**A** **BILL**

TO AMEND SECTION 59‑155‑160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATORY RETENTION POLICIES AND RELATED REMEDIAL PROGRAMS IN THE READ TO SUCCEED ACT, SO AS TO REMOVE THE RETENTION POLICIES, TO REVISE THE REMEDIAL PROGRAMS, AND TO MAKE THE REMEDIAL PROGRAMS APPLICABLE TO STUDENTS WHO PREVIOUSLY WOULD HAVE BEEN RETAINED; TO AMEND SECTION 59‑155‑120, RELATING TO DEFINITIONS IN THE READ TO SUCCEED ACT, SECTION 59‑155‑130, RELATING TO DUTIES OF THE READ TO SUCCEED OFFICE, AND SECTION 59‑156‑150, RELATING TO DUTIES OF VARIOUS STATE AGENCIES UNDER THE CHILD EARLY READING DEVELOPMENT AND EDUCATION PROGRAM, ALL SO AS TO MAKE CONFORMING CHANGES.

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

Part I

Read to Succeed Retention Eliminated

SECTION 1. Section 59‑155‑160 of the 1976 Code is amended to read:

“Section 59‑155‑160. (A) ~~Beginning with the 2017‑2018 School Year,~~ A student ~~must be retained in the third grade if the student~~ who fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS)~~. A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:~~

~~(1)~~ ~~with limited English proficiency and less than two years of instruction in English as a Second Language program;~~

~~(2)~~ ~~with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose Individual Education Plan or Section 504 Plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;~~

~~(3)~~ ~~who demonstrate third‑grade reading proficiency on an alternative assessment approved by the board and which teachers may administer following the administration of the state assessment of reading;~~

~~(4)~~ ~~who have received two years of reading intervention and were previously retained;~~

~~(5)~~ ~~who through a reading portfolio document, the student’s mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. Such evidence must be an organized collection of the student’s mastery of the state English/language arts standards that are assessed by the grade three state reading assessment. The Read to Succeed Office shall develop the assessment tool for the student portfolio; however, the student portfolio must meet the following minimum criteria:~~

~~(a)~~ ~~be selected by the student’s English/language arts teacher or summer reading camp instructor;~~

~~(b)~~ ~~be an accurate picture of the student’s ability and only include student work that has been independently produced in the classroom;~~

~~(c)~~ ~~include evidence that the benchmarks assessed by the grade three state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district or school’s adopted core reading curriculum that are aligned with the state English/language arts standards or teacher‑prepared assessments;~~

~~(d)~~ ~~be an organized collection of evidence of the student’s mastery of the English/language arts state standards that are assessed by the grade three state reading assessment. For each benchmark there must be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and~~

~~(e)~~ ~~be signed by the teacher and the principal as an accurate assessment of the required reading skills; and~~

~~(6)~~ ~~who successfully participate in a summer reading camp at the conclusion of the third grade year and demonstrate through either a reading portfolio or through a norm‑referenced, alternative assessment, selected from a list of norm‑referenced, alternative assessments approved by the Read to Succeed Office for use in the summer reading camps, that the student’s mastery of the state standards in reading is equal to at least a level above the lowest level on the state reading assessment.~~

~~(B)~~ ~~The superintendent of the local school district must determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:~~

~~(1)~~ ~~The teacher of a student eligible for exemption must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate based on the student’s academic record. This evidence must be limited to the student’s individual education program, alternative assessments, or student reading portfolio. The Read to Succeed Office must provide districts with a standardized form to use in the process.~~

~~(2)~~ ~~The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion to the district superintendent for final determination.~~

~~(3)~~ ~~The district superintendent’s acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.~~

~~(4)~~ ~~A parent or legal guardian may appeal the decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision and provide copies to the parent or legal guardian and the principal.~~

~~(C)(1)~~ ~~Students eligible for retention under the provisions in Section 59‑155‑160(A)~~:

(1) may enroll in a summer reading camp provided by their school district or a summer reading camp consortium to which their district belongs prior to ~~being retained the following school year~~ beginning fourth grade. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. The camps must be taught by compensated teachers who have at least an add‑on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade level texts. The Read to Succeed Office shall assist districts that cannot find qualified teachers to work in the summer camps. Districts also may choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith‑based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. A parent or guardian of a student who does not ~~substantially~~ demonstrate substantial proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student’s participation in the summer reading camp.

~~(2)~~ A district may include in the summer reading camps students who are not exhibiting reading proficiency at any grade and do not meet the good cause exemption. Districts may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59‑19‑90, except where a child is found to be reading below grade level in the first, second, or third grade and does not meet the good cause exemption~~.~~; and

(~~D~~2) ~~Retained students~~ must be provided intensive instructional services and support, including a minimum of ninety minutes of daily reading and writing instruction, supplemental text‑based instruction, and other strategies prescribed by the school district. These strategies may include, but are not limited to, instruction directly focused on improving the student’s individual reading proficiency skills through small group instruction, reduced teacher‑student ratios, more frequent student progress monitoring, tutoring or mentoring, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The school must report to the Read to Succeed Office on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

~~(E)~~ ~~If the student is not demonstrating third‑grade reading proficiency by the end of the second grading period of the third grade:~~

~~(1)(a)~~ ~~his parent or guardian timely must be notified, in writing, that the student is being considered for retention and a conference with the parent or guardian must be held prior to a determination regarding retention is made, and conferences must be documented;~~

~~(b)~~ ~~within two weeks following the parent/teacher conference, copies of the conference form must be provided to the principal, parent or guardian, teacher and other school personnel who are working with the child on literacy, and summary statements must be sent to parents or legal guardians who do not attend the conference;~~

~~(c)~~ ~~following the parent/teacher retention conference, the principal, classroom teacher, and other school personnel who are working with the child on literacy must review the recommendation for retention and provide suggestions for supplemental instruction; and~~

~~(d)~~ ~~recommendations and observations of the principal, teacher, parent or legal guardian, and other school personnel who are working with the child on literacy must be considered when determining whether to retain the student.~~

~~(2)~~ ~~The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced‑based services outside the instructional day.~~

(~~F~~B) For students in grades ~~four~~ five and above who are ~~substantially~~ not demonstrating substantial reading proficiency, interventions ~~shall~~ must be provided by reading interventionists in the classroom and supplementally by teachers with a literacy teacher add‑on endorsement or reading/literacy coaches. This supplemental support ~~will~~ must be provided during the school day and, as appropriate, before or after school as documented in the district reading plan, and may include book clubs or summer reading camps.”

Part II

Conforming and Miscellaneous Provisions

SECTION 2. Section 59‑155‑120(12) of the 1976 Code is amended to read:

“(12) ‘Summer reading camp’ means an educational program offered in the summer by each local school district or consortia of school districts for students who are unable to comprehend grade‑level texts ~~and who qualify for mandatory retention~~.”

SECTION 3. Section 59‑155‑130(8)(d) of the 1976 Code is amended to read:

“(d) number of third‑graders ~~retained~~ who failed to demonstrate reading proficiency at the end of the third grade as provided in Section 59‑155‑160(A); and”

SECTION 4. Section 59‑156‑150 of the 1976 Code is amended to read:

“Section 59‑156‑150. The Department of Education, the Read to Succeed Office, and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research‑based preschool curricula for use in the program based upon the South Carolina Content Standards, and provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved prekindergarten readiness assessments to be used in conjunction with the program, and provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data‑collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements; and

(10) ~~establish criteria for granting student retention waivers; and~~  ~~(11)~~ establish criteria for granting classroom‑size requirements waivers.”

SECTION 5. This act takes effect upon approval by the Governor.

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