate in local adopt‑a‑school programs.

(13) Develop by regulation a model safe schools checklist to be used by school districts on a regular basis to assess their schools’ safety strengths and weaknesses. The checklist must include:

(a) the existence of a comprehensive safety plan;

(b) communication of discipline policies and procedures;

(c) intra‑agency and interagency emergency planning;

(d) recording of disruptive incidents;

(e) training of staff and students;

(f) assessment of buildings and grounds;

(g) procedures for handling visitors;

(h) assignment of personnel in emergencies;

(i) emergency communication and management procedures; and

(j) transportation rules and accident procedures.

(14) Consult with the Department of Agricultural Education of Clemson University at all steps in the development of any state plan prepared to satisfy any federal requirement related to the Carl Perkins Vocational and Applied Technology and Education Act or any successor federal law, including, but not limited to, the allocation or distribution of funds under this federal act.

(15) Develop and implement regulations in collaboration with the Commission on Higher Education that define the postsecondary readiness standards for literacy and mathematics skills and ensure that the academic content and learning skills necessary for postsecondary success are emphasized in the high school curriculum including the provision of postsecondary readiness transitional courses.

(16) Develop and implement regulations in collaboration with the Commission on Higher Education regarding the collection of public reporting of data that measure the postsecondary success of high school graduates.

Section 59‑6‑160. The Education Oversight Committee, as successor to the Board of Education, shall prescribe and promulgate, in the manner provided by law, reasonable rules and regulations to carry out the provisions of Sections 59‑5‑100 and 59‑5‑110, Chapter 21, Article 3, Chapter 67, Articles 1 and 5, Chapter 71 and rules and regulations shall have the full force and effect of law.

Section 59‑6‑170. (A) The committee may, in its discretion, designate one or more of its members to conduct a hearing in connection with a responsibility of the committee and to make a report on the hearing to the committee for its determination.

(B) The committee in its discretion also may designate a hearing officer for the purpose of hearing matters relating to the suspension or revocation of teacher certificates. The hearing officer shall then make a recommendation to the committee for final action.

Section 59‑6‑180. The Education Oversight Committee, through local school districts and area career and technology centers, shall establish, maintain, and operate secondary occupational vocational education courses for secondary school students in public schools in accordance with guidelines and standards established by the committee and in accordance with federal laws pertaining to career and technology education. The committee shall approve secondary occupational career and technology education courses.

Article 3

Accountability

Section 59‑6‑310. (A) Within the Education Oversight Committee, a Division of Accountability must be established to report on the monitoring, development, and implementation of the performance‑based accountability system and reviewing and evaluating all aspects of the Education Accountability Act and the Education Improvement Act.

(B) The Education Oversight Committee will employ, by a majority vote, for a contract term of three years an executive director for the Division of Accountability. The director must be chosen solely on grounds of fitness to perform the duties assigned to him and must possess at least the following qualifications: a demonstrated knowledge of public education, experience in program evaluation, and experience in a responsible managerial capacity. No member of the General Assembly nor anyone who will have been a member for one year previously will be contracted to serve as director. The director will have the authority to employ, with the approval of the subcommittee, professional and support staff as necessary to carry out the duties of the division, which must be separate from the administrative staff of the Education Oversight Committee.

Section 59‑6‑320. The division must examine the public education system to ensure that the system and its components and the EIA programs are functioning for the enhancement of student learning. The division will recommend the repeal or modification of statutes, policies, and rules that deter school improvement. The division must provide annually its findings and recommendations in a report to the Education Oversight Committee no later than February first. The division is to conduct in‑depth studies on implementation, efficiency, and the effectiveness of academic improvement efforts and:

(1) monitor and evaluate the implementation of the state standards and assessment;

(2) oversee the development, establishment, implementation, and maintenance of the accountability system;

(3) monitor and evaluate the functioning of the public education system and its components, programs, policies, and practices and report annually its findings and recommendations in a report to the commission by February first of each year; and

(4) perform other studies and reviews as required by law.

The responsibilities of the division do not include fiscal audit functions or funding recommendations except as they relate to accountability. It is not a function of this division to draft legislation and neither the director nor another employee of the division shall urge or oppose any legislation. In the performance of its duties and responsibilities, the division and staff members are subject to the statutory provisions and penalties regarding confidentiality of records as they apply to students, schools, school districts, the Department of Education, and the Education Oversight Committee.

Section 59‑6‑330. The State Department of Education, the Education Oversight Committee, the school districts, and the schools shall work collaboratively with the Division of Accountability to provide information needed to carry out the responsibilities and duties of its office. The Division of Accountability may call on the expertise of the state institutions of higher learning and other public agencies for carrying out its functions and may coordinate and consult with existing agencies and legislative staff.

Article 5

Governors’ Institute of Reading

Section 59‑6‑510. The General Assembly finds that:

(1) reading is the most important academic skill and the basis for success in school and work;

(2) test results indicate that a significant portion of South Carolina students score below the fiftieth percentile on nationally normed achievement tests; and

(3) it is necessary and proper to establish a comprehensive long‑term commitment to improve reading as well as overall academic performance.

Section 59‑6‑520. (A) There is created within the State Department of Education the Governor’s Institute of Reading. The purpose of the institute is to create a collaborative effort to mobilize education, business, and community resources to ensure that all children learn to read independently and well by the end of the third grade. The purpose of the institute also is to mobilize efforts to improve the reading abilities of students in the middle grades and accelerate the learning of students reading below grade level. The Governor’s Institute of Reading is based upon a collaborative effort of education professionals and reading experts and designed to promote reading in every school district. To accomplish this mission, the institute shall:

(1) review the best practices in the teaching of reading;

(2) provide teachers with professional development and support for implementing best practices in the teaching of reading; and

(3) award competitive grants to school districts for designing and providing a comprehensive approach to reading instruction based on best practices.

(B) The Education Oversight Committee shall develop guidelines for administering and allocating funds for the Governor’s Institute of Reading. Grants must be awarded to districts for implementing programs designed to achieve exemplary reading. The department may carry forward unexpended appropriations to be used for this same purpose from fiscal year to fiscal year.

Article 7

Miscellaneous Provisions

Section 59‑6‑710. The Education Oversight Committee shall adopt and school districts of the State shall use the uniform grading scale in use on the effective date of this act.

Section 59‑6‑720. The Education Oversight Committee shall review and refine, as necessary, regulations that define the criteria for an out‑of‑field permit and for school districts to report out‑of‑field teaching for teachers who are not teaching one hundred percent of the time in their areas of certification or in a field in which the teachers have twelve or more academic hours from a regionally, state, or nationally accredited program, with special provisions made for phasing in middle level certification.

Section 59‑6‑730. The department shall use professional performance dimensions in the ADEPT program and department guidelines for the teacher induction program in use on the effective date of this act.

Section 59‑6‑740. The Education Oversight Committee, as successor to the State Board of Education, shall disburse funds as provided by the General Assembly and shall have further powers as are committed to it by this title. The committee also shall advise the General Assembly as requested.

Section 59‑6‑750. Academic and career and technology training provided by the South Carolina Opportunity School, the John De La Howe School, and the South Carolina School for the Deaf and the Blind must meet standards prescribed by the Education Oversight Committee based upon standards prescribed by the South Carolina Department of Education for the academic and career and technology programs of these schools. The committee may prescribe additional requirements as necessary. The State Superintendent of Education shall administer the standards related to the high school and elementary school programs. Reports from the State Department of Education, evaluating the education program and indicating whether or not the program meets the standards as prescribed, must be made directly to the board of each institution at regularly scheduled meetings. State Department of Education supervisory personnel must be utilized for evaluating the programs and reporting to each board.

Section 59‑6‑760. The Education Oversight Committee shall initiate an award program to recognize business and industries, civic organizations, school improvement councils, and individuals contributing most significantly to public education.

Section 59‑6‑770. (A) In order to facilitate the on‑time graduation of children of families who have moved to South Carolina during the child’s twelfth grade year, the Education Oversight Committee may:

(1) waive specific courses required for graduation if those courses were not specifically required for graduation in the student’s most recent state of residence; however, the committee may not waive the number of courses required in ELA, math, and science. If a student does not have sufficient course credit to be issued a South Carolina diploma, the committee, to the extent possible, shall provide an alternative means of acquiring required coursework so that the student could receive a South Carolina high school diploma and graduation may occur on time; and

(2) accept exit exams, end‑of‑course exams, or alternative testing required for graduation from the sending state in lieu of South Carolina testing requirements for graduation provided that all portions of these exams necessary for graduation from the sending state have been satisfactorily met.

(B) In the event the alternatives provided in subsection (A) cannot be accommodated after all alternatives have been considered, the Education Oversight Committee shall work with other state boards and departments of education to help facilitate the receipt of a diploma from the sending state if the student meets the graduation requirements of that state.

(C) The Education Oversight Committee shall develop guidelines and subsequent regulations to comply with the provisions of this section.

Section 59‑6‑780. The Education Oversight Committee shall promulgate regulations directing the principal of each elementary school having grades one through five to develop and implement a plan which shall equitably apportion lunchroom duty among the teachers so that each teacher has as many duty free lunch periods as may be reasonable in order to insure the safety and welfare of students and staff. The implementation of the plan shall not impose additional costs on the school districts.”

PART III

Miscellaneous and Conforming Provisions

SECTION 5. (A) The Code Commissioner is directed to change or correct all references to these offices of the former State Board of Education in the 1976 Code to reflect the transfer of its functions, powers, duties, responsibilities, authority, employees, authorized appropriations, and assets and liabilities, among other things, transferred to the Education Oversight Committee by this act.

(B) On or before July 1, 2015, the Code Commissioner also shall prepare and deliver a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning appropriate and conforming changes to the 1976 Code of Laws reflecting the provisions of this act.

SECTION 6. Section 59‑3‑20 and Chapter 5, Title 59 of the 1976 Code are repealed.

SECTION 7. 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 8. The provisions of this act take effect upon approval by the Governor and are contingent on the ratification of a constitutional amendment to Section 7, Article IV, and to Section 2, Article XI, of the South Carolina Constitution, 1895, making the State Superintendent of Education a member of the Governor’s executive cabinet rather than an elected official.

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