

2015 Fall
Legislative
Preview^{*}
Webinar

Monday
Oct. 26
Noon to 1 p.m.

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general information

SCSBA looks forward to your participation in our Legislative Preview live webcast at noon to 1 p.m. on Monday, October 26, 2015.

The purpose of the webcast is to review some of the issues likely to be debated during the legislative session in 2016 so you can begin talking about these issues with members of your school district's local legislative delegation before they return to Columbia in January.

View/participate online free of charge

The link to the webcast is <http://scsba.dynamicvideocasting.com>. It also can be accessed from scsba.org.

The webinar will be presented using YouTube Livestream. A high speed internet connection is highly recommended to adequately view the live streaming video, and sound capability is a must.

Individuals can view/participate from their home or office computers. Some school boards may choose to view/participate as a group at a school or district office location. If watching/participating as a board, or when there is a quorum of the board, we recommend you notify the media, just as you would for any board meeting or event.

Questions, comments

Questions and comments can be made during the webcast by typing them into the chat box that can be seen on the screen. Keep in mind that your questions and comments will be seen by everyone viewing the program.

View online afterwards

For those who are not able to view the live program, SCSBA will record the webinar and post the recorded version on our website, www.scsba.org, by October 30.

boardmanship

institute

Board members who view the webcast will receive 5 points and 1 hour credit in the Boardmanship Institute. Board secretaries are asked to email the names of participating board members in their district to Sandy Poole at spoole@scsba.org by Monday, November 9 to receive credit.

agenda

1. Welcome and purpose

Robert Gantt, *SCSBA President and Lexington and Richland Five board*

2. Legislative issues discussion

Debbie Elmore, *SCSBA Director of Governmental Relations and Communications*
Scott Price, *SCSBA Executive Director*

3. Closing comments

Robert Gantt

legislative issues,

position statements, talking points

Statewide turnaround school district

Overview

A House panel that convened this past summer to study education reform has been discussing a measure being used in various forms in other states that would remove persistently low achieving schools from local districts and place them into a statewide turnaround school district.

After the state's Supreme Court ruled last November that the state was failing to provide students with a minimally adequate education in the 21-year-old *Abbeville v. South Carolina* school funding lawsuit, House Speaker Jay Lucas created the Education Policy Review and Reform Task Force. Lucas charged the task force, made up of lawmakers, business leaders and representatives from the plaintiff districts, with studying possible remedies and submitting recommendations to him by January 2016.

In testimony provided to the task force, advocates for statewide turnaround school districts recommended the task force consider and recommend such an option for South Carolina as a solution for improving persistently low performing schools.

The statewide school district, like the South Carolina Charter School District, would be a separate entity from the State Department of Education, with its own governance structure.

Advocates point to similar state school districts operating in Nashville and Memphis, TN, since 2012; Detroit, MI, since 2012; and New Orleans, LA, since 2003. Most of these districts were required to improve low performing schools by the U.S. Department of Education through its Race to the Top grant program and

its process for seeking a waiver from the No Child Left Behind (NCLB) Act.

Referred to as several terms including "recovery," "transformation," "achievement", or "opportunity" school districts, more and more states are implementing or considering such measures. Georgia, Nevada and Texas are poised to launch aggressive state-run turnaround school districts, with Pennsylvania, Arkansas and Nevada even seeking to copy Tennessee's model. Policymakers in Mississippi, Wisconsin, Utah, Arkansas, and Missouri have pushed proposals forward with varying levels of success. Variations on the theme keep popping up, either as half-measures in states such as Delaware and Connecticut, or in state-led receivership schemes that stop short of creating an actual "district."

In all, the reshuffling of governance authority between state and local is the main component in each program. Below are the main components of statewide turnaround school districts.

- Turnaround school districts usually target the bottom 5% of low-performing schools in a state or region and typically have three or more consecutive years of low student standardized test scores.
- Priority schools would be removed from the authority and governance of the local school district and board and become part of the statewide school district. This includes the building, all of its contents, instructional materials, media resources and local funding for the students.
- The state school district would have several options for turning around these schools to include:
 - removing the principal
 - firing and replacing school staff
 - convert the school to a charter school
 - turning operations of the school over to the state or to an education manage-

ment company, most of which are for-profit virtual and other education companies

- close the school

- Once schools improve, it is difficult to move them back into the local school district, and there is also no appeals process for parents, taxpayers or the local school board. In Louisiana, a supermajority vote of all parents and staff is required to return to the local school district. Under a Georgia proposal, the schools never return to the local district. Georgia voters will vote in November on a constitutional amendment to “authorize the state to assume the supervision, management, and operation of public elementary and secondary schools which have been determined to be failing through any governance model allowed by law.”

In most state turnaround school districts, schools are converted to charter schools that are operated by national charter school companies or by education management companies. These companies include K12.com, Aspire KIPP, LEAD Public Schools and more.

Position statement

Delegates of SCSBA member school district boards will vote on a new resolution being presented as a statement of belief during the association’s annual Delegate Assembly on December 5, 2015. The resolution is as follows: “SCSBA opposes the state takeover of low performing schools by mandating that they become part of a statewide reform, recovery or turnaround school district.”

Talking points

- The evidence that turnaround school districts have been effective at increasing student achievement for all students has been shaky at best and success in turnaround districts isn’t cheap or easy, especially at the high school level.
 - Ten years and millions of federal dollars
- later, it is hotly debated how well the recovery district has worked in New Orleans. Less than 60 percent of students in grades 3 – 8 pass the state tests. More than half of high school students fail, and while ACT scores have slightly improved, they remain far below the state’s already low statewide average.
 - In Tennessee, reformers pledged that the state’s achievement district would take schools in the bottom 5% and get them into the top 25% within five years. But after taking over in the first year, test scores in a majority of schools have declined and only six of the 17 schools improved to be out of the bottom 5% ranking. However, the turnaround schools in Memphis lagged behind those schools that the local school district had been working to turn around. The district posted gains this year but it’s unclear if it will ever reach its original goal. This year, Tennessee legislators have introduced 22 bills aimed at curbing the turnaround district’s growth and the district’s superintendent and CEO have announced they are leaving.
 - In Detroit, four-year graduation rates decreased from 64% to 54% after the first year, rising only to 63% in the second year. ACT scores have remained at 13.7, far below the national average.
 - The Louisiana, Michigan and Tennessee districts all depend heavily on private, for-profit charter school operators, but the Tennessee district has struggled to lure charter schools to Memphis, and the superintendent has admitted that there is not an abundant supply of great charter operators and even fewer who understand how to implement turnaround strategies effectively.
- The staff turnover rate in turnaround districts, as they are in charter schools nationwide, is high which greatly impacts the ability of schools to maintain and sustain improve-

ment over time. Studies have shown that on average, teacher turnover diminishes student achievement.

- The state of South Carolina has had statutory authority to intervene in low performing schools and school districts since 1998 with the passage of the Education Accountability Act. The Act authorizes the state to provide resources and assistance to low performing schools and to take over the management of school districts that do not improve. Over time, the funding for assistance has decreased, and the only takeover of a school district proved costly and ineffective.
- There are no simple solutions to improving and sustaining increased student achievement in schools overcome with generational poverty and low expectations. There is much research to indicate that living in poor neighborhoods increases the odds of gang involvement, behavioral problems, dropping out of school and teen pregnancy. While students spend an average of 1,000 hours per year in school, they spend nearly 5,000 hours per year in their communities and with their families. Successful school turnaround strategies take more than a new curriculum and higher expectations; they must include all of the wraparound services to help students feel safe and cared for in school, including dental care, health care, weekend jobs, child care and more.

School start date

Overview

The re-selection of a state standardized test and discussions surrounding waivers for school make-up days converged this past legislative session to possibly open the door for more flexibility at the local school board level in setting the school start date.

When state lawmakers passed legislation requiring a uniform school start date in 2006, one of the arguments in support of the law cen-

tered on fixed dates that the state sets for administering state standardized tests. Advocates, mostly representing the coastal area tourism industry, argued students in districts that began school in early August would have an unfair advantage in taking the tests because they would have more instructional days than students in districts that started school near Labor Day.

This past spring, the state was ordered to re-issue new testing RFP (should be awarded sometime this fall) due to issues surrounding the current contract awarded to ACT, and opportunities to offer a testing window or more times to offer the test were proposed. Having flexibility in offering the tests will address the concern of less instructional days before taking the tests for students in districts starting later in August.

In addition, a growing number of lawmakers in the House and Senate this past legislative session began expressing support for amending the uniform school start date during debates on the school make-up day waivers legislation. The discussions centered on the limitations imposed on school districts to end first semester before the holiday break and build the three statutorily required make-up days into the school year calendar.

Position statement

SCSBA believes that state law regarding when public schools may start the school year should be changed to give districts the flexibility to begin classes as soon as the second Monday in August.

Talking points

- Determining the school calendar should be a core function of the locally elected or appointed school board of trustees.
- School districts have found that depending on when the third Monday is positioned, it is increasingly difficult to complete the first semester before the winter holiday break,

which many parents, teachers and students request.

- Districts have very few options for scheduling the statutorily required make-up days during the winter months due to required holidays, spring break, state testing, local benchmark testing, professional development and teacher work days. Moving the start date back to no less than one week would help to give more options for completing the first semester before the winter holiday break.
- An earlier start date allows for increased instructional time prior to students taking high stakes federal and state testing. Community and parent frustration with the holiday break schedule is evident.

Opt-out of testing

House bill 4330

Senate bill 872

Overview

The “too much testing” backlash has grown into a national movement – United Opt-Out – that advocates parents opt their children out of standardized testing and even provides guides on how to do it state-by-state. It has state chapters throughout the country, including South Carolina. The group contends it wants to end the “corporate takeover of public schools” to include common standards, standardized testing and using tests for rating schools and teachers.

While the movement has been slow to take off so far in South Carolina, there have been increasing numbers of parents requesting their children opt-out of standardized test in a few school districts throughout the state. According to Opt-Out South Carolina’s Facebook page, parents from a slew of counties have declined to have their children tested, including Charleston, Berkeley, Dorchester, Horry, Aiken, Kershaw, Lexington, Richland, Spartanburg and Sumter counties.

This past August, several upstate lawmakers announced the filing of two companion bills filed in the House and Senate that provide an opt-out clause for students who – at their parents’ wishes – refuse to take standardized tests in the state’s public schools.

South Carolina does not have any official means for parents to opt-out of statewide standardized tests, but the companion bills would allow parents to excuse their children from standardized tests without repercussions to the parents or students.

The bills prohibit parents from being prosecuted or penalized in any way for refusing the tests for their children. Last spring, some parents said they were threatened with prosecution after they notified their schools and districts that they refused the tests.

However, schools are required to test all students under federal and state accountability laws and are penalized in annual grading measures for students who do not take the test. State and federal accountability laws require 95% student participation in state tests.

The National Association of State Boards of Education collected and published the opt-out policies or lack of policies in each state in a chart that can be viewed at http://www.nasbe.org/wp-content/uploads/Lorenzo_Opt-Outs-by-State.pdf.

In 2013, legislation passed by the General Assembly that required the review and revision of the state’s curriculum standards also expanded state testing requirements to include a readiness test for kindergarten students, increasing the number of subjects tested from two to four for students in grades 4 – 8, and adding two assessments for students in grade 11.

Position statement

SCSBA does not have an official position on opting out of testing; however, SCSBA is concerned about the increased amount of state testing of students that is used to grade the performance of schools and teachers. The

state should prohibit districts and schools from being penalized under the state accountability system for not testing students whose parents have requested that their child not be tested.

Talking points

- Schools are getting conflicting messages from state policy leaders when it comes to testing and accountability. Schools have been mandated to utilize test scores in student promotion decisions, teacher evaluations, and assessment of schools and school districts; however, two years ago, lawmakers passed a law that allowed any student who failed to receive a high school diploma because he/she failed the state mandated exit exam can now be eligible for those diplomas without regard to the results of the tests that were used to assess students, schools and districts. While an increasing number of parents sought to exercise their individual choice and “opt-out” of all mandated testing, the state was implementing new and increased numbers of tests at nearly every grade level.
- Any opt out protections for parents that pass must include the same protections for districts and schools.
- Clear guidance to local districts in administering opt-out provisions must be provided to include how test results cannot be used in grade promotion decisions, scholarship awards, etc.
- The amount of testing, including classroom and district-wide tests used throughout the year to assist with instruction, is concerning. On the state level, testing has been expanded to include a test for kindergarten students. We’re also increasing the number of subjects tested to four for students in grades 4 – 8, and adding two assessments for students in grade 11. We urge the General Assembly to review current student assessment requirements and to limit the number of assessments to those that are essential to monitor

student learning and inform instruction.

- Some schools in Florida, which have similar testing requirements, have reported as many as one out of every three school days is interrupted by some sort of testing, test drills or test preparation.

Tuition tax credit/voucher expansion

Overview

It was just a few weeks after the legislative session ended in July when proponents of South Carolina’s private school tuition tax credit program for “exceptional needs students” began advocating for increased funding and opening up the program to more students in 2016.

Advocates tout that the tuition tax credit program addresses the issues raised by the Supreme Court in its ruling of the *Abbeville v. South Carolina* school funding case and is the solution for the state by “empowering parents to make their own educational choices.”

Through a budget proviso for the third consecutive year, the General Assembly this past legislative session retained and increased funding for the statewide, private school tuition tax credit program for “exceptional needs students.” The main components of the program are as follows:

- individuals and businesses are awarded a dollar-for-dollar credit on state income tax or bank taxes for contributions to non-profit scholarship funding organizations (SFOs)
- SFOs use contributions (capped statewide at \$8 million) and work with eligible private schools to award scholarships, referred to as grants, to special needs students for tuition and other school expenses
- students must be designated as having “exceptional needs” to qualify for a scholarship (up to \$10,000 per student) and no previous

public school enrollment is required

The proviso, however, did undergo a few major changes including expanded reporting and qualifying requirements of SFOs and private schools and the addition of \$4 million that are designated as refundable state tax credits that parents of special needs students attending private schools can claim on their income tax form as a refund by the state for tuition and other school expenses. The maximum amount of refundable tax credit is \$10,000 per student and is available on a first-come, first-served basis.

Lawmakers retained the \$8 million cap in tax credits for contributions to nonprofit scholarship funding organizations (SFOs) that are used to award scholarships to special needs students attending private schools. The new refundable tax credits were added in the Senate amid concerns about SFOs' management and distribution of donations.

There may be a move to codify, or put into permanent law, the program. This could mean opening up the program for debate and possibly expanding the program to include tuition tax credits for all students to attend private schools.

Position statement

SCSBA opposes any state or federally-mandated efforts to directly or indirectly subsidize elementary or secondary private, religious or home schools with public funds. It is a long-held position approved by the school boards governing the 81 public school districts in our state.

Talking points

- There is no evidence to confirm the existing program works to increase student achievement for students participating in the program and for students in the public schools that would justify increasing the funding and students who are eligible for the program.
- The vast majority of scholarships awarded by

SFOs are to students who are already enrolled in private school and are being used to reduce the education expenses for parents who have chosen to send their children to a private school.

- There is no requirement that scholarships or the direct state refunds go to low income parents or to parents who transfer their children to a private school.
- The direct state refund to individuals for expenses to religious private schools may be unconstitutional.
- The increased reporting and qualifying requirements of SFOs passed this year are needed and need to be expanded to participating private schools including:
 - Requiring them to provide special needs services and programs
 - Amending the definition of eligible schools not to discriminate on the basis of religion
 - Requiring them to report the test scores of students receiving a scholarship and direct state refund
- This program requires that students have an Individualized Education Plan (IEP) as proof of special needs status; however, after a student is enrolled in a private school, there is no requirement or guarantee that a private school will provide the support outlined in a child's IEP or that it will remain in place.
- There is no test score data to determine whether students in the program are successful. Not all private schools use the same standardized tests as public schools or each other, so it is very difficult to compare the quality of schools or to verify what is being taught and what services and accommodations are being offered.
- The state is not funding public schools at the level required by law, yet lawmakers continue to consider expanding tuition tax credit/voucher programs that are not held to the

same accountability standards of public schools and primarily benefit children already enrolled in private schools.

- Proponents claim to be empowering parents by providing choices; however, it is the private schools that choose which students they will accept.

Other issues

Uniform school board elections and training

The issue of differing local school board governance structures (elected vs appointed members) across the state and the possible need for increased training on school board roles and responsibilities have surfaced often in discussions by the House Education Policy Review and Reform Task Force subcommittee this fall.

Discussions have centered on the need for qualified school board members to effectively govern school districts and their ability to increase student achievement in persistently low performing schools.

Education funding reform

Interestingly and unfortunately, there has been no discussion and no recommendations presented by the plaintiff school districts on restructuring or reforming the state's education funding system. In a lawsuit that was based on the case for equitable school funding, none of the recommendations address funding reform. All of the recommendations focus on funding services, programs and facilities. It is unlikely that funding reform will be addressed in 2016.

Teacher pay and incentives

Several budget provisos this past legislative session directed the study and recommendations on teacher pay and incentives for recruiting and retaining quality teachers to teach

in low performing and rural school districts. Recommendations are to be presented to the General Assembly for consideration in 2016.

Transportation

The need for newer, more energy efficient buses, better pay to recruit and retain bus drivers and better pay for bus maintenance workers has been a focus of discussion in meetings of senate special subcommittee formed in response to the Abbeville ruling. The subcommittee is studying recommendations and likely to have a proposal in 2016.