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Indicates New Matter

AMENDED

March 4, 2020

**S. 419**

Introduced by Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander

S. Printed 3/4/20--S. [SEC 3/5/20 10:40 AM]

Read the first time January 24, 2019.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA CAREER OPPORTUNITY AND ACCESS FOR ALL ACT”; BY ADDING SECTION 59‑1‑485 SO AS TO PROVIDE A STATEWIDE COLLEGE AND CAREER READINESS GOAL FOR 2030; BY ADDING ARTICLE 15 TO CHAPTER 63, TITLE 59 SO AS TO CREATE THE “STUDENT BILL OF RIGHTS”; TO AMEND SECTION 59‑5‑10, RELATING TO THE STATE BOARD OF EDUCATION, SO AS TO ADD A PUBLIC SCHOOL STUDENT APPOINTED BY THE GOVERNOR TO SERVE A TWO‑YEAR TERM AS A NONVOTING ADVISORY MEMBER; BY ADDING CHAPTER 12 TO TITLE 1 SO AS TO CREATE THE “ZERO TO TWENTY COMMITTEE” AND TO PROVIDE FOR THE PURPOSES, MEMBERSHIP, AND DUTIES OF THE COMMITTEE; BY ADDING SECTION 59‑29‑250 SO AS TO PROVIDE FOR THE EXPANSION AND ENHANCEMENT OF COMPUTER SCIENCE EDUCATION IN HIGH SCHOOLS; TO AMEND SECTION 59‑18‑310, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM, SO AS TO REMOVE SOCIAL STUDIES FROM THE ACADEMIC AREAS ASSESSED; TO AMEND SECTION 59‑18‑320, RELATING TO FIELD TESTS IN THE STATEWIDE ASSESSMENT PROGRAM AND ADMINISTRATION OF ASSESSMENTS UNDER THE PROGRAM, SO AS TO MAKE CHANGES TO CONFORM TO THE REMOVAL OF SOCIAL STUDIES FROM THE ACADEMIC AREAS ASSESSED; TO AMEND SECTION 59‑18‑325, RELATING TO REQUIREMENTS THAT THE DEPARTMENT PROCURE AND ADMINISTER CERTAIN STANDARDS‑BASED ASSESSMENTS, SO AS TO REMOVE THE REQUIREMENT FOR PROCURING AND ADMINISTERING STANDARDS‑BASED ASSESSMENTS IN SOCIAL STUDIES TO STUDENTS IN FIFTH GRADE AND SEVENTH GRADE; BY ADDING SECTION 59‑156‑250 SO AS TO PROVIDE THE STATE OFFICE OF FIRST STEPS TO SCHOOL READINESS AND THE STATE DEPARTMENT OF EDUCATION SHALL COMPILE AND REPORT TO THE GENERAL ASSEMBLY CERTAIN INFORMATION ABOUT EARLY CHILDHOOD READING EFFORTS, PLANS TO INCREASE PARTICIPATION IN RELATED PROGRAMS IN CERTAIN DISTRICTS, AND TO REQUIRE A SUBSEQUENT REPORT IN FIVE YEARS; TO AMEND SECTION 59‑104‑20, RELATING TO THE CRITERIA FOR PALMETTO FELLOWS SCHOLARSHIPS, SO AS TO STRENGTHEN ENGLISH, MATHEMATICS, AND COMPUTER SCIENCE FOUNDATIONS OF HIGH SCHOOL SENIORS SEEKING PALMETTO FELLOWS SCHOLARSHIPS BY REQUIRING SUCCESSFUL COMPLETION OF CERTAIN ENGLISH AND MATHEMATICS OR COMPUTER SCIENCE COURSEWORK DURING THEIR SENIOR YEARS, AND TO EXCLUDE MEMBERS OF THE 2019‑2020 SENIOR CLASS FROM THESE REQUIREMENTS; TO AMEND SECTION 59‑149‑50, RELATING TO THE CRITERIA FOR LIFE SCHOLARSHIPS, SO AS TO STRENGTHEN ENGLISH, MATHEMATICS, AND COMPUTER SCIENCE FOUNDATIONS OF HIGH SCHOOL SENIORS SEEKING LIFE SCHOLARSHIPS BY REQUIRING SUCCESSFUL COMPLETION OF CERTAIN ENGLISH AND MATHEMATICS OR COMPUTER SCIENCE COURSEWORK DURING THEIR SENIOR YEARS, AND TO EXCLUDE MEMBERS OF THE 2019‑2020 SENIOR CLASS FROM THESE REQUIREMENTS; TO AMEND SECTION 59‑59‑210, RELATING TO ARTICULATION AGREEMENTS PROVIDING DUAL ENROLLMENT BETWEEN HIGH SCHOOLS AND PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO EXPAND SUCH DUAL ENROLLMENT OPPORTUNITIES BY CREATING A UNIFORM SYSTEM OF DUAL ENROLLMENT COLLEGE COURSES OFFERED TO HIGH SCHOOL STUDENTS BY PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59‑18‑365 SO AS TO PROVIDE A SYSTEM FOR ACCOUNTABILITY FOR STUDENT PROGRESS TOWARD COLLEGE AND CAREER READINESS FROM KINDERGARTEN THROUGH TWELFTH GRADE; TO AMEND SECTION 59‑5‑65, RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION, SO AS TO PROVIDE REMEDIAL COURSEWORK FOR COLLEGE READINESS ONLY MAY BE PROVIDED AT THE HIGH‑SCHOOL LEVEL AND MAY NOT BE PROVIDED AT PUBLIC INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTIONS 59‑18‑1950 AND 59‑101‑350, BOTH RELATING TO REMEDIAL COURSEWORK, SO AS TO MAKE A CONFORMING CHANGE TO THE ELIMINATION OF REMEDIAL COURSEWORK BEING OFFERED AT PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59‑155‑155 SO AS TO PROVIDE THE STATE BOARD OF EDUCATION SHALL APPROVE NO MORE THAN FIVE RELIABLE AND VALID EARLY LITERACY AND NUMERACY SCREENING ASSESSMENT INSTRUMENTS FOR SELECTION AND USE BY SCHOOL DISTRICTS FOR KINDERGARTEN THROUGH THIRD GRADE, AND TO PROVIDE REQUIREMENTS FOR SUCH INSTRUMENTS; TO AMEND SECTION 59‑155‑110, RELATING TO THE READ TO SUCCEED OFFICE, SO AS TO CORRECT A TYPOGRAPHICAL ERROR; TO AMEND SECTION 59‑155‑120, RELATING TO DEFINITIONS IN THE READ TO SUCCEED ACT, SO AS TO REVISE DEFINITIONS; TO AMEND SECTION 59‑155‑130, RELATING TO DUTIES OF THE READ TO SUCCEED OFFICE, SO AS TO REVISE THE REQUIREMENTS CONCERNING COURSEWORK NECESSARY FOR LITERACY ADD‑ON ENDORSEMENTS AND TO REVISE REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT IN READING AND COACHING FOR CERTIFIED READING/LITERACY COACHES AND LITERACY TEACHERS; TO AMEND SECTION 59‑155‑140, RELATING TO THE STATE READING PROFICIENCY PROGRAM, SO AS TO REMOVE THE USE OF BOOK CLUBS FOR CERTAIN REQUIRED SUPPLEMENTAL INSTRUCTION; TO AMEND SECTION 59‑155‑150, RELATING TO THE READINESS ASSESSMENT PROVIDED BY THE READ TO SUCCEED ACT, SO AS TO REVISE THE REQUIREMENTS FOR SCREENING AND DIAGNOSTIC ASSESSMENTS AND INTERVENTIONS; TO AMEND SECTION 59‑155‑160, RELATING TO MANDATORY STUDENT RETENTION PROVISIONS OF THE READ TO SUCCEED ACT, SO AS TO REVISE CRITERIA FOR RETENTION AND EXEMPTIONS FROM RETENTION, TO ELIMINATE AN APPEALS PROCESS, AND TO REVISE CRITERIA FOR INTENSIVE INSTRUCTIONAL SERVICES AND SUPPORT PROVIDED TO RETAINED STUDENTS; TO AMEND SECTION 59‑155‑180, RELATING TO PROVISIONS CONCERNING TEACHER EDUCATION PROGRAMS IN THE READ TO SUCCEED ACT, SO AS TO REMOVE THE REQUIREMENT THAT READING/LITERACY COACHES BE EMPLOYED IN ALL ELEMENTARY SCHOOLS, TO REVISE REQUIREMENTS CONCERNING THE ROLES AND FUNCTIONS OF READING/LITERACY COACHES, TO PROVIDE MEASURES TO ENSURE TEACHER CANDIDATES UNDERSTAND THE FOUNDATIONS OF READING AND ARE PREPARED TO TEACH READING TO ALL STUDENTS, AND TO PROVIDE THE COMMISSION ON HIGHER EDUCATION AND THE LEARNING DISORDERS TASK FORCE ANNUALLY SHALL ASSESS THE EFFECTIVENESS OF TEACHER EDUCATION PROGRAMS IN PREPARING TEACHERS TO DIAGNOSE READING PROBLEMS IN STUDENTS AND PROVIDE APPROPRIATE INTERVENTIONS, AND TO PROVIDE THE COMMISSION SHALL REPORT FINDINGS OF THIS ASSESSMENT TO THE STATE DEPARTMENT OF EDUCATION AND TO THE GENERAL ASSEMBLY; TO AMEND SECTION 59‑59‑20, RELATING TO CAREER‑CLUSTER CURRICULUM, SO AS TO REVISE THE CURRICULUM TO ALIGN WITH WORKFORCE NEEDS, AMONG OTHER THINGS; TO AMEND SECTION 59‑59‑50, RELATING TO STATE MODELS AND PROTOTYPES FOR INDIVIDUAL GRADUATION PLANS, SO AS TO REVISE THE REQUIREMENTS TO INCLUDE CAREER CLUSTERS AND RELATED PATHWAYS AND PROGRAMS OF STUDY, AMONG OTHER THINGS; TO AMEND SECTION 59‑59‑60, RELATING TO THE ORGANIZATION OF HIGH SCHOOL CURRICULA AROUND CLUSTERS OF STUDY AND CLUSTER MAJORS, SO AS TO REORGANIZE THE CURRICULA AROUND CAREER PATHWAYS AND TO PROMOTE RELATED INCREASED AWARENESS AND CAREER COUNSELING; BY ADDING SECTION 59‑53‑30 SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH COMMON MINIMUM ADMISSIONS SCORES FOR ITS INSTITUTIONS, TO PROVIDE VARIATIONS IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE ADVICE INSTITUTIONS SHOULD GIVE INDIVIDUALS WHO MEET THESE MINIMUM SCORES; TO AMEND SECTION 59‑150‑360, RELATING TO TUITION ASSISTANCE FOR STUDENTS WHO ATTEND TECHNICAL COLLEGES OR TWO‑YEAR PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO PROVIDE THIS ASSISTANCE FOR STUDENTS SEEKING CERTAIN BUSINESS OR INDUSTRY CREDENTIALS, AMONG OTHER THINGS; BY ADDING SECTION 12‑6‑3800 SO AS TO ALLOW AN INCOME TAX CREDIT FOR A TAXPAYER WHO EMPLOYS A PUBLIC SCHOOL K4‑12 TEACHER AS AN INTERN, TO PROVIDE THAT THE INTERNSHIP MUST BE APPROVED BY THE SCHOOL DISTRICT IN WHICH THE TEACHER IS EMPLOYED BASED ON CRITERIA PROVIDED BY THE DEPARTMENT OF EDUCATION, AND TO PROVIDE FOR REPORTING REQUIREMENTS; TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AND THE STATE BOARD OF EDUCATION TO REPORT RECOMMENDATIONS FOR TRANSFERRING ADULT BASIC EDUCATION AND ADULT SECONDARY EDUCATION TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AND HOW TO BEST USE CAREER AND TECHNOLOGY CENTERS TO PROVIDE IMPROVED AND UPDATED TECHNICAL EDUCATION; TO AMEND SECTION 59‑111‑110, RELATING TO CERTAIN PEOPLE EXEMPT FROM PAYING TUITION TO ATTEND PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO INCLUDE FULL‑TIME CERTIFIED CLASSROOM TEACHERS EMPLOYED IN SCHOOLS WITH ABSOLUTE RATINGS OF BELOW AVERAGE OR UNSATISFACTORY FOR THREE OF THE FOUR PRECEDING YEARS; BY ADDING SECTION 59‑111‑155 SO AS TO PROVIDE A NECESSARY DEFINITION; BY ADDING SECTION 59‑19‑360 SO AS TO PROVIDE SCHOOL BOARDS MAY REIMBURSE TEACHERS WHO MUST TRAVEL MORE THAN TWENTY‑FIVE MILES EACH WAY BETWEEN HOME AND SCHOOL FOR MILEAGE AT A RATE NOT TO EXCEED THE FEDERAL RATE; TO AMEND SECTION 59‑19‑350, RELATING TO SCHOOLS OF CHOICE, SO AS TO PROVIDE SCHOOL DISTRICTS INSTEAD MAY CREATE MULTIPLE SCHOOLS OF INNOVATION; BY ADDING SECTION 59‑8‑1115 SO AS TO PROVIDE SCHOOLS RECEIVING OVERALL RATINGS OF “GOOD” OR “EXCELLENT” ON THEIR ANNUAL REPORT CARDS FOR AT LEAST TWO CONSECUTIVE YEARS MAY HIRE NONCERTIFIED TEACHERS FOR UP TO TWENTY‑FIVE PERCENT OF ITS TEACHING STAFF AND TO PROVIDE REQUIREMENTS FOR NONCERTIFIED TEACHERS; BY ADDING SECTION 59‑25‑25 SO AS TO PROVIDE EDUCATOR PREPARATION PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION MAY SUBMIT SEPARATE AND DISTINCT EDUCATOR PREPARATION PROGRAMS FOR ALTERNATIVE PREPARATION TO THE STATE BOARD OF EDUCATION FOR APPROVAL, TO PROVIDE THESE PROGRAMS ARE NOT REQUIRED TO BE NATIONALLY ACCREDITED BUT MUST MEET CERTAIN OTHER REQUIREMENTS, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION ANNUALLY SHALL REPORT RELATED DATA TO THE STATE BOARD OF EDUCATION AND THE GENERAL ASSEMBLY; TO AMEND SECTION 59‑26‑20, RELATING TO DUTIES OF THE STATE BOARD OF EDUCATION AND COMMISSION ON HIGHER EDUCATION CONCERNING THE TRAINING, CERTIFICATION, AND EVALUATION OF PUBLIC EDUCATORS, SO AS TO PROVIDE THE STATE BOARD OF EDUCATION SHALL PROMULGATE REGULATIONS REGARDING A CYCLICAL EVALUATION PROCESS FOR APPROVED TEACHER EDUCATOR PROGRAMS, AND TO PROVIDE RELATED REQUIREMENTS; BY ADDING SECTION 59‑26‑35 SO AS TO IMPROVE THE MEANS FOR EVALUATING EDUCATOR PREPARATION PROGRAMS BY PROVIDING FOR THE ANNUAL DEVELOPMENT AND PUBLICATION OF THE SOUTH CAROLINA TEACHER PREPARATION REPORT CARD; BY ADDING SECTION 59‑26‑120 SO AS TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN EDUCATOR PREPARATION PROGRAMS WITH CERTAIN INFORMATION REGARDING GRADUATES OF THOSE PROGRAMS, TO PROVIDE EDUCATOR PREPARATION PROGRAMS MAY NOT SHARE IDENTIFIABLE EDUCATOR DATA WITH THIRD PARTIES WITHOUT WRITTEN CONSENT, AND TO PROVIDE THIS INFORMATION IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT; BY ADDING SECTION 59‑25‑52 SO AS TO INCREASE EFFORTS TO RETAIN EDUCATORS BY CONDUCTING A SEMIANNUAL WORKPLACE SATISFACTION OPINION SURVEY OF SOUTH CAROLINA PUBLIC SCHOOL TEACHERS, AND TO PROVIDE FOR THE REPORTING OF THE RESULTS OF THESE SURVEYS; TO AMEND SECTION 59‑20‑50, RELATING TO TEACHER SALARY SCHEDULES, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE DISTRICTS MAY PAY TEACHERS ANNUAL SALARIES AT LEAST EQUAL TO THE MINIMUM STARTING SCHEDULE FOR THEIR EXPERIENCE AND EDUCATIONAL ATTAINMENT, TO PROVIDE A MINIMUM STARTING SALARY FOR NEW TEACHERS, TO PROVIDE THIS STARTING SALARY MUST BE ESTABLISHED WITH THE GOAL OF REACHING THE SOUTHEASTERN AVERAGE, AND TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO MAKE CERTAIN RECOMMENDATIONS FOR A PLAN TO REMOVE THE EXISTING TEACHER SALARY SCHEDULE AND IMPLEMENT BETWEEN FIVE AND NINE CAREER BANDS, AMONG OTHER THINGS; BY ADDING ARTICLE 16 TO CHAPTER 18, TITLE 59 SO AS TO PROVIDE REVISED ACCOUNTABILITY MEASURES FOR PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS; BY ADDING SECTION 59‑17‑15 SO AS TO PROVIDE THE STATE SUPERINTENDENT OF EDUCATION SHALL DEVELOP AND PROVIDE CERTAIN RECOMMENDATIONS CONCERNING THE CONSOLIDATION OF SCHOOL DISTRICTS; TO AMEND SECTION 59‑39‑100, RELATING TO REQUIREMENTS FOR HIGH SCHOOL DIPLOMAS, SO AS TO PROVIDE LOCAL SCHOOL BOARDS MAY REQUIRE ADDITIONAL UNITS OF STUDY FOR HIGH SCHOOL DIPLOMAS BEGINNING WITH STUDENTS ENTERING NINTH GRADE IN THE 2020‑2021 SCHOOL YEAR; BY ADDING ARTICLE 5 TO CHAPTER 19, TITLE 59 SO AS TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE REQUIREMENTS FOR LOCAL SCHOOL BOARD GOVERNANCE AND BOARD MEMBER CONDUCT, TO PROVIDE THE STATE BOARD OF EDUCATION SHALL ADOPT A MODEL CODE OF ETHICS FOR LOCAL SCHOOL BOARD MEMBER CONDUCT, TO PROVIDE LOCAL SCHOOL BOARDS SHALL ADOPT CODES OF ETHICS BASED ON THIS MODEL CODE, TO PROVIDE LOCAL SCHOOL BOARDS SHALL ADOPT NEPOTISM POLICIES THAT MEET CERTAIN MINIMUM REQUIREMENTS, TO PROHIBIT CONFLICTS OF INTEREST BY SCHOOL BOARD MEMBERS, TO PROVIDE FOR THE REFERRAL OF CONFLICT OF INTEREST ALLEGATIONS TO THE STATE ETHICS COMMISSION UPON A TWO‑THIRDS VOTE OF SCHOOL BOARD MEMBERS PRESENT FOR SUCH A VOTE, TO REQUIRE NOTICE TO THE STATE BOARD OF EDUCATION WHEN A PUBLIC SCHOOL ACCREDITING BODY PLACES A DISTRICT OR SCHOOL ON A LEVEL OF ACCREDITATION THAT IMMEDIATELY PRECEDES ACCREDITATION LOSS FOR GOVERNANCE REASONS, TO PROVIDE THE STATE BOARD OF EDUCATION SHALL CONDUCT A HEARING ON THE MATTER AND MAY RECOMMEND SUSPENSION OF A BOARD TO THE GOVERNOR, AND TO PROVIDE THE GOVERNOR MAY SUSPEND AN ENTIRE BOARD AND APPOINT A TEMPORARY BOARD; TO AMEND SECTION 59‑18‑920, RELATING TO THE REQUIREMENT THAT THE PERFORMANCE OF STUDENTS IN CHARTER SCHOOLS SPONSORED BY THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT MUST BE INCLUDED IN OVERALL PERFORMANCE RATINGS, SO AS TO PROVIDE THIS REQUIREMENT ALSO APPLIES TO CHARTER SCHOOLS SPONSORED BY REGISTERED INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59‑19‑55 SO AS TO PROVIDE SCHOOL BOARD TRUSTEES AND SCHOOL OFFICIALS SHALL COMPLY WITH CERTAIN ETHICS PROVISIONS APPLICABLE TO PUBLIC OFFICERS AND EMPLOYEES; BY ADDING SECTION 8‑13‑810 SO AS TO PROVIDE THE STATE BOARD OF EDUCATION SHALL NOTIFY THE STATE ETHICS COMMISSION OF ANY SCHOOL BOARD TRUSTEE WHO FAILS TO COMPLETE REQUIRED ETHICS TRAINING, TO PROVIDE FAILURE OF A SCHOOL BOARD MEMBER TO COMPLETE THIS TRAINING CONSTITUTES A VIOLATION OF THE STATE ETHICS ACT AND SUBJECTS THE MEMBER TO CERTAIN CIVIL AND CRIMINAL PENALTIES, TO PROVIDE THE COMMISSION ALSO MAY IMPOSE ORAL OR WRITTEN WARNINGS OR REPRIMANDS, AND TO PROVIDE TRUSTEES MUST BE PROVIDED NOTICE AND OPPORTUNITY FOR A HEARING BEFORE THEIR POSITION ON THE SCHOOL BOARD MAY BE TERMINATED FOR VIOLATIONS OF THE STATE ETHICS ACT; TO AMEND SECTION 1‑3‑240, RELATING TO STATE AND COUNTY OFFICIALS SUBJECT TO REMOVAL FROM OFFICE BY THE GOVERNOR IN CERTAIN CIRCUMSTANCES, SO AS TO INCLUDE SCHOOL BOARD TRUSTEES; TO AMEND SECTION 59‑19‑45, RELATING TO MANDATORY ORIENTATION FOR SCHOOL BOARD MEMBERS, SO AS TO PROVIDE THE STATE BOARD OF EDUCATION SHALL ADOPT A MODEL TRAINING PROGRAM FOR SCHOOL BOARD MEMBERS WHICH DISTRICTS SHALL ADOPT, TO PROVIDE SCHOOL DISTRICTS SHALL ADOPT LOCAL TRAINING PROGRAMS, AND TO PROVIDE SCHOOL DISTRICTS SHALL PROVIDE SUCH TRAINING TO BOARD MEMBERS WITHIN ONE YEAR AFTER TAKING OFFICE; TO AMEND SECTION 59‑19‑60, RELATING TO THE REMOVAL OF SCHOOL DISTRICT TRUSTEES, SO AS TO REVISE THE GROUNDS FOR REMOVAL, THE MANNER OF REMOVAL, AND PROVISIONS CONCERNING THE FILLING OF SEATS VACATED BY REMOVAL, AMONG OTHER THINGS; BY ADDING SECTION 59‑1‑444 SO AS TO PROVIDE THE DEPARTMENT SHALL POST ALL REPORTS, STUDIES, PUBLISHED FINDINGS, MEMORANDA, GUIDELINES, RULES, AND CERTAIN OTHER DOCUMENTS ON ITS INTERNET WEBSITE WITHIN TWENTY‑FOUR HOURS AFTER BEING MADE PUBLIC, TO PROVIDE THE POSTING MUST BE IN A CERTAIN FORM AND MANNER EASILY LOCATABLE AND ACCESSIBLE FOR VIEWING AND DOWNLOADING BY THE PUBLIC, AND TO SUBJECT THE DEPARTMENT TO CERTAIN MONETARY FINES FOR NONCOMPLIANCE; TO AMEND SECTION 59‑19‑90, AS AMENDED, RELATING TO GENERAL POWERS AND DUTIES OF LOCAL SCHOOL DISTRICT BOARD OF TRUSTEES MEMBERS, SO AS TO PROVIDE RULES ADOPTED BY THESE BOARDS MUST ALIGN WITH APPLICABLE STATE AND FEDERAL ACCOUNTABILITY STANDARDS; AND TO REPEAL ARTICLE 15 OF CHAPTER 18, TITLE 59 RELATING TO INTERVENTION AND ASSISTANCE UNDER THE EDUCATION ACCOUNTABILITY ACT AND SECTION 59‑59‑30 RELATING TO IMPLEMENTATION OF THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT ACT.

Amend Title To Conform

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

SECTION 1. This act must be known and may be cited as the “South Carolina Career Opportunity and Access for All Act”.

PART I

State Board of Education

SECTION 2. A. Section 59-5-10 of the 1976 Code is amended to read:

“Section 59-5-10. (A)(1) The State Board of Education shall be composed of one member from each judicial circuit. The members shall serve terms of four years and until their successors are elected and qualify, except of those first elected, the members from the fifth, tenth, and fourteenth circuits shall serve terms of one year; the members from the first, sixth, eighth, and twelfth circuits shall serve terms of two years and the members from the fourth, seventh, ninth, and eleventh circuits shall serve terms of three years. The terms of all members shall commence on January first following their election.

(2) The legislative delegations representing the counties of each judicial circuit shall meet upon written call of a majority of the members of the delegations of each judicial circuit at a time and place to be designated in such call for the purpose of electing a member of the ~~Board~~ board to represent such circuit. A majority present, either in person or by written proxy, of the members of the county legislative delegations from a given circuit shall constitute a quorum for the purpose of electing a member, but no person ~~shall~~ may be declared elected who ~~shall fail~~ fails to receive a majority vote of all the members of the county legislative delegations from the circuit. The joint county legislative delegations of each circuit shall be organized by the election of a chairman and a secretary and such joint legislative delegations shall, subject to the provisions herein, adopt such rules as they ~~deem~~ consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and secretary of the joint county legislative delegations of each circuit shall immediately transmit the name of the person elected to the Secretary of State who shall forthwith issue to such person, after he has taken the usual oath of office, a certificate of election as a member of the ~~State Board of Education~~ board. The Governor shall thereupon issue a commission to such person and pending such issuance the certificate of election shall be a sufficient warrant to such person to perform all of the duties and functions of his office.

(3) Any vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(4) Representation of a given judicial circuit on the ~~State Board of Education~~ board shall be rotated among the counties of the circuit, except by unanimous consent of all members of the county legislative delegations from the circuit. No member shall succeed himself in office except by unanimous consent of the members of the county legislative delegations from the circuit. Members of the legislative delegation of any county entitled to a member of the ~~Board~~ board shall nominate persons for the office, one of whom shall be elected to the ~~Board~~ board.

(5) The ~~Board~~ board shall select its chairman and other officers to serve for such terms as the ~~Board~~ board may designate. Provided, the Superintendent of Education shall serve as secretary and administrative officer to the ~~Board~~ board. The ~~Board~~ board shall adopt its own rules and procedures. The chairman and other officers shall have such powers and duties as may be determined by the ~~Board~~ board not inconsistent with the law.

(6) At the initial meeting of the legislative delegations representing the counties of each circuit, it shall be determined by lot the sequence in which each county ~~shall be~~ is entitled to nominate persons for the office.

(B)(1) In addition to the members of the board provided in subsection (A), the board shall include four nonvoting advisory members appointed by the Governor to consist of:

(a) two public school students who shall serve a one‑year term, one of whom must attend a school located in a Tier III or Tier IV county as designated in Section 12‑6‑3360, provided that:

(i) a member may not serve if he discontinues attending public school in this State; and

(ii) a vacancy must be filled for the remainder of the term by another public school student; and

(b) two former State Teachers of the Year, each of whom shall serve a two‑year term, provided that a vacancy must be filled for the remainder of the term by another former State Teacher of the Year. (2) A person may serve no more than three years as a nonvoting advisory member. A nonvoting advisory member may not serve as a chairman of the board.

(C) In consultation with the Education and Economic Development Act Coordinating Council and the State Superintendent of Education, the board shall provide a comprehensive report to the Governor and the General Assembly before December first of every even‑numbered year that specifically identifies key benchmarks within the zero‑to‑twenty education and workforce pipeline for measuring the progress of state agencies’ and other publicly funded entities’ efforts to meet those benchmarks. The board, through the State Superintendent of Education, shall provide recommendations regarding ways that state and local efforts can be improved, ways that collaboration and cooperation among state and local agencies and resources can be measurably improved, and efforts underway or being considered in other states that address the noted areas of concern. The State Superintendent of Education shall also recommend any legislation he considers necessary.”

B. Section 59-5-10(C) takes effect on January 1, 2022.

PART II

Coursework, Assessments, and Reporting

SECTION 3. Section 59‑18‑310(B)(1) of the 1976 Code is amended to read:

“(B)(1) The statewide assessment program must include the subjects of English/language arts, mathematics~~,~~ and science~~, and social studies~~ in grades three through eight, as delineated in Section 59‑18‑320, and end‑of‑course tests for courses selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability, which award units of credit in English/language arts, mathematics~~,~~ and science~~, and social studies~~. 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 this section and State Regulation to earn a South Carolina high school diploma. The State Department of Education shall examine how the other forty‑nine states have met the current federal ESEA mandate, while reducing state‑mandated, standardized assessments. The State Department of Education shall seek to amend South Carolina’s ESEA waiver to decrease these assessments accordingly.”

SECTION 4. Section 59-18-320(B) of the 1976 Code is amended to read:

“(B) After review and approval by the Education Oversight Committee, and pursuant to Section 59‑18‑325, the standards‑based assessment of mathematics, English/language arts, ~~social studies,~~ and science will be administered for accountability purposes 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. 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. 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. The State Department of Education shall examine how the other forty‑nine states have met the current federal ESEA mandate, while reducing state‑mandated, standardized assessments. The State Department of Education shall seek to amend South Carolina’s ESEA waiver to decrease these assessments accordingly.”

SECTION 5. Section 59‑18‑325(C)(3) of the 1976 Code is amended to read:

“(3) ~~Beginning with the 2017‑2018 School Year, the~~ The department shall procure and administer the standards‑based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards‑based assessment in science to students in grades four~~,~~ and six~~, and eight, and the standards‑based assessment in social studies to students in grades five and seven~~.”

SECTION 6. A. Article 3, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-365. (A) For the purposes of monitoring student progress and tracking growth toward college and career readiness, the department shall track student performance from kindergarten through the twelfth grade in reading and mathematics along a common, consistent scale that is nationally recognized and approved by the Education Oversight Committee. At least annually, and before August fifteenth, the department shall provide the resulting measures of student performance to parents and teachers. These measures must be designed to help parents and teachers better understand which skills and concepts a student is ready to learn and to help to form instruction, track growth, and identify appropriate resources for students.

(B) The department shall provide online and printed resources for assisting parents in improving student growth in reading and mathematics to ensure all students graduate with the skills necessary to be college and career ready. Parent resources must include information that identifies the Lexile and Quantile scores recommended for specific careers.

(C) The department shall provide resources to assist teachers in using common, consistent scale measures to improve the teaching and learning of reading and mathematics.

(D) The formative assessments adopted pursuant to Section 59‑18‑310(D) shall be linked to common, consistent scales in reading, mathematics, or both. Formative assessments approved pursuant to Section 59‑18‑310 must provide a common, consistent scale in reading, mathematics, or both.

(E)(1) In kindergarten through the second grade, local schools and districts may select assessments designed to measure students’ reading and mathematical performance on common, consistent scales. Those measures should then be reported to the department and also shared with students, parents, and teachers.

(2) In the third grade through the eighth grade, the statewide summative assessment program in English/language arts and mathematics that is administered pursuant to Section 59‑18‑325(C)(1) must provide Lexile measures that report information on the student’s reading ability and Quantile measures that indicate the student’s understanding of mathematical skills and concepts at the individual student level.

(3) Assessments offered and administered at the high school level pursuant to Section 59‑18‑325(A) and the end-of-course assessments administered pursuant to Section 59‑18‑320(C) should, if available, measure students’ reading ability and mathematical understanding on the same Lexile and Quantile scales. Those measures must be reported to the department and shared with students, parents, and teachers.

(F) The department and State Board for Technical and Comprehensive Education shall establish common minimum admission standards, to include high school equivalency standards, sufficient to negate the need for a student to attend or enroll in reading or mathematics remediation at the postsecondary level.”

B. Section 59-18-365(A) takes effect August 1, 2021.

C. Section 59-18-365(F) takes effect January 1, 2022.

SECTION 7. Section 59-18-1950(B)(1) of the 1976 Code is amended to read:

“(B)(1) The Revenue and Fiscal Affairs Office, working with the Office of First Steps to School Readiness, the South Carolina Department of Education, the South Carolina Commission on Higher Education, the Department of Social Services, the South Carolina Technical College System, the Department of Commerce, the Department of Employment and Workforce, and other state agencies or institutions of higher education, shall develop, implement, and maintain a universal identification system that includes, at a minimum, the following information for measuring the continuous improvement of the state public education system and the college and career readiness and success of its graduates:

(a) students graduating from public high schools in the State who enter postsecondary education ~~without the need for remediation~~;

(b) students graduating from public high schools in the State who enter postsecondary education with a need for remediation;

(c) working‑aged adults in South Carolina by county who possess a postsecondary degree or industry credential;

~~(c)~~(d) high school graduates who are gainfully employed in the State within five and ten years of graduating from high school; ~~and~~

~~(d)~~(e) outcome data regarding student achievement and student growth that will assist colleges of education in achieving accreditation and in improving the quality of teachers in classrooms.”

SECTION 8. A. Chapter 156, Title 59 of the 1976 Code is amended by adding:

“Section 59‑156‑250. (A) As a component of a Kindergarten Readiness Program Report, the Education Oversight Committee shall annually provide the following information, relying on data and information submitted by the Office of First Steps to School Readiness, the State Department of Education, and the Department of Social Services, at the district and the state level:

(1) the number of four‑year‑old children eligible for the South Carolina Child Early Reading Development and Education Program and the number of four‑year‑old children enrolled in, and the number funded, at the forty‑fifth and one hundred thirty‑fifth days of the program, provided that this information must be reported by the school district and the Office of First Steps through its four-year-old kindergarten providers and must include the number of children served by state‑funded public and private providers;

(2) kindergarten readiness assessment scores by district, differentiated by state‑funded public and private four-year-old kindergarten providers, and Head Start or ABC Voucher programs;

(3) the number of four-year-old kindergarten classrooms and spaces added in each of the previous five school years by level of quality;

(4) the number of four-year-old kindergarten classrooms that are considered to be high quality, and the basis for this determination;

(5) the number of spaces available to serve four‑year‑old children, the number of openings available, and the number of children on a waitlist as of August first for four-year-old kindergarten in the upcoming school year; and

(6) a detailed plan for increasing the number of students served throughout the State, with an emphasis on districts in Tier III and IV counties as determined in Section 12‑6‑3360, and waitlist information pursuant to item (5).

(B) As reasonable and necessary, and to the extent possible, data and information for programs funded by local school districts and by the Education Improvement Act shall be provided and included in the reporting required pursuant to this section.

(C) The Education Oversight Committee shall annually submit a Kindergarten Readiness Program Summary Report to the General Assembly. If funding is provided, then a Kindergarten Readiness Comprehensive Analysis Report may be submitted at least every three years to satisfy this reporting requirement. The information pursuant to subsections (A) and (B) must be included in the annual report submitted, which shall also include year‑over‑year trend information.”

B. Section 59-156-250(C) takes effect January 15, 2021.

SECTION 9. A. Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Section 59-29-17. Each high school shall offer a one-half credit course in personal finance as an elective that students may use to complete graduation requirements. The curriculum for this course option as a partial graduation requirement shall incorporate competencies pursuant to Financial Literacy Instruction in Act 38 of 2005.”

B. The State Department of Education shall develop the curriculum for coursework pursuant to Section 59-29-17, as added by this SECTION, before July 1, 2021.

C. This SECTION takes effect August 1, 2021.

SECTION 10. Article 1, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-130. Student data and information collected pursuant to this chapter shall be considered personal and confidential and shall be maintained in accordance with state and federal privacy laws.”

PART III

Read to Succeed Initiative

SECTION 11. Section 59-155-110(4) of the 1976 Code is amended to read:

“(4) each student receives targeted, effective, ~~comprehension~~ support in reading comprehension from the classroom teacher and, if needed, supplemental support from a reading interventionist so that ultimately all students can comprehend grade‑level texts;”

SECTION 12. Section 59-155-120(5) and (10) of the 1976 Code is amended to read:

“(5) ‘Reading interventions’ means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and an add‑on literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the Department of Education. An intervention must be evidence‑based and follow the multi‑tiered system of supports or ‘MTSS’, as defined in Section 59‑33‑510(3), and the Response to Intervention or ‘RTI’, as defined in Section 59‑33‑510(4). Reading interventionists may not be required to perform administrative functions that will confuse their role for teachers. Reading interventionists are not English for Speakers of Other Languages teachers and may not be required to provide direct instruction to English-language learners.”

“(10) ‘Substantially fails to demonstrate third‑grade reading proficiency’ means a student who does not demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the statewide summative ~~reading~~ assessment ~~that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS)~~ in English/language arts, qualifying the student as eligible for retention pursuant to Section 59‑155‑160(A).”

SECTION 13. Section 59-155-130(3) and (4) of the 1976 Code is amended to read:

“(3) working collaboratively with institutions of higher ~~learning~~ education offering courses in reading and writing and those institutions of higher education offering accredited master’s degrees in reading‑literacy to design coursework leading to a literacy teacher add‑on endorsement by the State. The coursework must be founded on scientifically based reading practices and evidence‑based interventions, including the use of data to identify struggling readers and inform instruction;

(4) providing professional development on scientifically based reading practices and evidence‑based interventions, including the use of data to identify struggling readers and inform instruction in reading and coaching for already certified reading/literacy coaches and literacy teachers;”

SECTION 14. Section 59-155-140(B)(2)(a) of the 1976 Code is amended to read:

“(a) document the reading and writing assessment and instruction planned for all PK-12 students and the interventions in prekindergarten through twelfth grade to be provided to all students who are substantially not demonstrating reading proficiency and ~~struggling readers~~ who are not able to comprehend grade-level texts. Supplemental instruction must must be provided by reading interventionists or teachers with a literacy teacher endorsement ~~teachers who have a literacy teacher add-on endorsement~~ and offered during the school day and, as appropriate, before or after school ~~in book clubs~~, through a summer reading camp, or both through any combination of these ~~strategies~~ structures;”

SECTION 15. A. Section 59-155-150(B) of the 1976 Code is amended to read:

“(B) Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon ~~formal diagnostic assessments or through teacher observations~~ the universal screening process, as defined in Section 59‑33‑510(7), and, if indicated, diagnostic assessments and teacher observations, must be provided intensive in‑class and supplemental reading intervention immediately upon determination. These assessments may be used to satisfy the screening requirements provided in Article 5, Chapter 33 of this title. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district’s reading proficiency plan. ~~These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and writing instruction provided to all students in kindergarten through grade three. The district must continue to provide intensive in‑class intervention and at least thirty minutes of supplemental intervention until the student can comprehend and write text at grade‑level independently.~~ In addition, the parent or guardian of the student must be notified, in writing, of the child’s inability to read grade‑level texts, the interventions to be provided, and the child’s reading abilities at the end of the planned interventions. The intensity and duration of the intervention must be appropriate to meet the specific needs of each student to ensure that the student is on track to be reading on grade level by the end of the third grade. In addition to students enrolled in the third grade and pursuant to Section 59‑155‑160(C), each district must offer a summer reading camp as an intervention for any student enrolled in kindergarten, first, or second grade who is substantially not demonstrating proficiency in reading, based upon the universal screening process, as defined in Section 59‑33‑510(7), and, if indicated, diagnostic assessments and teacher observations, at no cost to the student. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office.”

B. Section 59-155-150 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) A district superintendent or charter school authorizer may submit a request to the department to waive the minimum one hundred eighty-day school attendance requirement for kindergarten students for the purpose of scheduling a readiness assessment. Upon approval of the waiver request, the approved school may stagger administering the readiness assessment to kindergarten students during the first five days of the academic year.”

SECTION 16. Chapter 155, Title 59 of the 1976 Code is amended by adding:

“Section 59‑155‑155. (A) For the purposes of this section, ‘literacy’ means the ability to read and write, and ‘numeracy’ means fluency in understanding numbers and mathematical operations.

(B)(1) The board shall approve no more than five reliable and valid early screening instruments for selection and use by school districts, pursuant to the district universal screening process, as defined in Section 59‑33‑510(7), in kindergarten through the third grade. At a minimum, the approved screening instruments shall include literacy and numeracy.

(2) An early literacy screening instrument must:

(a) provide screening and diagnostic capabilities for monitoring student progress in reading;

(b) at a minimum, measure phonological awareness, decoding and encoding, fluency, vocabulary, and comprehension; and

(c) identify students who have a reading deficiency, including students with characteristics of dyslexia.

(3) An early numeracy screening instrument must provide screening and diagnostic capabilities.

(4) In determining which instruments to approve, the board shall consider, at a minimum, the following factors:

(a) the amount of time that the instrument requires, with the intention of minimizing the impact on instructional time;

(b) the level of integration of results with instructional support for teachers and students;

(c) the timeliness in reporting results to teachers, administrators, and parents; and

(d) the level of integration of results with instructional support for teachers and pupils.

(C) A district shall administer one or more screening instruments in the first thirty days of the school year and repeat this process, if indicated, pursuant to the universal screening process defined in Section 59‑33‑510(7), which may be used to determine student progress in reading and numeracy in kindergarten through the third grade. Contingent upon funding being provided by the General Assembly, the department shall reimburse districts for the cost of the instrument or instruments selected upon receipt of the assessment data used in the progress monitoring system. All school districts must use one of the literacy and numeracy screening instruments selected by the department; however, no literacy or numeracy screening instrument or instruments must be used by school districts to determine if a student will be promoted to the next grade level. Classroom teachers must also be provided professional development by the department in administering instruments and in understanding the results so that the teachers can provide the appropriate evidence‑based intervention.

(D) A school district may submit a waiver to the board to use a screening instrument that is not on the approved list but meets minimum technical, administration, and content criteria as determined by the department.

(E)(1) The department shall:

(a) create an online reporting system to monitor the effectiveness of the early literacy or numeracy screening assessment instruments; and

(b) require school districts annually to submit data requested by the department, which may be used to determine whether the instruments are accurately identifying students in need.

(2) The online reporting system provided in item (1) must:

(a) track, screen, and monitor the early literacy and numeracy progress of students in kindergarten through the third grade toward third-grade reading proficiency and mathematics proficiency at the state, district, and school levels; and

(b) create a consistent statewide reporting mechanism to identify students with a reading deficiency, including students with dyslexia; and

(c) be used to receive the annual report required by Section 59‑33‑540.”

SECTION 17. A. 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 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 must be retained in the third grade if the student 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 assessment in English/language arts, which indicates that the student needs substantial academic support to be prepared for the next grade level. 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 the spring or summer administration of an alternative assessment approved by the department ~~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~~ or 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 in English/language arts.

(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 who cannot read at grade level to the district superintendent if there is a compelling reason why the student should not be retained. A district shall provide parents with a notification of retention because the child cannot read at grade level and a description of the parent’s right to appeal by a letter sent certified mail, return receipt requested; electronic mail; and telephone call. The district shall document its attempts to comply with all three of these notification requirements. 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.

(5)(a) Each school district superintendent shall annually submit a report including the following information at the school and the district level, for the academic year just completed, to its district board and to the department:

(i) the total number of retention exemptions granted pursuant to this section;

(ii) the number of appeals made and the number of appeals granted pursuant to this section;

(iii) the academic outcome of students pursuant to subsubitems (i) and (ii), including, but not limited to, state English/language arts summative assessment results in grades four through eight; and

(iv) the information in subsubitems (i) through (iii) for the current academic year and the two immediately preceding academic years.

(b) The annual reports required in subitem (a) must be posted in prominent locations on the internet websites of the State Department of Education and the respective school districts.

(6) When a student is granted a waiver of retention because the child cannot read at grade level as the result of a parent appeal made pursuant to item (4), the academic performance of the student in fourth grade may not be a factor in the performance evaluation of his fourth grade teachers or any other accountability measures of the teachers.

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

(D) 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 intensity and duration of the intervention must be appropriate to meet the specific needs of each student to ensure the student is on track to be reading at or above grade level by the end of the school year. The school must report to the Read to Succeed Office, through the online portal, 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, then:

(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) For students in grades four and above who are substantially not demonstrating reading proficiency, interventions shall 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 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, or any combination of these strategies.”

B. Section 59-155-160(A) takes effect beginning in the 2021-2022 school year. For the 2021-2022 school year only, Section 59-155-160(A) applies to first-time third graders who have not previously been retained.

C. Section 59-155-160(B)(5) takes effect September 1, 2020.

SECTION 18. A. Section 59-155-180 of the 1976 Code is amended to read:

“Section 59-155-180. (A) As a student progresses through school, reading comprehension in content areas such as science, mathematics, social studies, English/language arts, career and technology education, and the arts is critical to the student’s academic success. Therefore, to improve the academic success of all students in prekindergarten through grade twelve, the State shall strengthen its pre‑service and in‑service teacher education programs.

(B)(1) ~~Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 School Year,~~ ~~all~~ All pre‑service teacher education programs including MAT degree programs must require all candidates seeking certification at the early childhood or elementary level to complete a twelve credit hour sequence in literacy that includes a school‑based practicum and ensures that candidates grasp the theory, research, and practices that support and guide the teaching of reading. The six components of the reading process that are comprehension, oral language, phonological awareness, phonics, fluency, and vocabulary will provide the focus for this sequence to ensure that all teacher candidates are skilled in diagnosing a child’s reading problems and are capable of providing an effective intervention. All teacher preparation programs must be approved for licensure by the State Department of Education to ensure that all teacher education candidates possess the knowledge and skills to assist effectively all children in becoming proficient readers. The General Assembly is not mandating an increase in the number of credit hours required for teacher candidates, but is requiring that pre‑service teacher education programs prioritize their missions and resources so all early and elementary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(2) ~~Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 School Year, all~~ All pre‑service teacher education programs, including MAT degree programs, must require all candidates seeking certification at the middle or secondary level to complete a six credit hour sequence in literacy that includes a course in the foundations of literacy and a course in content‑area reading. All middle and secondary teacher preparation programs must be approved by the department to ensure that all teacher candidates possess the necessary knowledge and skills to assist effectively all adolescents in becoming proficient readers. The General Assembly is not mandating an increase in the number of semester hours required for teacher candidates but rather is requiring that pre‑service teacher education programs prioritize their mission and resources so all middle and secondary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(C)(1) To ensure that practicing professionals possess the knowledge and skills necessary to assist all children and adolescents in becoming proficient readers, multiple pathways and strategies are needed for developing this capacity.

(2) ~~A reading/literacy coach shall be employed in each elementary school. Reading coaches shall serve as job‑embedded, stable resources for professional development throughout schools in order to generate improvement in reading and literacy instruction and student achievement. Reading coaches shall support and provide initial and ongoing professional development to teachers based on an analysis of student assessment and the provision of differentiated instruction and intensive intervention. The reading coach shall:~~

(a) ~~model effective instructional strategies for teachers by working weekly with students in whole, and small groups, or individually;~~

~~(b)~~ ~~facilitate study groups;~~

~~(c)~~ ~~train teachers in data analysis and using data to differentiate instruction;~~

~~(d)~~ ~~coaching and mentoring colleagues;~~

~~(e)~~ ~~work with teachers to ensure that research‑based reading programs are implemented with fidelity;~~

~~(f)~~ ~~work with all teachers (including content area and elective areas) at the school they serve, and help prioritize time for those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in the classrooms; and~~

~~(g)~~ ~~help lead and support reading leadership teams~~ All reading coaches funded wholly or partially with state funds will serve as a stable resource for professional development in an elementary school to build master teachers of reading schoolwide in order to improve student reading achievement. Reading coaches will support and provide initial and ongoing professional development to teachers in:

(i) the administration and analysis of screening, formative, diagnostic, and summative English/language arts assessments to guide instruction;

(ii) scientifically based reading instruction, including phonological awareness, phonics, fluency, vocabulary, comprehension, and the state’s English/language arts standards;

(iii) explicit and systematic instruction with more detailed explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback; and

(iv) differentiated reading instruction and intensive intervention based on student needs.

(b) State‑funded reading coaches must have the following minimum qualifications:

(i) a bachelor’s degree and advanced coursework or professional development in reading. The board shall prescribe, by regulation, any coursework or professional development that a state‑funded reading coach is required to complete successfully;

(ii) three years of experience as a successful classroom literacy teacher;

(iii) knowledge of scientifically based reading research, special expertise in quality reading instruction and intervention, and knowledge of data analysis;

(iv) a strong knowledge base and experience in working with adult learners; and

(v) excellent communication skills, including outstanding presentation, interpersonal, and time management skills.

(c) The duties and responsibilities of a state‑funded reading coach must include:

(i) collaborating with the principal to create a strategic plan for coaching that includes specific support for students in poverty;

(ii) facilitating schoolwide professional development and study groups;

(iii) modeling effective reading instructional strategies for teachers;

(iv) coaching and mentoring teachers on a daily basis;

(v) facilitating data analysis discussions and supporting teachers with using data to differentiate instruction according to student needs; and

(vi) working with all teachers and prioritizing those teachers, activities, and roles that will have the greatest impact on student reading achievement, namely coaching and mentoring in classrooms, including exceptional needs student education, content area, and elective areas.

(d) Reading coaches may not be required to perform administrative functions inconsistent with their duties.

(e) School districts shall monitor the implementation and effectiveness of the literacy coach and ensure communication between the district, school administration, and literacy coach throughout the year.

(f) As a condition for receiving the state appropriation for reading coaches, the department shall screen and approve the hiring of all reading coaches in a school that has more than one‑third of its third grade students scoring at the lowest achievement level on the statewide summative English/language arts assessment. In addition, each reading coach employed in, and the principal of, a school having more than one‑third of its third grade students scoring at the lowest achievement level on the statewide summative English/language arts assessment shall attend professional development training provided by the department. The professional development for the principal and reading coach team must focus on the role of the reading coach in continuously improving reading, to include the role of the reading coach and strategic plans for the coach to support teachers, scientifically based reading research and evidence‑based interventions to be implemented in the school, and specific support for students in poverty.

(g) A school in which at least two-thirds of students met or exceeded expectations on the state summative assessment in English/language arts may submit, as part of its reading plan, a request to the department for flexibility to use its allocation to provide literacy support to students, which may include, but is not limited to, a reading coach, a literacy interventionist, or other supplemental services directed to students in need of interventions. This plan must be annually approved by the department as part of the district reading plan.

(3) The ~~reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. By August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014‑2015, reading/literacy coaches are required to earn the add‑on certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the department for the add‑on. During the six‑year period, to increase the number of qualified reading coaches, the~~ Read to Succeed Office shall identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy add‑on endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in‑school services from department‑approved consultants or vendors, in the event that the school is not successful in identifying and directly employing a qualified candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.

(4) ~~Beginning in Fiscal Year 2015‑2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add‑on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements~~ The board is authorized to approve guidelines on an annual basis for professional development, coursework, certification, and endorsement requirements for teachers of kindergarten through the twelfth grade, including special education teachers, interventionists, reading specialists, and administrators, whose responsibilities, either directly or indirectly, substantially relate to reading and literacy instruction, support, or interventions. The guidelines approved by the board shall also include the issuance of appropriate credit to individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program. Inservice hours earned through professional development ~~for the literacy teacher endorsement~~ must be used for renewal of teaching certificates in all subject areas. ~~The courses and professional development leading to the endorsement must be approved by the State Board of Education and must include foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand‑alone practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add‑on reading teacher certification can take a content area reading course to obtain their literacy teacher add‑on endorsement. Individuals who possess a literacy teacher add‑on endorsement or who have earned a master’s or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework required for the literacy teacher add‑on certificate.~~

(5) ~~Beginning in Fiscal Year 2015‑2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add‑on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add‑on endorsement or who have earned a master’s or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts the to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add‑on certificate~~ Early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically research‑based reading instruction and intervention and data‑based decision‑making principles as approved by the board. The objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students.

(6) ~~Beginning in Fiscal Year 2015‑2016, principals and administrators who are responsible for reading instruction or intervention and school psychologists in a school district or school are required to take at least one course or three credit hours within five years of their most recent certification, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office. The course or professional development shall include information about reading process, instruction, assessment, or content area literacy and shall be approved by the Read to Succeed Office~~ The board shall approve guidelines and procedures to allow in-service educators the option of utilizing the test in item (5) to exempt requirements established by the board pursuant to item (4). As part of this process, the board shall set a minimum cut score that an in‑service educator must achieve in order to take advantage of this provision. An educator’s score on this assessment may not be used for evaluation purposes. Contingent upon funding by the General Assembly, this test shall be provided at no cost to the educator.

~~(7)~~ ~~The Read to Succeed Office shall publish by August 1, 2014, the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher add‑on endorsement. Annually by January first, the Read to Succeed Office shall publish the approved courses and approved professional development leading to the literacy teacher add‑on endorsement.~~

(D)(1) The Commission on Higher Education, in consultation with the department, shall annually conduct an analysis to determine the effectiveness of each teacher education program in preparing teachers to diagnose a child’s reading problems and to provide small group and individual student interventions that are scientifically based and evidence‑based. The department shall provide this information to the Learning Disorders Task Force in Section 59‑33‑550. At a minimum, the analysis must evaluate each teacher education program as it relates to preparing teachers with knowledge and expertise in the six components of the reading process:

(a) comprehension;

(b) oral language;

(c) phonological awareness;

(d) phonics;

(e) fluency; and

(f) vocabulary.

(2) The Commission on Higher Education shall report the findings of its analysis conducted pursuant to item (1) and recommendations for improving teacher education programs to the Governor and to the General Assembly.”

B. Section 59-155-180(C)(2)(f) and (C)(4) takes effect August 1, 2020.

C. Section 59-155-180(C)(5) and (D)(1) takes effect July 1, 2021.

SECTION 19. Chapter 155, Title 59 of the 1976 Code is amended by adding:

“Section 59-155-220. (A) There is created the South Carolina Reading Panel to provide support and assistance to the department. The reading panel shall be composed of ten members appointed by the State Board of Education upon the recommendation of the State Superintendent of Education. Members must include individuals who have the highest expertise on reading instruction and shall include:

(1) three members from public or private institutions of higher education who are recommended to the State Superintendent of Education by the Commission on Higher Education;

(2) three members who are responsible for district reading plans or have exceptional reading expertise; and

(3) at least three members who are classroom teachers or reading interventionists.

(B) Members shall serve two-year terms and may be appointed to successive terms. Members may not receive compensation but may receive per diem and mileage, as provided for boards and commissions. A vacancy must be filled in the manner of the original appointment.

(C) The reading panel is responsible for the following duties:

(1) reviewing, selecting, summarizing, and disseminating basic research relating to reading, reading growth, reading assessment, and reading instruction that will contribute to an educator’s knowledge of reading, benefit students in this State, and impact policy and practices;

(2) providing technical assistance to the department and written guidance to schools for improving the reading instruction of students in prekindergarten through the twelfth grade; and

(3) reviewing and commenting, in writing, on the State Reading Plan and district and school reading plans.”

PART IV

Scholarships and Tuition Assistance

SECTION 20. A. Section 59‑104‑20 of the 1976 Code is amended to read:

“Section 59-104-20. (A) The Palmetto Fellows Scholarship Program is established to foster scholarship among the state’s post‑secondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and achievement. Measures must be taken to ensure equitable minority participation in this program. Recipients of these scholarships are designated Palmetto Fellows. Each Palmetto Fellow shall receive a scholarship in an amount not to exceed six thousand seven hundred dollars. These scholarships in combination with all other grants and scholarships shall not exceed the cost of attendance at the institution attended. The commission shall promulgate regulations and establish procedures to administer the program and request annual state appropriations for the program.

(B) Students, either new or continuing, must not have been adjudicated delinquent or been convicted or pled guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug‑related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a Palmetto Fellows Scholarship, except that a high school or college student otherwise qualified who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or drug‑related misdemeanor offense nevertheless shall be eligible or continue to be eligible for such scholarships after the expiration of one academic year from the date of the adjudication, conviction, or plea.

(C) Of the funds made available for higher education Palmetto Fellows Scholarships for any year, a percentage thereof must be allocated for students attending South Carolina independent colleges of higher learning in this State. This percentage must be equivalent to the percentage of the independent colleges’ share of the total South Carolina resident undergraduate full‑time enrollment (FTE) of all public and independent higher education institutions in South Carolina based on the previous year’s data as determined by the Commission on Higher Education and the South Carolina Tuition Grants Commission.

(D) After expending funds appropriated for Palmetto Fellows Scholarships from all other sources, there is automatically appropriated from the general fund of the State whatever amount is necessary to provide Palmetto Fellows Scholarships to all persons meeting the requirements of this section.

(E) A Palmetto Fellows Scholarship is available to an eligible resident student who attends or will attend an eligible ~~four‑year~~ public or independent institution.

(F) For purposes of subsection (E):

(1) ‘Public or independent institution’ means a:

(a) ~~South Carolina public institution defined in Section 59‑103‑5, excluding a public two‑year or technical institution, and an independent institution as defined in Section 59‑113‑50, excluding an eleemosynary junior or independent two‑year institution~~ any state‑supported, post‑secondary educational institution. ‘Public or independent institution’ does not include a two-year or technical institution or an eleemosynary junior or independent two-year institution; or

(b) public or independent bachelor’s level institution chartered before 1962 whose major campus and headquarters are located within South Carolina.

(2) ‘Resident student’ means a:

(a) student who is either a member of a class graduating from a high school located in this State, a home school student who has successfully completed a high school home school program in this State in the manner required by law, or a student graduating from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent; and

(b) student classified as a resident of South Carolina for in‑state tuition purposes under Chapter 112 of this title at the time of enrollment at the institution.

(G)(1) In addition to qualifications established by regulation, to qualify for a Palmetto Fellows Scholarship, a student shall:

~~(1)~~(a) meet the following three criteria:

~~(a)~~(i) a minimum score of 1200 on the Scholastic Aptitude Test (SAT) or ~~an equivalent~~ a score of twenty-five on the ACT ~~score~~;

~~(b)~~(ii) a cumulative ~~3.5~~ 3.49 or better grade point ratio on the Uniform Grading Scale at the end of the junior or senior year; and

~~(c)~~(iii) rank in the top six percent of the class at the end of the sophomore, junior, or senior year. When calculating eligibility for Palmetto Fellows Scholarships in schools where the top six percent of the graduating class is two students or less, the top two students must be considered for the scholarship regardless of class rank. The top six percent of the graduating class must meet all Palmetto Fellows Scholarship eligibility requirements in order to receive a scholarship. If the top six percent of the class is not a whole number of students, the Commission on Higher Education shall round up to the next whole number of students eligible; or

~~(2)~~(b) meet the following two criteria:

~~(a)~~(i) a minimum score of 1400 on the Scholastic Aptitude Test (SAT) or ~~an equivalent~~ a score of thirty-one on the ACT ~~score~~; and

~~(b)~~(ii) a cumulative ~~4.0~~ 3.99 or better grade point ratio on the Uniform Grading Scale at the end of the junior or senior year. (2) Qualifying scores must be certified by the high school on the Palmetto Fellows Scholarship application by the scholarship application deadline. For the purposes of meeting the rank criteria pursuant to this subsection, the existing high school rank of a South Carolina resident attending an out‑of‑state high school may be used provided it is calculated pursuant to a state‑approved, standardized grading scale at the respective out‑of‑state high school. If the Commission on Higher Education determines that a state‑approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state‑approved standardized grading scale shall not be used to meet the eligibility requirements for the Palmetto Fellows Scholarship. Qualifications established by regulation must provide for the inclusion of three-plus-two programs, or non-traditional pathways that lead to the attainment of a bachelor’s degree or graduate degree.

(H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award or who accepted the LIFE Scholarship for attendance at a public two-year or technical institution is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out‑of‑state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection.

(I) The Commission on Higher Education shall, by regulation, define alternative qualifications for an exceptionally gifted student who is a resident of South Carolina and is accepted into an institution of higher learning without having attended or graduated from high school.

(J)(1) A student receiving a Palmetto Fellows Scholarship, in order to retain it, and a student currently enrolled in an eligible institution, in order to receive such a scholarship, must:

(a) earn a 3.0 cumulative grade point average on a 4.0 scale at the end of his freshman year and earn at least thirty credit hours; and

(b) for each year after his freshman year, earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours for the maximum number of semesters permitted at that institution by Section 59‑149‑60.

(2) For the purposes of Palmetto Fellows Scholarship eligibility, a cumulative grade point average calculation must be inclusive of a student’s grade point average at all public or independent institutions attended by the student.

(K) In the event that either the SAT or ACT changes its respective scoring ranges, the Commission on Higher Education shall adjust the minimum scores required by this chapter in order to ensure equivalency.”

B. The provisions of this SECTION do not apply to any senior class student until the 2024‑2025 School Year.

SECTION 21. A. Section 59‑149‑50 of the 1976 Code is amended to read:

“Section 59-149-50. (A)(1) To be eligible for a LIFE Scholarship, a student must be either a student who has graduated from a high school located in this State;~~,~~ a student who has completed at least three of the final four years of high school within this State~~,~~; a home school student who has successfully completed a high school home school program in this State in the manner required by law~~,~~; a student who has graduated from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent~~,~~; or a student whose parent or guardian has served in or has retired from one of the United States Armed Forces within the last four years, paid income taxes in this State for a majority of the years of service, and is a resident of this State. These students also must meet the requirements of subsection (B) and be eligible for in‑state tuition and fees as determined pursuant to Chapter 112, Title 59 and applicable regulations. In addition, the student must have graduated from high school with a ~~minimum of a 3.0~~ 2.99 or better cumulative grade average on a 4.0 scale and have scored 1100 or better on the Scholastic Aptitude Test (SAT) or ~~have the equivalent ACT score~~ a score of twenty-two on the ACT or better,~~;~~ provided that, if the student is to attend such a public or independent two‑year college or university in this State, including a technical college, the SAT or ACT requirement does not apply. If a student chooses to attend such a public or independent institution of this State and does not make the required SAT or ACT score or the required high school grade point average, as applicable, the student may earn a LIFE Scholarship after his freshman year if he meets the grade point average and semester credit hour requirements of subsection (B). For the purpose of meeting the rank criteria pursuant to this section, the existing high school rank of a South Carolina resident attending an out‑of‑state high school may be used provided it is calculated pursuant to a state‑approved, standardized grading scale at the respective out‑of‑state high school. If the Commission on Higher Education determines that a state‑approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state‑approved standardized grading scale shall not be used to meet the eligibility requirements for the LIFE Scholarship.

(B)(1) ~~Students~~ A student receiving a LIFE Scholarship, in order to retain it, and ~~students~~ a student currently enrolled in an eligible institution, in order to receive such a scholarship, must:

(a) earn a ~~3.0~~ 2.8 cumulative grade point average on a 4.0 scale at the end of his freshman year and earn at least thirty credit hours ~~each year~~; and

(b) for each year after the student’s freshman year, earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours for the maximum number of semesters permitted at that institution by Section 59‑149‑60.

(2) The cumulative grade point average calculation, for purposes of LIFE scholarship eligibility, must be inclusive of the student’s grade point average at all public or independent institutions attended by the student.

(C) Students who were LIFE Scholarship recipients seeking a degree at such a public or independent institution of this State ~~during their freshman or other year~~ who failed to earn a cumulative ~~3.0~~ grade point average as required by subsection (B) at the end of the term they attempted the requisite number of hours required by subsection (B) may regain eligibility if their cumulative grade average is a 3.0 at the end of the term they have attempted at least sixty hours if they are a sophomore or ninety hours if they are a junior.

(D)(1) ~~Beginning with school year 2002‑2003, an~~ An entering freshman at a four‑year institution to be eligible for a LIFE Scholarship in addition to the other requirements of this chapter shall meet two of the following three criteria:

~~(1)~~(a) have the grade point average required by this section;

~~(2)~~(b) have the Scholastic Aptitude Test (SAT) or equivalent ACT score required by this section;

~~(3)~~(c) be in the top thirty percent of his high school graduating class.

(2) For home school students and students whose high school graduating class is less than fifty students, the Commission on Higher Education may define alternative criteria for students to meet the requirement of item ~~(3)~~(c).

(3) After receipt of a LIFE Scholarship by an entering freshman ~~beginning with school year 2002‑2003~~, a student shall meet the criteria established in this chapter to retain or regain the scholarship.

(4) For an exceptionally gifted student who is accepted into college without having attended high school, the Commission on Higher Education shall define alternative criteria for the student to qualify for a LIFE Scholarship.

(E) In the event that either the SAT or ACT changes its respective scoring ranges, the Commission on Higher Education shall adjust the minimum scores required by this chapter in order to ensure equivalency.”

B. Section 59‑150‑370(C) of the 1976 Code is amended to read:

“(C) A student ~~is eligible to receive a SC HOPE Scholarship if he meets the criteria for receiving and maintaining the Legislative Incentives for Future Excellence (LIFE) Scholarship except that a~~ must have graduated from high school with a minimum of a 3.0 cumulative grade point average to be eligible to receive an SC HOPE Scholarship. A minimum Scholastic Aptitude Test (SAT) or ACT score and requisite class rank are not required for eligibility for the SC HOPE Scholarship. These SC HOPE Scholarships must be granted and awarded as provided in this section.”

C. The provisions of this SECTION do not apply to any senior class student until the 2024‑2025 School Year..

SECTION 22. A. Section 59-150-360(A) and (F) of the 1976 are amended to read:

“Section 59-150-360. (A)(1) A person who qualifies for in‑state tuition rates pursuant to Chapter 112, Title 59 may receive tuition assistance to attend a technical college of this State or a public two‑year institution of higher learning. A person who qualifies for in‑state tuition rates pursuant to this title may attend an independent two‑year institution of higher learning and receive lottery tuition assistance each year limited to the highest amount of tuition assistance received by students at public two‑year institutions. In order to qualify as a first time entering freshman and before attempting twenty‑four academic credit hours, a student must:

~~(1)~~(a) be a South Carolina resident for a minimum of one year;

~~(2)~~(b) be enrolled and maintain six credit hours each semester in a certificate, degree, or diploma program;

~~(3)~~(c) make reasonable progress toward completion of the requirements for the certificate, degree, or diploma program;

~~(4)~~(d) complete a Free Application for Federal Student Aid (FAFSA) application if enrolled in a program awarding college credit. If a student feels that he will definitely not qualify to receive federal financial aid, the student may complete a simple form of minimum questions created by the State Board for Technical and Comprehensive Education and the Commission on Higher Education to determine if the student definitely will not qualify to receive federal financial aid. If it is determined that the student definitely will not qualify to receive federal financial aid, the student shall sign a form created by the State Board for Technical and Comprehensive Education and the Commission on Higher Education, and the student is exempted from completing the Free Application for Federal Student Aid. The State Board for Technical and Comprehensive Education and the Commission on Higher Education shall promulgate regulations to set thresholds for determining if a student definitely will not qualify to receive federal financial aid; and

~~(5)~~(e) not be the recipient of a LIFE Scholarship.

(2) Regulations for implementation of this section are the responsibility of the South Carolina State Board for Technical and Comprehensive Education, for the technical college system, and the Commission on Higher Education, for the two‑year public and private institutions. These regulations must be developed in a coordinated effort, provide for the allocation of funds based on the tuition assistance granted at each institution, and be interchangeable between each of the institutions affected.”

“(F) In order for a student seeking credit hours for a certificate, degree, or diploma to be eligible after attempting twenty‑four academic credit hours the student must have earned a grade point average of 2.0 or better on a 4.0 grading scale.”

B. The General Assembly recognizes a need to increase the percentage of working‑aged adults with a postsecondary degree or industry credential by encouraging closer partnerships between the State Board for Technical and Comprehensive Education and the State Board of Education in providing programs pursuant to this SECTION. The State Board for Technical and Comprehensive Education, in collaboration with the State Board of Education, shall look at additional pathways of cooperation to better facilitate adult education in an efficient and cost-effective manner. They shall provide a report detailing their findings, to include student participation, retention, and completion numbers, to the General Assembly by June 1, 2020.

SECTION 23. Section 59-149-15(A) and (B) of the 1976 Code is amended to read:

“Section 59-149-15. (A) A resident student who is at least a sophomore attending a four‑year public or private institution of higher learning in this State, who is majoring in education, science, or mathematics as defined below, and who is receiving a LIFE Scholarship for the current year, shall receive an additional LIFE Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if enrolled in a four‑year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five‑year degree program or a 3 plus 2 program. In addition, during his freshman year, the student majoring in science or mathematics must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional LIFE Scholarship stipend each year, the student must receive the underlying LIFE Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his education, science, or mathematics major. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a LIFE Scholarship. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.”

SECTION 24. Section 59-104-25(A) and (B) of the 1976 Code is amended to read:

“Section 59-104-25. (A) A resident student who is at least a sophomore attending a four-year public or private institution of higher learning in this State, who is majoring in education, science, or mathematics as defined below, and who is receiving a Palmetto Fellows Scholarship for the current year, shall receive an additional Palmetto Fellows Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed three thousand three hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if the student enrolled in a four-year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five-year degree program or a 3 plus 2 program. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional Palmetto Fellows Scholarship stipend each year, the student must receive the underlying Palmetto Fellows Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his education, science, or mathematics major. In addition, during his freshman year, the student majoring in science or mathematics must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a Palmetto Fellows Scholarship. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.”

SECTION 25. Section 59-149-60 of the 1976 Code is amended to read:

“Section 59-149-60. The student may receive a LIFE Scholarship for not more than ten semesters for a five‑year degree program, eight semesters for a four‑year degree program, ~~or~~ four semesters for a two‑year degree program, or six semesters for a three-year degree program.”

SECTION 26. A. Chapter 150, Title 59 of the 1976 Code is amended by adding:

“Section 59‑150‑365. (A)(1) A student who is attending a two‑year public technical college, who is majoring in a critical workforce area program as defined and recommended by the State Board for Technical and Comprehensive Education (SBTCE) and ratified by the South Carolina Coordinating Council for Workforce Development, and who is receiving a Lottery Tuition Assistance Program Scholarship (LTAP) for the current school year shall receive an additional South Carolina Workforce Industry Needs Scholarship (SCWINS). A student who is attending a two‑year public technical college, who meets the income eligibility guidelines for free and reduced‑priced meals as established by the United States Department of Agriculture (USDA), and who is receiving an LTAP scholarship for the current year shall receive an SCWINS scholarship regardless of the student’s major. Subject to the funds appropriated, the SCWINS scholarship is equal to the cost of tuition and mandatory fees after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three years of instruction, including the student’s freshman year, if the student is enrolled in an associate degree program, or no more than two years of instruction, including the student’s freshman year, if enrolled in a diploma or certificate program.

(2) During a student’s freshman year, the student must be enrolled in at least six credit hours of instruction each semester, including at least three credit hours of instruction in one of the critical workforce areas defined by the SBTCE. A student who meets the income guidelines for free and reduced-priced meals as established by the USDA must be enrolled in at least six credit hours of instruction each semester for the purpose of meeting the required minimum level of instruction in the student’s major courses during the student’s freshman year. To receive the additional SCWINS scholarship each school year, the student must receive the underlying LTAP scholarship for that school year and must be making acceptable progress each school year toward receiving a degree pursuant to this section. Dual enrollment courses taken in high school in these critical workforce area programs count toward the fulfillment of the minimum requirement.

(3) As a condition of participation in the scholarship program provided herein, a student must receive career counseling from the institution in which he will enroll, and that institution shall verify participation to the SBTCE prior to any award.

(B) The SBTCE shall promulgate regulations to define what constitutes a critical workforce program area. Nothing herein prevents a student from changing majors within the acceptable disciplines. Additionally, the SBTCE shall annually communicate with high school guidance counselors regarding the list of qualifying majors. The critical workforce program list must be reviewed at least every five years and adjusted based on workforce trends and industry needs. Critical workforce program additions or deletions must be ratified by the South Carolina Coordinating Council for Workforce Development.

(C) If the additional SCWINS scholarship is lost, then it may be regained in the same manner that the underlying LTAP scholarship is regained.

(D) In order for a student to be eligible after attempting twenty‑four academic credit hours, the student must have earned a grade point average of 2.0 or better on a 4.0 grading scale.

(E) A student may not be eligible to receive the SCWINS scholarship for more than one certificate, diploma, or degree within any five‑year period unless the additional certificate, diploma, or degree constitutes progress in the same field of study.

(F) A dual‑enrollment student in high school who is majoring in one of the critical workforce areas and receives an LTAP scholarship at a technical college qualifies for the SCWINS scholarship. A dual enrollment student in high school who receives an LTAP scholarship at a technical college and qualifies for free and reduced‑priced meals also qualifies for the SCWINS scholarship regardless of the student’s major.

(G) Additionally, an up to three‑hundred‑dollar book allowance each school year is applied to the account of an SCWINS recipient who is majoring in one of the critical workforce areas, for expenses toward the cost of textbooks.

(H) If a critical workforce area program is placed on suspension during the SBTCE’s annual program evaluation process, then that program no longer qualifies for SCWINS funds at that specific college. Students must be advised on how to complete their program by transferring to another technical college or serving as a transient student at another technical college to complete specified courses.

(I) The SBTCE shall develop career counseling standards to be implemented by all colleges in the SBTCE system.”

B. This SECTION takes effect on July 1, 2020 and first applies to the 2020-2021 school year.

PART V

Workforce Preparation

SECTION 27. Recognizing that a vibrant workforce is critical to sustaining and growing the economy of this State by servicing existing industry and attracting new industry, the State of South Carolina must endeavor to increase the number of South Carolinians who are ready and able to fill jobs demanded by a dynamic and evolving economy. To achieve this purpose, the State of South Carolina establishes an overall statewide workforce readiness goal of at least sixty percent of all working‑age South Carolinians having a postsecondary degree or recognized industry credentials before the year 2030. The General Assembly is encouraged to reexamine and revise this goal on an ongoing basis as needed.

SECTION 28. A. Section 59-59-20 of the 1976 Code is amended to read:

“Section 59-59-20. (A)(1) ~~The Department of Education shall develop a curriculum, aligned with state content standards, organized around a career cluster system that must provide students with both strong academics and real‑world problem solving skills. Students must be provided individualized educational, academic, and career‑oriented choices and greater exposure to career information and opportunities. This system must promote the involvement and cooperative effort of parents, teachers, and school counselors in assisting students in making these choices, in setting career goals, and in developing individual graduation plans to achieve these goals~~ The Department of Education, in collaboration with the Technical College System, the Commission on Higher Education, the Department of Employment and Workforce, and the Department of Commerce, shall develop a career pathways system that:

(a) aligns public education and postsecondary education systems and the career and technology education services provided within and across program providers;

(b) aligns with state and regional workforce needs;

(c) provides students, teachers, parents, and families with general information about career pathways and with strategies to support students in acquiring the academic, employability, and technical skills that employers demand; and

(d) promotes the involvement and cooperative effort of parents, teachers, and school counselors in assisting students in making these choices, in setting career goals, and in developing individual graduation plans to achieve these goals.

(2) After developing the career pathways system provided in subsection (A), the Department of Education shall develop a curriculum that:

(a) is aligned with state content standards; is organized around the career pathways system and system of career clusters, which may be based on national career clusters; and is aligned with state and regional workforce needs as determined by the Department of Commerce;

(b) provides students with strong academic and real world problem‑solving skills;

(c) provides students with individualized educational, academic, and career‑oriented choices and a greater exposure to career information and opportunities; and

(d) provides online and print resources for assisting parents in improving student growth in reading and mathematics to ensure all students graduate with the skills to be college and career ready. These parent resources must include information that identifies specific careers and the reading and mathematics demands expected in those careers.

(B)(1) ~~School districts must lay the foundation for the clusters of study system in elementary school by providing career awareness activities. In the middle grades programs must allow students to identify career interests and abilities and align them with clusters of study for the development of individual graduation plans. Finally, high school students must be provided guidance and curricula that will enable them to complete successfully their individual graduation plans, preparing them for a seamless transition to relevant employment, further training, or postsecondary study~~ In elementary school, districts shall establish a foundation for the career pathways system and career clusters by providing career awareness activities and, at least annually, informing students, parents, and teachers of individual students’ progress toward having the academic skills in reading and mathematics needed as a foundation for a successful pathway through graduation and postsecondary study.

(2) In middle school, districts shall assist students in:

(a) identifying career interests and abilities; and

(b) developing individual graduation plans that align the interests and abilities of the student as identified pursuant to subitem (a) with related career pathways and clusters of study.

(3)(a) In high school, districts and charter authorizers shall provide guidance and curricula, including career tools and resources for personalized learning, that will enable students to complete successfully their individual graduation plans and will prepare them for a seamless transition to relevant employment, further training, or postsecondary study.

(b) Districts and charter authorizers shall annually collect and provide data to the Department of Education regarding the number of students in each of the pathways offered, disaggregated by school and career center, and at the overall district or charter authorizer level. The Department of Education shall make this data available on its website. The school, career center, district, or charter authorizer must make the same data provided by the Department of Education available on their respective websites.”

B. Section 59-59-20(A)(1) takes effect upon approval by the Governor and must be completed on or before August 1, 2023.

SECTION 29. A. Section 59-59-50 of the 1976 Code is amended to read:

“Section 59-59-50. (A)(1) Every five years, the Department of Education shall ~~Before July 1, 2006, the Department of Education shall develop state models and prototypes for individual graduation plans and the curriculum framework for career clusters of study. These clusters of study may be based upon the national career clusters and may include, but are not limited to~~:

~~(1)~~ ~~agriculture, food, and natural resources;~~

~~(2)~~ ~~architecture and construction;~~

~~(3)~~ ~~arts, audio‑video technology, and communications;~~

~~(4)~~ ~~business, management, and administration;~~

~~(5)~~ ~~education and training;~~

~~(6)~~ ~~finance;~~

~~(7)~~ ~~health science;~~

~~(8)~~ ~~hospitality and tourism;~~

~~(9)~~ ~~human services;~~

~~(10)~~ ~~information technology;~~

~~(11)~~ ~~law, public safety, and security;~~

~~(12)~~ ~~manufacturing;~~

~~(13)~~ ~~government and public administration;~~

~~(14)~~ ~~marketing, sales, and service;~~

~~(15)~~ ~~science, technology, engineering, and mathematics; and~~

~~(16)~~ ~~transportation, distribution, and logistics~~

(a) develop pathways under each career cluster; and

(b) develop programs of study under each pathway.

(2) In developing programs of study as provided in item (1)(b), the Department of Education shall emphasize the high‑skill and in‑demand pathways that the state Workforce Innovation and Opportunity Act plan and Coordinating Council for Workforce Development have identified as critical to the state’s workforce development system.

(B) The Department of Education is to include in the state models and prototypes for individual graduation plans and curriculum framework the flexibility for a student to develop an individualized plan for graduation utilizing courses offered within the clusters at the school of attendance. Any plan of this type is to be approved by the student, parent or guardian, and the school guidance staff.

(C) The Department of Education shall collaborate with the Education and Economic Development Act Coordinating Council to develop a pathway certification process for high schools and postsecondary institutions.”

B. Section 59-59-50(A)(1) takes effect August 1, 2021.

C. Section 59-59-50(C) takes effect upon approval by the Governor and must be completed before August 1, 2022.

SECTION 30. A. Section 59-59-60 of the 1976 Code is amended to read:

“Section 59-59-60. ~~Before July 1, 2007 school districts~~ Each school district shall:

(1) organize high school curricula around a minimum of three ~~clusters of study and cluster majors. The curricula must be designed to provide a well‑ rounded education for students by fostering artistic creativity, critical thinking, and self‑discipline through the teaching of academic content, knowledge, and skills that students will use in the workplace, further education, and life~~ career pathways that are targeted to regional and state workforce needs. A district must offer at least one pathway in each career center or in each high school and at least one high‑skill and in‑demand pathway as identified in the State’s Workforce Innovation and Opportunity Act plan. Each school district shall coordinate with other school districts to ensure that students have increased access to multiple pathways. Students approved to take coursework outside of their attendance zone, to include across district lines, may be transported by school bus at no cost to the student or school district, provided that the route information has been submitted to the Department of Education. The Department of Education is permitted to utilize state funds to initiate and foster cross-district programs and may mandate that districts participate in such programs as a condition of receipt of state funding. Curricula must be designed to provide a well‑rounded education as defined by the ‘Every Student Succeeds Act’ to prepare students for multiple pathways, including postsecondary credentials, advanced coursework, IB, and dual enrollment. These pathways must foster the life and career characteristics, world class knowledge, and skills identified in the Profile of the South Carolina Graduate;

(2) promote an increased awareness of, and career counseling ~~by providing access to the South Carolina Occupational Information System for all schools. However, if a school chooses another occupational information system, that system must be approved by the State Department of Education~~ that focuses on, regional and state workforce needs and on the careers that require a high school diploma, industry certification, postsecondary degree, or postsecondary credential; and

(3) review the pathways selected by the district every two years and determine if a different pathway is more appropriate for local workforce needs. Each district shall report the process it used in determining whether to keep or replace a pathway to the State Board of Education.”

B. This SECTION takes effect August 1, 2022.

SECTION 31. A. Section 59-53-30 of the 1976 Code is amended to read:

“Section 59‑53‑30. (A) Institutions of the South Carolina Technical Education System ~~shall maintain open admissions policies unless determined to be economically unfeasible by the State Fiscal Accountability Authority and~~ are allowed to have differing admissions policies if necessary to meet local workforce needs and may establish and maintain low tuition and fees in order to provide access to post‑secondary education and insure that such educational opportunities shall not be denied to anyone.

(B) Upon request and justification and with the approval of the State Board of Education, the ~~Board~~ board may authorize an institution within its jurisdiction to contract with local school districts to offer adult literacy courses and programs and secondary‑level ~~vocational~~ career and technical education courses and programs.

(C) Upon request and justification and with the approval of the Commission on Higher Education, the ~~Board~~ board may authorize an institution within its jurisdiction to offer two‑year college parallel programs. The Commission on Higher Education shall approve all criteria for college parallel courses.”

B. This SECTION takes effect upon approval by the Governor and must be completed before August 1, 2022.

PART VI

Educator Development, Satisfaction, and Incentives

SECTION 32. (A) The Department of Education is directed to establish a pilot program by May 1, 2021, that will permit a school that has received an overall rating of ‘Excellent’ on its annual report card for at least two consecutive years, or is a located in a critical geographic area as defined in Section 59-26-20(j), to hire non-certified teachers in a ratio of up to ten percent of its entire teaching staff. In order to effect the establishment of the pilot program, the State Board of Education, through the Department of Education, shall approve guidelines that at a minimum shall include the following:

(1) a non-certified teacher must possess a baccalaureate or graduate degree in the subject he is hired to teach and must have at least five years of relevant workplace experience;

(2) procedures are provided for non‑certified teachers to participate in the evaluation process pursuant to Section 59‑26‑30(B)(4) and (5); and

(3) training is required to ensure that non‑certified teachers are prepared to enter the classroom.

(B) Participation in the pilot program is optional, and the decision to participate rests solely with the Department of Education and the school principal, upon approval of the district superintendent. Participating schools and districts are encouraged to collaborate on recruitment, training, and implementation of the pilot program and to assist the Department of Education with establishing best practices.

(C) The Department of Education shall establish a separate code in the professional coding system to capture non‑certified teachers and shall continue to report this information on school report cards.

(D) Beginning November 1, 2022, the Department of Education shall submit an annual report that includes recommendations for improving, expanding, or continuing the pilot program to the General Assembly. At the end of the five‑year pilot program, the annual status report shall include a recommendation regarding continuance of the program.

SECTION 33. Section 59-5-60(4) of the 1976 Code is amended to read:

“(4) Prescribe and enforce rules for the examination and certification of teachers, including for alternative route providers and programs.”

SECTION 34. Section 59-25-110 of the 1976 Code is amended to read:

“Section 59-25-110. The State Board of Education, by rules and regulations, shall formulate and administer a system for the examination and certification of teachers, including for alternative route providers and programs.”

SECTION 35. Section 59-25-115 of the 1976 Code is amended to read:

“Section 59-25-115. (A) For the purposes of this section, an ‘educator preparation program’ is a state-approved program housed at a college or university or an alternative route program as defined in Section 59-25-25.

(B) A person enrolled in ~~a teacher education~~ an educator preparation program ~~in South Carolina~~ must be advised by the education preparation provider, college, or university that ~~his~~ any prior criminal record could prevent approval to enter into a full or part-time pre-service field or clinical experience in public schools. The education preparation provider, college, or university must notify the individual that his prior criminal record could prevent certification as a teacher in this State in accordance with State Board of Education guidelines.

~~(B)~~(C)(1) Before beginning any part or full‑time field or clinical ~~teaching~~ experience in a public school in this State, ~~a teacher education~~ an educator candidate must complete a pre-service application and clearance process in accordance with State Board of Education guidelines. Part of this process shall include ~~shall undergo~~ a ~~state~~ fingerprint-based criminal records check by the South Carolina Law Enforcement Division and ~~a national criminal records check supported by fingerprints by~~ the Federal Bureau of Investigation, and a search of the National Association of State Directors of Teacher Education and Certification Clearinghouse’s educator misconduct records. The cost associated with the FBI background checks are those of the applicant. Information reported relative to prior arrests or convictions will be reviewed by the State Department of Education, and the State Board of Education when warranted, according to board guidelines. ~~A teacher education candidate with prior arrests or convictions of a serious nature that could affect his fitness to teach in the public schools of South Carolina may be denied the opportunity to complete the clinical teaching experience and qualify for initial teacher certification. An individual who is denied this opportunity as a result of prior arrests or convictions, after one year, may request reconsideration under guidelines established by the State Board of Education.~~

(2) An educator candidate who completes an educator preparation program must repeat the fingerprint-based criminal records check as required in subsection (C)(1) before certification if the criminal history reports on file were submitted more than eighteen months prior to meeting all certification requirements.

(3) Any educator applying for recertification must repeat the fingerprint-based criminal records check as required in subsection (C)(1).

~~(C)~~ ~~A graduate of a teacher education program applying for initial teacher certification must have completed the FBI fingerprint process within eighteen months of formally applying for initial teacher certification or the fingerprint process must be repeated.~~”

SECTION 36. Section 59-25-115 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( )(1) The Department of Education shall establish procedures for the registration and clearance of all non‑certified educators working in any public school, to include a public charter school. Educators shall submit the required documentation and fees to the Department of Education, which shall include, but are not limited to:

(a) a completed registration form;

(b) any associated fee;

(c) transcripts, which shall be subject to review; and

(d) FBI, South Carolina Law Enforcement Division, and National Association of State Directors of Teacher Education and Certification Clearinghouse checks.

(2) An educator whose South Carolina educator certificate has been suspended or revoked shall not be employed as a non‑certified teacher. If a non‑certified teacher commits an offense covered by the Code of Conduct as promulgated by the State Board of Education, then the State Board of Education is authorized to revoke the educator’s registration.”

SECTION 37. Article 1, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59-25-25. (A)(1) For the purposes of this section, ‘alternative route provider’ means an entity responsible for preparing educators. ‘Alternative route program’ is a sequence of academic courses and experiences that result in state certification.

(2) The State Board of Education may approve alternative route providers and programs for certification for any individual required to hold a state educator certificate. The State Board of Education must establish guidelines for approval that also include periodic review of all providers and programs as provided in Section 59-26-20( ). An educator preparation program housed within an institution of higher education does not have to be nationally accredited, may be approved as an alternative route provider, and may submit a separate and distinct educator preparation program for alternative certification to the State Board of Education for approval. Any alternative route program must include, but is not limited to including, documented evidence of the following:

(a) its budget and sources of revenue, including fees paid by the candidates;

(b) its organizational information, including the names and qualifications of administrators, support staff, and faculty;

(c) entry requirements for candidates for each certification area program offered by the applicant;

(d) its plans for curriculum offerings, including its delivery method and timeframe, field placements, field supervision plans, and assessments of success;

(e) its partnerships with public schools for clinical experiences, if applicable, including signed memoranda of agreement with detailed responsibilities for the alternative route educator provider program and school district;

(f) evidence of annual successful teaching experience by the candidates and their progress toward obtaining a professional certificate;

(g) ongoing monitoring of candidates’ performances in the classroom while in the alternative route program; and

(h) mentoring provided by the educator preparation program.

(B) The Department of Education shall report the total number of individuals employed in this State, by district, with certificates issued by alternative programs to the State Board of Education and the General Assembly before March thirty‑first of each year.”

SECTION 38. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59‑26‑35. (A)(1) The State Board of Education, with the assistance of the Department of Education, the South Carolina Commission on Higher Education, and the Revenue and Fiscal Affairs Office, shall develop and annually produce a teacher preparation data dashboard that shall provide, at a minimum, the following:

(a) the number of undergraduate and graduate completions;

(b) placement and retention rates by district and region of the State;

(c) the performance of candidates on a basic skills examination;

(d) the ability of programs to recruit a strong, diverse cohort of candidates and prepare them to teach in the content areas of greatest need;

(e) the quality of clinical experiences; and

(f) the effectiveness of individuals who completed a provider’s program and are employed in a public school classroom.

(2) The information must be differentiated by provider and, if applicable, across content areas.

(B) The Department of Education, each educator preparation provider, and each school district shall report all data as requested by the State Board of Education that is necessary to produce the teacher preparation data dashboard, which shall be published on the Department of Education’s website.”

SECTION 39. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59‑26‑120. (A) Using the longitudinal data system established pursuant to Section 59‑18‑1950, the Department of Education shall annually before December first provide information to each college of education and state‑approved educator preparation program regarding their respective graduates. Information must be provided to a college of education or educator preparation program regarding each of its individual educator graduates and alternative program participants and completers and must include, but is not limited to:

(1) scores for SCPASS and SC READY, or any succeeding assessment, aggregated by classroom, content, or grade; school; district; and learner demographic;

(2) student learning objective data aggregated by classroom, content, or grade; school; district; and learner demographic;

(3) the results of the ADEPT Evaluation by individual educator graduate;

(4) records of employee certification by individual educator graduate; and

(5) other information requested by the college of education or educator preparation programs designed to enhance the ability of the college or educator preparation program to provide improved education services.

(B) A college of education or educator preparation program receiving individualized information regarding its graduates pursuant to subsection (A) shall:

(1) develop and use a unique system for identifying each individual educator graduate for whom it receives such individualized information;

(2) strictly maintain the confidentiality of all information that could be used to identify an individual educator graduate for whom it receives such information; and

(3) not share such information with a third party without the express written consent of the individual educator graduate.

(C) Information provided to a college or educator preparation program pursuant to this section is not subject to the provisions of the Freedom of Information Act.”

SECTION 40. Article 1, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59‑25‑52. (A) Annual requirements for the teacher survey currently administered by the Department of Education shall be met by the Center for Educator Recruitment, Retention, and Advancement of South Carolina (CERRA-South Carolina). CERRA-South Carolina shall administer the uniform and confidential online survey of all public school teachers to evaluate teacher satisfaction, shall collect and analyze the survey data, and shall report the results as provided in this section. The survey shall include, but is not limited to, an assessment of teacher perceptions of working conditions related to support and leadership, the availability and use of resources, the classroom and school environment, and professional opportunities. CERRA-South Carolina shall maintain data to provide year-over-year results.

(B) CERRA-South Carolina shall compile, analyze, and report survey results for each school and school district, as well as statewide. The reports must be:

(1) provided to the Education Oversight Committee and each school district board, school district superintendent, school principal, and school teacher; and

(2) published by CERRA-South Carolina, the Department of Education, the Education Oversight Committee, each school district, and each school in a conspicuous place on its respective website. A district must publish results only for the district. A school must publish results only for the school. Yearly results must be published online and maintained for ten years.”

SECTION 41. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59-19-360. The board of trustees of a local school district may authorize daily mileage reimbursement for a teacher who must travel more than twenty-five miles each way between home and school. This reimbursement may not exceed the federal reimbursement rate for mileage.”

SECTION 42. A. Section 59‑5‑63 of the 1976 Code is amended to read:

“Section 59‑5‑63. (A)(1) The State Board of Education shall ~~promulgate regulations directing~~ adopt, and revise as necessary, a policy that each local school board must use to develop and implement a plan that directs the principal of each elementary school having ~~grades one~~ kindergarten through ~~six~~ fifth grade to provide all full‑time teachers who are assigned to a classroom with at least thirty minutes of unencumbered time on each regular school day ~~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. The regulations shall direct that the plan be in effect for the 1984 85 school year.~~

(2) The State Board of Education’s policy must:

(a) provide the process that a local school board must follow in developing a unencumbered time policy, including, but not limited to, policy application, manner of application, and times of application;

(b) provide that unencumbered time may not be withheld or reduced, unless it is reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff;

(c) provide that additional compensation may not be offered in place of unencumbered time;

(d) provide penalties if a principal fails to comply with the local unencumbered time policy; and

(e) provide penalties if a local school board fails to comply with this section.

(B) The local school board must adopt an unencumbered time policy at a regularly scheduled meeting within three months of the State Board of Education’s adoption of a statewide policy. The local school board’s policy must include, at a minimum, the State Board of Education’s policy but may also include additional provisions. If the State Board of Education revises the statewide policy, then the local school board must incorporate and adopt the revisions into the local unencumbered time policy at a regularly scheduled meeting within three months.

(C) The local school board must submit its unencumbered time policy and any subsequent revisions to the Department of Education within thirty days of adoption.”

B. This SECTION takes effect August 1, 2020.

SECTION 43. Chapter 25, Title 59 of the 1976 Code is amended by adding:

“ARTICLE 9

Educator Fundamentals for Professional Excellence

Section 59‑25‑910. The General Assembly finds that South Carolinians have a commitment to public education and a conviction that high expectations for all educators are vital components for achieving professional excellence. It is the policy of the State that educators:

(1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom, which are made in accordance with written school and district policies provided to faculty, fully respected by school and district officials;

(2) may take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school and district policies as referenced in item (1), to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

(3) may work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

(4) may have an unencumbered daily planning time of not less than thirty minutes each working day, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

(5) are free of excessive and burdensome paperwork related to disciplinary actions, district evaluation procedures, and other administrative inquiries that prevent the fulfillment of teachers’ primary directive to implement effective instruction for their students;

(6) are provided additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers; and

(7) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

(a) commit to helping them become competent and confident professionals in the classroom; and

(b) offer support and assistance as needed to meet performance standards and professional expectations.

SECTION 44. Section 59-24-10 of the 1976 Code is amended to read:

“Section 59-24-10. ~~Beginning with the school year 1999‑2000, before permanent appointment as a principal for an elementary school, secondary school, or career and technology center, a person must be assessed for instructional leadership and management capabilities by the Leadership Academy of the South Carolina Department of Education. A district may appoint a person on an interim basis until the assessment is completed. A report of this assessment must be forwarded to the district superintendent and board of trustees. The provisions of this section do not apply to a person currently employed as principal on the effective date of this section or to a person hired as principal before the beginning of school year 1999‑2000~~ Any person hired to serve for the first time as a principal or assistant principal must participate and successfully complete an induction program facilitated by the State Department of Education, as provided by regulation. A report of completion must be provided to the district superintendent and the local school board of trustees.”

SECTION 45. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59-26-125. The State Department of Education shall pay for fees and costs associated with a first-time teacher certification, as provided in Sections 59-26-30 and 59-155-180(C)(5), not to exceed five hundred dollars.”

SECTION 46. Article 1, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59-25-60. (A) Based on a public decision of the school board, all certified public school teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, and career specialists who are employed by a school district or a charter school, and lead teachers employed in a publicly funded, full-day, four-year-old kindergarten classroom approved by the South Carolina First Steps to School Readiness, may receive a reimbursement of five hundred fifty dollars each school year to offset expenses incurred by them for teaching supplies and materials.

(B) The State Department of Education shall disburse funds to school districts by July fifteenth based on the last reconciled professional certified staff listing from the previous year. With the remaining funds for this program, any deviation in the professional certified staff and actual teacher count shall be reconciled by December thirty-first or as soon as practicable thereafter. Based on the public decision of a school district and no later than May fifteenth annually, the district shall notify all individuals entitled to receive these funds of the manner in which the funds will be disbursed. Funds may be disbursed to teachers by check in a manner separate and distinct from their payroll checks on the first day that teachers, by contract, are required to be in attendance at school for the current contract year, or the funds may be disbursed to teachers by direct deposit as long as the funds are handled in a manner separate and distinct from their payroll checks. The State shall not consider this reimbursement to be taxable income. Special schools include the Governor’s School for Science and Math, the Governor’s School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District.

(C) Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes, then the receipts may not be required before December thirty-first. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district that they have received the allocation for the purchase of teaching supplies or materials and that they have purchased or will purchase supplies or materials during the fiscal year for the amount of the allocation. Districts shall not have an audit exception related to the non-retention of receipts in any instances in which a similar instrument is utilized. Any district requiring receipts must notify any teacher who has not submitted receipts between November twenty-fifth and December sixth that he must submit receipts to the district. Districts may not add any additional requirement not listed herein related to this reimbursement.”

SECTION 47.A. Section 59-26-85(B) of the 1976 Code is amended to read:

“(B) The Center for Teacher Recruitment shall develop guidelines and administer the programs whereby teachers applying to the National Board for Professional Teaching Standards for certification ~~before July 1, 2010,~~ may receive a loan equal to the amount of the application fee. ~~One‑half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the National Board.~~ Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. ~~This subsection does not apply to any application submitted on or after July 1, 2010.~~ Teachers eligible to receive the state supplement upon achieving certification must have submitted the initial application and fee for NBPTS.”

B. This SECTION takes effect beginning in Fiscal Year 2021-2022.

SECTION 48. Section 59-26-40 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) For the purposes of this subsection, coaching is not an extracurricular activity. A school district may not assign an extracurricular activity requirement to classroom teachers employed by an induction, annual contract, or continuing contract that is not a natural extension of the scope of their classroom instruction.”

PART VII

Local School Boards

SECTION 49. A. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“ARTICLE 7

Local School Governance

Section 59‑19‑710. The purpose of this article is to enhance local school governance by promoting the highest standards of ethical behavior.

Section 59‑19‑720. For the purposes of this article, ‘board member’ means a person holding membership, whether by election or appointment, on a board of education, including a charter school board or the South Carolina Charter School District board, other than the State Board of Education.

Section 59‑19‑730. (A) The State Board of Education shall adopt, and revise as necessary, a model code of ethics for local school board members. The code shall include penalties for violations that the State Board of Education determines are reasonable and necessary.

(B)(1) A local school board shall adopt a local code of ethics applicable to that board within three months after adoption of the model code of ethics by the State Board of Education. A local code must include, at a minimum, the State Board of Education’s model code of ethics.

(2) If the State Board of Education adopts a revision to the model code of ethics, then local school boards shall adopt and incorporate the revision into their local code within three months of the adoption of the revision by the State Board of Education.

(3) A local school board may only adopt its local code of ethics or any changes to that local code at a regularly scheduled meeting.

(4) A local school board may not adopt or follow a code of ethics that prevents its members from freely discussing the policies and actions of the board outside of a board meeting. This does not preclude a local school board from adopting a policy in a regularly scheduled meeting that prohibits certain disclosures allowed by law.

(5) A local school board shall submit a copy of its local code of ethics and subsequent revisions to the Department of Education within thirty days of adoption.

(6) Nothing contained in this section may be construed to repeal, replace, or preclude application of any other statute.”

B. Section 59-19-730(A) takes effect upon approval by the Governor but must be completed before July 1, 2021.

SECTION 50. A. Section 59-19-45 of the 1976 Code is amended to read:

“Section 59-19-45. (A)(1) The State Board of Education shall adopt a model training program for training local school board members. Every three years, the State Board of Education shall review the training program as it considers necessary and adopt revisions.

(2)(a) A local school board shall adopt a local training program applicable to that board within three months after adoption of the model training program by the State Board of Education. A training program must include, at a minimum, the model training program adopted by the State Board of Education.

(b) If the State Board of Education adopts a revision to its training program, then local school boards shall adopt and incorporate the revision into their local training programs within three months of the adoption of the revision by the State Board of Education.

(c) A local school board may only adopt its local training program or any changes to that local training program at a regularly scheduled meeting.

(B) Within one year of taking office, all persons elected, re-elected, ~~or~~ appointed, or reappointed as members of a school district board of trustees ~~after July 1, 1997~~, regardless of the date of their election, re-election, appointment, or reappointment, shall complete successfully ~~an orientation~~ a training program in the powers, duties, and responsibilities of a board member, including, but not limited to, topics on policy development, personnel, superintendent and board relations, instructional programs, district finance, school law, ethics, nepotism, conflicts of interest, and community relations. This program must be offered by a district or its designee and completed by each board member within one year after his election, reelection, appointment, or reappointment.

~~(B)~~ ~~The orientation shall be approved by the State Board of Education and conducted by public or private entities approved by the State Board of Education such as the South Carolina School Boards Association.~~

(C) ~~The provisions of this section also apply to members of county boards of education appointed or elected after July 1, 1997, in the same manner the provisions of this section apply to members of school district boards of trustees~~ In addition to meeting other requirements provided by law, a person serving on a local school board shall sign a statement asserting that he understands and is in compliance with the South Carolina ethics law, the applicable local code of ethics, and the training required pursuant to this section.

(D) ~~The provisions of this section do not apply to a school board trustee or county board of education member who was serving in such office on July 1, 1997, and who is continuously reelected or reappointed to office thereafter~~ At the beginning of each calendar year, a local school board shall certify compliance with the provisions of subsection (C) by all board members and publish this certification in the minutes of the next regularly scheduled school board meeting.

~~(E)~~ ~~The State Department of Education shall reimburse a school district or county board of education conducting an orientation for a new board member as required by this section at the rate of eighty dollars for a member, provided that the total reimbursements by the department in one fiscal year must not exceed ten thousand dollars. If the total projected cost of these reimbursements for a year as determined by the department exceeds ten thousand dollars, the eighty‑dollar reimbursement for each new member must be reduced proportionately. If funds are not available for these reimbursements, the board member orientation is not required but may be conducted at the option of a school district or county board of education. The State Board of Education shall establish guidelines and procedures for these reimbursements.~~

~~(F)~~ ~~The State Department of Education must keep a record of the school board trustees who complete the orientation program.~~”

B. Section 59-19-45(A)(1) takes effect upon approval by the Governor but must be completed by December 31, 2020. The training program pursuant to Section 59-19-45(B) must be offered by a district or its designee and completed by each board member within one year after the effective date of this SECTION.

SECTION 51. A. Section 59-39-100 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( )(1) A district school board or charter school sponsor may establish a board policy to require all high school students without a scheduled class or classes for the remainder of a school day to remain at their assigned school until the end of that regular school day, unless the student:

(a) is actively participating in a college or career readiness activity, class, or course away from the school, including, but not limited to, work‑based learning; an approved apprenticeship, internship, or externship; or a senior project;

(b) is actively involved in an ongoing community service project;

(c) is regularly scheduled for a volunteer or service activity, such as tutoring or mentoring another student;

(d) is gainfully employed; or

(e) provides a written request from his parent or guardian requesting an exemption from the requirement.

(2) The district board or charter sponsor policy established may require a uniform district‑wide policy or may include provisions allowing each high school under its governance to establish a policy unique to its students’ needs that is uniformly applied within the school.”

B. This SECTION takes effect August 1, 2020.

SECTION 52. (A)(1) On or before August 1, 2022, any local school district meeting the following characteristics shall be eligible to receive appropriated funds for the purpose of consolidating with other local school districts within its county:

(a) based on the forty-five day average daily student membership count received by the Department of Education for the 2018-19 School Year, maintains an average daily membership that is less than one thousand five hundred; and

(b) is located within a county ranked as Tier IV in the 2018 tax year pursuant to Section 12-6-3360(B).

(2) Any funds received must be used to support costs directly related to consolidation, including, but not limited to, salary adjustments, facilities, debt mitigation, millage rate adjustments, transportation, technology, and other factors that the local school district demonstrates are necessary to complete consolidation. The Department of Education is eligible to carry forward these funds from one fiscal year to the next and use them for the same purpose.

(3) On or before August 1, 2020, each eligible district must submit a preliminary consolidation plan and timeline to the Department of Education for review and approval and must include a proposed use of funds. Upon approval by the Department of Education, each district shall forward its consolidation plan to its local legislative delegation for action. Upon approval of a consolidation plan by the Department of Education, the Department of Education shall make an initial allocation to the impacted districts. The Department of Education shall allocate any remaining funds following any legislative action formally consolidating districts.

(B)(1) After August 1, 2022, any local school district satisfying the characteristics of subsection (A)(1) that has not implemented consolidation pursuant to subsection (A) shall be merged with one or more districts in the same county and is not eligible for appropriated funds. The Department of Education will direct the merger and shall report to the General Assembly any legislative actions necessary to accomplish the merger.

(2) If a district began consolidation and received funding pursuant to subsection (A) but did not fully implement the consolidation, then the district shall be consolidated pursuant to this subsection. The Department of Education shall direct the district to remit payment in an amount equal to the funds allocated pursuant to subsection (A). The Department of Education shall work with the districts involved to identify services that will be consolidated and to enhance educational services and the programs available to students.

(C) After August 1, 2020, a local school district eligible for consolidation pursuant to subsection (A) may not incur new bonded indebtedness, spend existing district reserves, dispose of district assets, or increase the salary of any district employee without prior approval by the Department of Education unless otherwise directed by the General Assembly.

(D) If sufficient funds are not appropriated to support subsection (A), then the Department of Education is directed to submit a report to the General Assembly by January 10, 2020, outlining the districts that meet the criteria of subsection (A)(1). School districts included in the report required by this subsection are subject to the consolidation process provided in subsection (B). The report shall include information on shared services, district efficiency reviews, and other relevant information related to school district consolidation.

SECTION 53. Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59-17-45. (A) Notwithstanding any other provision of law, any local school district shall be eligible to receive appropriated funds for the purpose of consolidating with other districts within its county if the district maintains an average daily membership that is less than one thousand five hundred based on annual student counts received by the Department of Education. These funds must be used to support costs directly related to consolidation, including, but not limited to, salary adjustments, facilities, debt mitigation, millage rate adjustments, transportation, technology, and other factors that the district demonstrates are necessary to complete consolidation. The Department of Education is eligible to carry forward these funds from one fiscal year to the next and to use them for the same purpose.

(B) An eligible district intending to consolidate must submit a preliminary consolidation plan, a timeline, and the proposed use of funds to the local legislative delegation for review and approval through the passage of local legislation. Upon approval by the local legislative delegation, the district shall forward the consolidation plan to the Department of Education, and the Department of Education shall make an initial allocation to the impacted districts. The Department of Education shall allocate any remaining funds following any legislative action formally consolidating the districts.

(C) Upon submission of a consolidation plan, a local school district may not incur new bonded indebtedness, spend existing district reserves, dispose of district assets, or increase the salary of any district employee without prior approval by the Department of Education, unless otherwise directed by its local legislative delegation.

(D) If sufficient funds are not appropriated to support consolidation, then the Department of Education is directed to submit a report annually to the General Assembly outlining the districts that have submitted consolidation plans. The report shall include information on shared services, district efficiency reviews, and other relevant information related to school district consolidation.”

SECTION 54. Section 59‑19‑350(A) of the 1976 Code is amended to read:

“Section 59-19-350. (A)(1)(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 a two-thirds affirmative vote of the State Board of Education.

(b) If there is an opening start date provided in statute, then the provisions of subitem (a) do not apply. A school of innovation cannot be exempt from a statutory opening-date requirement unless the district establishes a twelve-month calendar that incurs no more than a break of five consecutive weeks during the twelve-month calendar.

(2) Nothing in this section permits a local school district board of trustees to relinquish control of the schools created pursuant to item (1).”

SECTION 55. Section 59-1-425(A) of the 1976 Code is amended to read:

“Section 59‑1‑425. (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, ~~beginning with the 2007‑2008 school year,~~ the opening date for students must not be before ~~the third Monday in~~ August fifteenth, except for schools operating on a year‑round modified school calendar. If August fifteenth falls on a weekday other than a Monday, then the opening start date must not be before the preceeding Monday. If August fifteenth falls on a weekend, then the opening start date must not be before the subsequent Monday. Three days must be used for collegial professional development based upon the educational standards as required by Section 59‑18‑300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district. A local school district board of trustees must modify the first semester calendar for the purpose of administering exams prior to the beginning of any scheduled December break.”

B. This SECTION is effective contingent upon funding in the annual appropriations act.

SECTION 56. Section 59-19-60 of the 1976 Code is amended to read:

“Section 59-19-60. Notwithstanding any provision of law to the contrary, school ~~School~~ district trustees guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity shall be subject to removal from office ~~for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education~~ by the Governor. ~~Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59‑19‑560.~~ Vacancies occurring in the membership of any board of trustees for any cause shall be filled for the unexpired term ~~by the county board of education~~ in the same manner as provided for full‑term appointments.”

SECTION 57. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-1970. Each local school district board of trustees shall adopt a streamlined template for a classroom teacher to use when preparing student learning objectives. Any data required on the template that is not specifically related to the teacher’s direct interaction with and observation of a particular student must be prepared and provided by the district office.”

SECTION 58. A. Article 1, Chapter 39, Title 59 of the 1976 Code is amended by adding:

“Section 59-39-165. Every public school district may establish a mandatory program for each school in the district, which must address issues such as bullying, personal respect, respect for others, principles of harmonious coexistence, discipline, responsibility, and honor.”

B. This SECTION takes effect on August 1, 2021.

PART VIII

Assistance and Intervention

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

SECTION 60. Chapter 18, Title 59 of the 1976 Code is amended by adding:

“ARTICLE 16

Assistance and Intervention

Section 59-18-1615. As used in this article:

(1) ‘Chronically underperforming school’ means a school that receives an overall rating of unsatisfactory for three consecutive years on its annual school report card, as provided in Section 59-18-900.

(2) ‘School district’ is defined pursuant to Section 59-1-160.

(3) ‘Turnaround plan’ means a plan outlining goals for a school or district’s educational improvement that includes specific strategies designed to increase student achievement and measures to evaluate the success of implementation of the plan so that the school or district is no longer underperforming or chronically underperforming. The department is required to provide schools and districts with a template to complete the turnaround plan.

(4) ‘Underperforming district’ means a district in which sixty-five percent or more of the schools in the district have an overall rating of unsatisfactory or below average on their annual school report cards, as provided in Section 59-18-900.

(5) ‘Underperforming school’ means a school that receives an overall rating of unsatisfactory or below average on its annual school report card, as provided in Section 59-18-900.

Section 59‑18-1620. (A) The department shall implement a tiered system for providing technical and other assistance, professional development, and monitoring for schools and districts. By December thirty-first of each year, the State Superintendent of Education shall report on the tiered system’s progress relating to assistance provided to schools and local school districts to the General Assembly. The report shall include data documenting the impact of the assistance on student academic achievement, college and career readiness, and high school graduation rates.

(B) As a component of determining if and where assistance and changes are necessary, the department shall:

(1) monitor the professional development of teachers, staff, and administrators provided by or approved through districts and schools;

(2) monitor local school board operations for efficient and effective management; and

(3) identify and provide a summary of improvements and changes to the school districts, district school boards, and other involved parties.

Section 59‑18‑1625. (A) Upon a school or district’s designation as an underperforming school or district, the department shall immediately place the school or district into a tiered status to provide technical assistance. The department shall notify the underperforming school or district and the district superintendent of the tiered status.

(B)(1) Upon receiving notification from the department, the district superintendent, in consultation with school and community stakeholders, must review and revise the school or district’s strategic plan with the assistance of the School Improvement Council, as established in Section 59‑20‑60, to include a turnaround plan component for any underperforming school or district.

(2) The turnaround plan component of the revised strategic plan must:

(a) be based on data or needs assessments to identify specific improvement strategies related to underperforming school turnaround;

(b) include, at a minimum, specific and measurable goals, actions, activities, resource needs, student achievement goals, professional development plans, and academic interventions that are reasonable and necessary to improve student progress toward achieving the Profile of the Graduate for each school;

(c) include broad‑based community input, including, but not limited to, input from parents, teachers, principals, local school board members, businesses, community leaders, health providers, social services agencies, school improvement councils, or early childhood providers; and

(d) be submitted by the district superintendent to the local board of trustees for approval.

(C) Upon approval by the local board of trustees, the turnaround plan component of the revised strategic plan must be submitted to the department for review and approval. Thereafter, the district superintendent and the local board of trustees shall annually submit updates to the department regarding the implementation of the turnaround or revised strategic plan, including metrics assessing the impact of the activities included in the plan.

(D) Once approved by the department, the revised strategic plan must be prominently posted on the respective websites of the department, district, and school. The department shall monitor the district’s implementation of the revised strategic plan and evaluation of students’ academic progress, as provided for in the plan, and shall apprise the State Board of Education of the district’s progress once a quarter.

(E) For a school receiving an underperforming rating, the district and local board of trustees must work with the school principal to inform the parents of enrolled children of the rating. The notification must outline the steps in the revised strategic plan to improve performance, including the support that the local district board of trustees has agreed to give the plan.

Section 59‑18‑1630. Upon the release of the annual report card issued pursuant to Section 59-18-900, the department shall notify the appropriate legislative delegation of any school receiving an overall unsatisfactory rating. The local school board and district superintendent with jurisdiction over the unsatisfactory school shall:

(1) notify parents of students in writing and electronically;

(2) schedule, prominently publicize, and hold a public meeting to explain the school’s rating, its implications, how it must develop and implement a revised strategic plan for improvement, and how it will involve and engage the community in its plans, within thirty days of receiving the rating;

(3) immediately review and revise its strategicplan, which must incorporate and focus on turnaround plan components for each school designated as unsatisfactory in accordance with the template and guidelines provided by the department; and

(4) upon department approval, immediately list the revised strategic plan as a topic on the local district board meeting agenda at least once a quarter.

Section 59‑18‑1635. (A) The State Superintendent of Education may seek a state-of-education emergency declaration in a school for which he has a capacity to serve under the following circumstances:

(1) the school is chronically underperforming;

(2) the school’s accreditation is denied; or

(3) the State Superintendent of Education determines that a school’s turnaround plan results are insufficient.

(B) If the State Superintendent of Education determines that a state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon approval of a state-of-education emergency declaration, the State Superintendent of Education shall:

(1) notify the district superintendent, local school board, local legislative delegation, and Governor; and

(2) assume management of the school.

(D) The district superintendent and members of the local district board may appeal the State Board of Education’s approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court’s rules, provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E) Once a school subject to subsection (C) has met annual targets identified in the revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and local board of trustees, shall develop a transition plan and timeline for returning management of the school to the district.

Section 59‑18‑1640. (A) The State Superintendent of Education may seek a state-of-education emergency declaration in a district for which he has a capacity to serve under the following circumstances:

(1) the district is identified as underperforming for three consecutive years;

(2) the district’s accreditation is denied;

(3) the Superintendent of Education determines that a district’s turnaround plan results are insufficient; or

(4) the district is classified as being in a fiscal emergency status pursuant to Section 59-20-90, or financial mismanagement resulting in a deficit has occurred.

(B) If the State Superintendent of Education determines that a state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon approval of a state-of-education emergency, the State Superintendent of Education shall:

(1) notify the State Board of Education, the district superintendent, local school board, local legislative delegation, and Governor; and

(2) assume management of the district.

(D) The district superintendent and members of the local district board may appeal the State Board of Education’s approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court’s rules, provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E)(1) Upon the State Board of Education’s approval of a state-of-education emergency declaration, the local district board of trustees is dissolved. The State Superintendent of Education shall assume the authority and responsibilities of the district superintendent and local board of trustees until district management is transitioned to the jurisdiction of an interim local district board of trustees appointed pursuant to this section.

(2)(a) Once a district subject to subsection (C) has met annual targets identified in the district’s revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. The State Board of Education shall approve that an interim local district board of trustees be appointed. The interim local district board of trustees shall consist of five members appointed in the following manner with a chairman elected by the appointees:

(i) one member appointed by the Governor;

(ii) one member appointed by the local legislative delegation; and

(iii) three members appointed by the State Superintendent of Education in consultation with the local legislative delegation.

(b) All appointees must be residents of the school district for which the interim appointments are being made. In making appointments to the interim local district board of trustees, the appointing authority shall take into account race, gender, and other demographic factors, such as residence in a rural or urban area, so as to represent, to the greatest extent possible, all segments of the population of the affected district; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the interim local district board of trustees shall represent the educational needs of the district.

(c) The interim local district board shall be appointed to begin serving within forty-five days of the State Board of Education’s approval of the appointments of the interim local district board and shall serve for a minimum of three years.

(d) Any vacancy shall be filled in the original manner of appointment.

(3) For a minimum of three years and until the State Board of Education votes to end the state-of-education emergency, the interim local district board shall remain in place, and its appointed members shall continue to serve.

(F)(1) Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and interim board, shall develop a transition plan and timeline for returning management of the district to a local board of trustees. Beginning with the next regularly scheduled election, local district board of trustees members will be elected or appointed pursuant to statutory requirements.

(2) Upon the swearing in of a new local district board of trustees, the declaration of a state-of-education emergency shall expire, and the powers and duties of the district superintendent and local district school board of trustees are restored.

(G) Notwithstanding any other provision of law, a district in a state-of-education emergency pursuant to this section shall have its fiscal authority relating to taxing authority and levying millage transferred to its county council until the state-of-education emergency is lifted. County council may not exceed millage limitations established pursuant to Section 6-1-320 or otherwise established prior to the state-of-education emergency declaration.”

SECTION 61. Section 59‑18‑920 of the 1976 Code is amended to read:

“Section 59‑18‑920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the ~~Department of Education~~ department 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 a 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.”

SECTION 62. Section 59‑59‑30 of the 1976 Code is repealed.

PART IX

Miscellaneous

SECTION 63. A. Section 59-1-495 of the 1976 Code is amended to read:

“Section 59-1-495. (A) The General Assembly directs the State Superintendent of Education, the Executive Director of the Education Oversight Committee, the Chairman of the House Education and Public Works Committee, and the Chairman of the Senate Education Committee to each appoint one representative to a committee to be chaired by the appointee of the State Superintendent of Education to review Title 59 of the South Carolina Code of Laws and report to the General Assembly all statutes that are obsolete or no longer applicable. In addition, the report must identify all the federal education statutes and regulations with which the State of South Carolina is required to comply. The committee, with the assistance of the Revenue and Fiscal Affairs Office, must include in the report the total cost to the State of South Carolina to comply with the identified federal education statutes and regulations. This report must be submitted by December 31, 2016, and updated at least every five years thereafter.

(B) With the assistance of the Revenue and Fiscal Affairs Office, the State Department of Education will annually report by December thirty-first the federal funding streams for programs and grants for elementary and secondary education in this State to the General Assembly. The report must include:

(1) the amount of federal funding provided to the State Department of Education that flows through to each school district;

(2) the applicable maintenance of state support, maintenance of local effort, and matching required by any applicable grant, and uses of these funds by state and local school districts;

(3) compliance activities conducted by the State; and

(4) the available outcome data and information applicable to each grant.”

B. Section 59-1-495(B) of the 1976 Code takes effect on August 1, 2021.

SECTION 64. Chapter 20, Title 59 of the 1976 Code is amended by adding:

“Section 59‑20‑85. (A) The State Department of Education shall annually publish reports detailing the revenues each school district receives from state, federal, and local sources. The report shall include the top ten statewide revenues sources for each such revenue category. In addition to this revenue information, the department shall publish the amount and percentage each school district expends on classroom instruction. For purposes of this section, ‘classroom instruction’ expenditures must be determined using the most recent accounting categories promulgated by the National Center for Education Statistics.

(B) Annually, the Office of Revenue and Fiscal Affairs, in conjunction with the department, shall publish state, federal, and local revenue sources and per‑pupil comparisons for all fifty states. This per‑pupil funding must be referred to as ‘total per‑pupil funding’ for PK‑12 public education.

(C) Before the first day of session annually, the State Department of Education shall provide the report in subsection (A) and the Office of Revenue and Fiscal Affairs shall provide the report in subsection (B) to the President of the Senate and the Speaker of the House of Representatives, and they also shall publish these reports on their respective websites.”

SECTION 65. Section 59-18-900(D) of the 1976 Code is amended to read:

“(D) The comprehensive report card must include a comprehensive set of performance indicators with information on comparisons, trends, needs, and performance over time which is helpful to parents and the public in evaluating the school. In addition, the comprehensive report card must include indicators that meet federal law requirements. Special efforts are to be made to ensure that the information contained in the report card is provided in an easily understood manner and a reader‑friendly format. This information should also provide a context for the performance of the school. Where appropriate, the data should yield disaggregated results to schools and districts in planning for improvement. The report card should include information in such areas as programs and curriculum, school leadership, community and parent support, faculty qualifications, evaluations of the school by parents, teachers, and students. In addition, the report card must contain other ~~criteria~~ information including, but not limited to, information on promotion and retention ratios, disciplinary climate, dropout ratios, dropout reduction data, dropout retention data, access to technology, student and teacher ratios, and attendance data. Disciplinary climate data must be included in the information contained within the report card, but it cannot be used as an indicator used to measure a school’s performance.”

SECTION 66. Article 1, Chapter 24, Title 59 of the 1976 Code is amended by adding:

“Section 59-24-45. The State Department of Education shall develop uniform criteria and statewide performance standards for local school districts to use when assisting, developing, and evaluating district superintendents. Local school districts shall annually evaluate district superintendents and must provide results in writing to each district superintendent. Each evaluation must also include an individualized professional development plan for the district superintendent that considers the district’s strategic plan.”

SECTION 67. A. Section 59‑156‑120 of the 1976 Code is amended to read:

“Section 59-156-120. ~~(A)(1)~~The South Carolina Child Early Reading Development and Education Program ~~first~~ must be made available to eligible children statewide ~~from the following eight trial districts in Abbeville County School District et al vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3~~.

~~(2)~~ ~~With any funds remaining after funding the eight trial districts, the program must be expanded to the remaining plaintiff school districts in Abbeville County School District et al vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of ninety percent or greater. Priority must be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006‑2007 School Year, then in the plaintiff districts having proportionally the largest population of underserved at‑risk four‑year‑old children.~~

~~(3)~~ ~~With any funds remaining after funding the school districts delineated in items (1) and (2), the program must be expanded statewide. The General Assembly, in the annual general appropriations bill, shall set forth the priority schedule, the funding, and the manner in which the program is expanded.~~

~~(B)~~ Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers, especially reading barriers, may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.”

B. Section 59-156-130(A) of the 1976 Code is amended to read:

“Section 59-156-130. (A) Each child ~~residing in the program’s district,~~ who has attained the age of four years on or before September first of the school year and meets the at-risk criteria~~,~~ is eligible for enrollment in the South Carolina Child Early Reading Development and Education Program for one year.”

C. Section 59-156-140(B)(8) of the 1976 Code is amended to read:

“(8) be approved, registered, or licensed by the Department of Social Services, except for public and independent schools; and”

D. Section 59-156-230 of the 1976 Code is amended to read:

“Section 59-156-230. The Department of Social Services shall:

(1) maintain a list of all approved ~~public and private~~ providers; and

(2) provide ~~the Department of Education and~~ the Office of First Steps information necessary to carry out the requirements of this chapter.

E. This SECTION takes effect upon approval by the Governor and applies to school years beginning not later than 2021-2022.

SECTION 68. Section 59-48-70 of the 1976 Code is amended to read:

“Section 59-48-70. (A) The board shall create a development office for the school that will be headed by an executive director. The executive director shall be an employee of the school, shall be hired by the head of the school, and shall serve at his pleasure with a salary that shall be set by the board.

(B) The board may establish and maintain an endowment fund for the school that is subject to the direction of the executive director of the development office and that has the primary purpose of raising funds to support the furtherance of the school’s mission, goals, and objectives. The endowment fund must be organized on a nonprofit basis as a separate legal entity recognized under and in compliance with the laws of this State.

(C)(1) In consultation with the executive director of the development office, the endowment fund must adopt an annual operations and capital budget. Prior to adopting the annual budget and prior to any subsequent proposed material changes to the budget, the head of the endowment fund must meet with the executive director of the development office and the head of the school to review the endowment fund’s proposed budget or changes. The endowment fund budget and its fundraising goals must exclusively be based on the operation and capital goals of the school as provided to the foundation by the executive director of the development office and the head of the school.

(2) The endowment fund shall not accept any donations that are restricted in their use unless the proposed restriction is approved by the board prior to its acceptance and unless the funds are being used for a purpose that is needed by the school.

(D) Prior to taking any action on behalf of the school, including fundraising, the board and the endowment fund must enter into a written agreement detailing the corresponding rights, duties, and responsibilities of the endowment fund.”

SECTION 69. Section 59‑6‑10 of the 1976 Code is amended to read:

“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~~ Effective July 1, 2021, the Education Oversight Committee is abolished and its functions, powers, duties, responsibilities, and authority are devolved upon the State Department of Education.

(B)(1) A joint committee must be appointed to review and make recommendations as to which of the functions, powers, duties, responsibilities, and authority of the Education Oversight Committee are to be devolved upon the State Department of Education and which functions, powers, duties, responsibilities, and authority of the Education Oversight Committee are to be devolved upon the State Board of Education.

(2) The joint committee shall consist of five members appointed by the Chairman of the House Education and Public Works Committee and five members appointed by the Chairman of the Senate Education Committee. The committee must be co‑chaired by one member of the House and one member of the Senate.

(3) A report must be provided to the Speaker of the House and President of the Senate within ninety days after the first meeting of the joint committee, for the purpose of developing legislation to implement the requirements of subsection (A).”

SECTION 70. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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 71. Unless otherwise provided, this act takes effect upon approval by the Governor.

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