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AMENDED

January 28, 2020

**H. 4760**

Introduced by Reps. Lucas, Allison, Clyburn, Felder, Yow, Calhoon, McGinnis and Bales

S. Printed 1/29/20--H.

Read the first time January 14, 2020.

**A** **BILL**

TO AMEND SECTION 59‑18‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM TO PROMOTE STUDENT LEARNING AND STUDENT PERFORMANCE, SO AS TO REMOVE SOCIAL STUDIES FROM AMONG THE SUBJECTS ASSESSED IN THIRD GRADE THROUGH EIGHTH GRADE, TO PROVIDE SPECIFIC DIAGNOSTIC INFORMATION THAT THE ASSESSMENTS MUST INCLUDE, AND TO PROVIDE CERTAIN RELATED INFORMATION THAT DISTRICTS AND SCHOOLS SHALL PROVIDE PARENTS OR GUARDIANS OF STUDENTS BEING ASSESSED; AND TO AMEND SECTION 59‑18‑325, RELATING TO THE PROCUREMENT OF STANDARDS‑BASED ASSESSMENTS BY THE STATE DEPARTMENT OF EDUCATION, SO AS TO PROVIDE THAT BEGINNING WITH THE 2021‑2022 SCHOOL YEAR THE DEPARTMENT MUST EMBED ITEMS TO ADDRESS CERTAIN SOCIAL STUDIES STANDARDS ON THE SC READY READING AND WRITING ASSESSMENTS.

Amend Title To Conform

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

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

“Section 59‑18‑310. (A) As used in this section, ‘formative assessment’ means a test that may be administered at least once, but no more than three times, over an academic year.

~~(A)~~(B)(1) Notwithstanding ~~any other~~ another provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and:

~~(1)~~ (a) identify areas in which students, schools, or school districts need additional support;

~~(2)~~ (b) indicate the academic achievement for schools, districts, and the State;

~~(3)~~ (c) satisfy federal reporting requirements; and

~~(4)~~ (d) provide professional development to educators.

(2) ~~Assessments~~ An assessment required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable, and administered in English and in Braille for students as identified in their Individual Education Plan.

~~(B)~~(C)(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 an end‑of‑course ~~examinations are~~ examination is 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.

(2) A person who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements pursuant to this section and State Regulation may petition the local school board to determine the student’s eligibility to receive a high school diploma pursuant to this chapter. The local school board will transmit diploma requests to the South Carolina Department of Education in accordance with department procedures. Petitions under this section must be submitted to the local school district. Students receiving diplomas in accordance with this section shall not be counted as graduates in the graduation rate calculations for affected schools and districts, either retroactively or in current or future calculations. On or before January 31, 2019, the South Carolina Department of Education shall report to the State Board of Education and the General Assembly the number of diplomas granted, by school district, under the provision. The State Board of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations. The department shall advertise the provisions of this item in at least one daily newspaper of general circulation in the area of each school district within forty‑five days after this enactment. After enactment, the department may continue to advertise the provisions of this item, but it shall not be required to advertise after December 31, 2017. At a minimum, this notice must consist of two columns measuring at least ten inches in length and measuring at least four and one‑half inches combined width, and include:

(a) a headline printed in at least a twenty‑four point font that is boldfaced;

(b) an explanation of who qualifies for the petitioning option;

(c) an explanation of the petition process;

(d) a contact name and phone number; and

(e) the deadline for submitting a petition.

~~(C)~~(D) While assessment is called for in the specific areas mentioned above, this should not be construed as lessening the importance of foreign languages, visual and performing arts, health, physical education, and career or occupational programs.

~~(D)~~(E) The State Board of Education shall create a statewide adoption list of formative assessments for grades kindergarten through nine aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information, including Lexile or Quantile scores as appropriate, in a timely manner to all school districts for each student during the course of the school year. For use beginning with the 2009‑2010 School Year, and subject to appropriations by the General Assembly for the assessments, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.

(F) A district that administers a formative assessment during the school year shall provide information to the teacher and parent or guardian of a student who is assessed.

(1) At least one week prior to the assessment, the school shall notify the parent or guardian of the date of the administration, the name of the assessment, the purpose of the assessment, and the data that will be gathered regarding the student.

(2) A school shall provide the results of the assessment to the teacher and the parent or guardian no more than one week after the administration of the assessment. The results must include:

(a) Lexile and Quantile scores, if applicable;

(b) information regarding how the assessment aligns with state standards and summative assessments; and

(c) suggestions for how to support the child’s learning at home.

(3) If the formative assessment is administered more than once during the school year, information provided to the teacher and parent or guardian must document all prior administrations of the assessment so that the parent or guardian can determine the progress of the student.

(4) A student in kindergarten through third grade may not be administered more than one state or locally procured formative assessment unless the additional assessment is administered to meet the requirements of Chapter 155. The assessments and reasons for their use must be specifically identified in the district reading plan, and approved by the State Superintendent of Education.

(5) A student in fourth grade through twelfth grade may not be administered more than one state or locally procured formative assessment without prior approval of the State Board of Education. The board shall promulgate regulations establishing the requirements of, and process for, seeking an additional formative assessment.

(6) The provisions of this chapter do not apply to screening tools required by Article 5, Chapter 33.

~~(E)~~(G) The State Department of Education shall provide on‑going professional development in the development and use of classroom assessments, the use of formative assessments, and the use of the end‑of‑year state assessments so that teaching and learning activities are focused on student needs and lead to higher levels of student performance.”

SECTION 2. Section 59‑18‑325(C)(3) of the 1976 Code is amended to read:

“(3) Beginning with the 2017‑2018 School Year, 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~~. Beginning with the 2021‑2022 School Year, the State Department of Education, working with its assessment vendor, shall embed assessment items on the SC Ready reading and writing assessments that address the appropriate grade‑level social studies standards.”

SECTION 3. This act takes effect upon approval by the Governor.

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