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AMENDED

February 26, 2020

**H. 4761**

Introduced by Reps. Lucas, Allison, Chellis, Clyburn, Trantham, Felder, Clary and Calhoon

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Read the first time January 14, 2020.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, 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 59‑33‑510, RELATING TO DEFINITIONS CONCERNING THE UNIVERSAL SCREENING PROCESSES USED IN PUBLIC SCHOOL DISTRICTS FOR STUDENTS EXPERIENCING ACADEMIC OR SOCIAL‑EMOTIONAL DIFFICULTIES, SO AS TO PROVIDE ALL RELATED SCREENING TOOLS MUST BE CAPABLE OF IDENTIFYING STUDENTS WITH DYSLEXIA OR OTHER READING DISORDERS; 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; AND 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.

Amend Title To Conform

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

SECTION 1. Chapter 155, Title 59 of the 1976 Code is amended by adding:

“Section 59‑155‑155. (A)(1) The State Board of Education shall approve no more than five reliable and valid early literacy and numeracy screening assessment instruments, as defined in Section 59‑33‑510(7), for selection and use by school districts in kindergarten through third grade. The board shall use the same process as required by Section 59‑18‑310 to ensure that the instruments are valid and reliable assessments which provide diagnostic information in a timely manner.

(2) An early literacy assessment instrument must:

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

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

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

(3) An early numeracy assessment 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 time required to conduct the assessments, with the intention of minimizing the impact on instructional time;

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

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

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

(B) A district shall administer one or more instruments pursuant to the universal screening process as defined in Section 59‑33‑510(7) in the first thirty days of the school year and repeat, if and only if, the student demonstrates literacy and numeracy deficiencies at midyear and at the end of the school year to determine student progression in reading and numeracy in kindergarten through third grade. The department shall reimburse districts for the cost of the instrument or instruments selected upon receipt of assessment data used in the progress monitoring system. All school districts must use one of the literacy and numeracy screening instrument or instruments selected by the board, provided no literacy or numeracy screening instrument or instruments must be used by school districts to determine whether a student will be promoted to the next grade level. Classroom teachers also must be provided support by the department in administering instruments and in understanding the results so that the teacher can provide the appropriate evidence‑based intervention.

(C) A school district may submit a waiver to the State Board of Education to use an alternative early literacy and numeracy screening assessment. The board shall promulgate regulations describing the criteria for granting a waiver, and must include specific requirements that any screeners allowed by the waiver process be able to identify students with dyslexia or other reading disorders. The additional screener must meet minimum technical, administration, and content criteria as determined by the department.

(D)(1) The department shall:

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

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

(c) annually report data received pursuant to subitem (b) on a grade‑level basis to the Speaker of the House, President of the Senate, and Governor.

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

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

(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.

(E) For purposes of this section:

(1) ‘Deficiency’ means a normative score that places a student in the bottom twenty‑fifth percentile on the assessment.

(2) ‘Literacy’ means ability to read and write.

(3) ‘Numeracy’ means fluency in understanding numbers and mathematical operations.”

SECTION 2. Section 59‑33‑510(7) of the 1976 Code is amended to read:

“(7) ‘Universal screening process (USP)’ means the process a district employs to screen all students who may be experiencing academic and/or social‑emotional difficulties. The screening tools and the process must be based on approval and guidelines provided by the department, which must include screening tools that must be administered at no cost to the district. All screening tools, including those listed in Section 59‑155‑155, must be able to identify students with dyslexia or other reading disorders.“

SECTION 3. Section 59‑155‑110(4) of the 1976 Code is amended to read:

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

SECTION 4. 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 multitiered 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).

(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 5. Section 59‑155‑130(3) and (4) of the 1976 Code is amended to read:

“(3) working collaboratively with institutions of higher learning 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 how to use the data to identify struggling readers and inform instruction;

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

SECTION 6. 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 struggling readers who are not able to comprehend grade‑level texts. Supplemental instruction ~~shall~~ must be provided by 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. The district must continue to provide appropriate in‑class intervention and at least thirty minutes of supplemental intervention by certified teachers who have a literacy add‑on endorsement until all prekindergarten through twelfth grade students can comprehend and write text at grade level;”

SECTION 7. 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 and diagnostic process, as defined in Section 59‑33‑510(7), and teacher observations, must be provided intensive in‑class and supplemental reading intervention immediately upon determination. 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 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 intervention for any student enrolled in the 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 teacher. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office.”

SECTION 8. Section 59‑155‑160 of the 1976 Code is amended to read:

“Section 59‑155‑160. (A) Beginning with the ~~2017‑2018~~ 2019‑2020 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~~ English/language arts assessment ~~that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS)~~ which indicates that the student needs substantial academic support to be prepared for the next grade level. Districts are encouraged to develop policies for intensive support and retention of students in kindergarten through grade two if it is determined to be in the student’s best interest. A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

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

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

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

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

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

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

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

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

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

~~(e)~~ ~~be signed by the teacher and the principal as an accurate assessment of the required reading skills~~ who, through a reading portfolio, documents that the student is reading on grade level and has mastered the third grade English/language arts standards. A student portfolio for promotion to fourth grade must meet the following criteria:

(a) consist only of grade‑level work selected by the student’s teacher from portfolio requirements;

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

(c) include clear evidence that the standards assessed by the third grade English/language arts assessment have been met. This clear evidence:

(i) must include multiple choice items and passages that are approximately fifty percent literary text and fifty percent informational text, and that are at least an average of five hundred words; and

(ii) 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 district or teacher‑prepared assessments that meet standards developed and reviewed by the department;

(d) be an organized collection of evidence of the student’s mastery of the state English/language arts standards that are assessed by the third grade statewide English/language arts assessment. For each standard, there must be at least five work samples of mastery where the student attained a grade of seventy or higher. Demonstrating mastery of each standard is required; and

(e) be signed by the student’s teacher and the principal of the school, both attesting that the portfolio is an accurate assessment of the reading achievement level of the student and that the student possesses required reading skills to be promoted to fourth grade; and

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

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

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

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

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

(4) ~~A parent or legal guardian may appeal the decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision and provide copies to the parent or legal guardian and the principal~~ A parent or legal guardian may appeal the decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision and provide copies to the parent or legal guardian and the principal. The district shall report to the department the number of appeals made, the number of appeals granted, and the student’s academic outcome in fourth grade to include, but not limited to, the student’s SC Ready English/language arts results in grades four through eight.

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

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

(b) the total number of students retained in grades kindergarten through three;

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

(d) the academic outcome of students pursuant to subitems (a) and (b), including, but not limited to, state English/language arts summative results in grades four through eight; and

(e) the information in subitems (a) through (c) for the current academic year and the two immediately preceding academic years.

(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 on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

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

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

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

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

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

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

(F) 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.”

SECTION 9. 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 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 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 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.~~

Beginning with the 2021‑2022 School Year, the department shall identify schools that have one‑third or more of its third grade students scoring at the lowest achievement level on the statewide summative English/language arts assessment, and:

(a) For each identified school, the department shall provide, at a minimum, support including the provision of reading/literacy coaches, professional learning, and curriculum resources based on the science of reading. The reading/literacy coaches provided to the schools must be hired and evaluated annually by the department, which may retain a portion of the funds appropriated in the annual general appropriations act for reading/literacy coaches to support these schools.

(b) With the balance of funds appropriated to the department for reading/literacy coaches, the department shall allocate funds to school districts to support schools not identified in subitem (a) with reading instruction and interventions which may include, but not be limited to, hiring reading/literacy coaches or interventionists or providing professional development based on the science of reading. Expenditures must be included in the district reading plan approved by the department.

(c) By accepting funds, a school district warrants that the funds will not be used to supplant existing school district revenues except for districts that either are currently, or in the prior fiscal year were, paying for reading/literacy coaches with local or federal funds. A district only may use these state funds to employ reading/literacy coaches in primary schools, elementary schools, or middle schools, or a combination of such schools, depending on the area of highest need in the district unless the district requests and receives a waiver from the department to expend the funds on interventionists who spend more than fifty percent of their time providing direct support to struggling readers in kindergarten through fifth grade. The school district shall align the placement of reading/literacy coaches to the district reading plan that is approved by the department.

(d) Funds appropriated for reading/literacy coaches must be used to provide primary schools, elementary schools, middle schools, and any combination of such schools, with reading/literacy coaches who shall serve according to the provisions of this chapter.

(e) A school or district that accepts funding to support a coaching position shall agree that the reading/literacy coach may not serve as an administrator or perform the duties of an administrator. If the department determines that school districts are using these funds for administrative costs, the department shall withhold that district’s allocation of funds for reading/literacy coaches, interventionists, reading instructions or interventions, or professional development based on the science of reading.

(f) Reading coaches shall support and provide initial and ongoing professional development to teachers in:

(i) administration and analysis of screening, formative, diagnostic, and summative reading 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.

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

(i) collaboration with the principal to create a strategic plan for coaching;

(ii) facilitation of schoolwide professional development and study groups;

(iii) modeling effective reading instructional strategies for teachers;

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

(v) facilitation of data analysis discussions and support for teachers by using data to differentiate instruction according to student need; and

(vi) working with all teachers, including Exceptional Student Education (ESE), content area, and elective areas, prioritizing their time to those teachers, activities, and roles that will have the greatest impact on student reading achievement, namely coaching and mentoring in classrooms.

(h) state‑funded reading/literacy coaches must have the following minimum qualifications, provided the State Board of Education may promulgate regulations defining additional qualifications:

(i) a bachelor’s degree and an add‑on endorsement for a literacy coach or a literacy specialist and advanced coursework or professional development in reading;

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

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

(i) 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.

(j) For schools that have one‑third or more of its third grade students scoring above the lowest achievement level on the statewide summative English/language arts assessment, the department shall assist the districts in identifying a reading/literacy coach in the event that the school is not successful in identifying and directly employing a qualified candidate.

(k) The department shall develop procedures for monitoring the use of funds appropriated for reading/literacy coaches to ensure the funds are expended for their intended uses and are not redirected for other purposes. To implement this program, the department may receive funds appropriated for reading/literacy coaches, provided that this allocation does not exceed the actual costs of the department.

(l) The department shall require any school district receiving funding to:

(i) identify the name and qualifications of the supported reading/literacy coach and the school in which the coach is assigned; and

(ii) account for the specific amounts and uses of such funds.

(m) With the data reported by the school districts, the department annually shall report by January fifteenth on the hiring of and assignment of reading/literacy coaches by school in the fiscal year. The department also shall report the amount of funds designated for use in Summer Reading Camps.

(n) Any unspent or unallocated funds may be carried forward to be used for the same purpose but may not be flexed and expended for Summer Reading Camps.

(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.~~ Reserved.

(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. 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.~~ Local school districts, working in collaboration with the department, shall offer the courses at no charge to educators. 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.

(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.

(7) Teachers, administrators, and other certified faculty and staff are exempt from having to earn the literacy add‑on endorsement to maintain certification only if they are not educating or serving students in a school or other educational setting. The literacy add‑on endorsement must be earned before an individual who was previously exempt pursuant to this item returns to a position where they educate or otherwise serve students.

(8) 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.

(9) Beginning July 1, 2021, early childhood, elementary, and special education‑licensed teacher candidates 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 State Board of Education. The objective of this item is to ensure teacher candidates understand the foundations of reading and are prepared to teach reading to all students.

(D)(1) Beginning July 1, 2021, and annually thereafter, the Commission on Higher Education, in consultation with the Learning Disorders Task Force created by Section 59‑33‑550, shall 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. 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 shall report its findings of its analysis conducted pursuant to item (1) and recommendations for improving teacher education programs to the department and to the General Assembly.”

SECTION 10. Chapter 155, Title 59 of the 1976 Code is amended by adding:

“Section 59‑155‑205. (A)(1) There is hereby created the South Carolina Reading Panel which must be supported and staffed by the department. The panel shall provide support and assistance to the department with implementation of this law.

(2) The panel is composed of ten members appointed by the State Board of Education upon the recommendations of the State Superintendent of Education. The panel members must include individuals having the highest expertise on reading instruction, with three from public or private institutions of higher education nominated by the Commission on Higher Education and three who are responsible for their district reading plans or have exceptional reading expertise. At least three members of the panel must be classroom teachers.

(3) Members of the panel serve terms of two years and may be appointed to successive terms. They may receive no compensation but may receive per diem and mileage as provided for boards and commissions. A vacancy in the panel must be filled in the manner of the original appointment.

(4) The South Carolina Reading Panel shall:

(a) review, select, and summarize for dissemination basic research on reading, reading growth, reading assessment, and reading instruction that will contribute to educators’ research‑based knowledge of reading, benefit students in this State, and impact policy and practices;

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

(c) review and comment, in writing, on the State Reading Plan and district and school reading plans.”

SECTION 11. Except as otherwise provided, this act takes effect upon approval by the Governor.

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