

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Appellate Case No. 2007-065159

RECEIVED
JUN 29 2016
SC SUPREME COURT

Abbeville County School District, *et al.*,

Appellants-Respondents,

vs.

The State of South Carolina, *et al.*, of whom
Hugh K. Leatherman, as President Pro Tempore
of the Senate and as a representative of the
South Carolina Senate, and James H. Lucas,
as Speaker of the House of Representatives and
as a representative of The South Carolina House
of Representatives,
are

Respondents-Appellants,

and

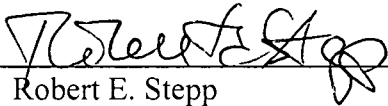
State of South Carolina, Nikki R. Haley,
as Governor of the State of South Carolina,
are

Respondents.

**REPORT OF HUGH K. LEATHERMAN, AS PRESIDENT PRO TEMPORE AND
REPRESENTATIVE OF THE SOUTH CAROLINA SENATE, AND OF JAMES
H. LUCAS, AS SPEAKER AND REPRESENTATIVE OF THE SOUTH
CAROLINA HOUSE OF REPRESENTATIVES AS REQUIRED BY ORDER
DATED NOVEMBER 5, 2015**

Pursuant to this Court's Order dated November 5, 2015 ("Order"), Respondents-Appellants Hugh K. Leatherman, in his representative capacity and as President Pro Tempore of the South Carolina Senate, and James H. Lucas, as Speaker of the South Carolina House of Representatives ("the Senate and the House"), hereby submit this report to the Court regarding the efforts of the Senate and the House during the 2016 legislative session "to implement a constitutionally compliant education system." The activities undertaken in the Senate and the House are set out in Exhibit A attached hereto.

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Columbia, South Carolina

June 29, 2015

EXHIBIT A

**JOINT REPORT TO THE SUPREME COURT OF HUGH K. LEATHERMAN AND
JAY H. LUCAS**

JUNE 29, 2016

This Joint Report is submitted By Hugh K. Leatherman, as President Pro Tempore of the Senate and Jay H. Lucas, as Speaker of the House of Representatives pursuant to the Court’s Order of November 5, 2015, in which the parties were directed to provide “a written summary to the Court detailing their efforts to implement a constitutionally compliant education system, Including all proposed, pending or enacted legislation.”

Introduction

In response to the November, 2014 Supreme Court decision in *Abbeville*, the House of Representatives and the Senate convened special study committees to investigate the myriad issues raised in the decision and to plot a legislative course forward to remedy the constitutional violation. In conjunction with the work of the committees, the General Assembly considered and enacted a number of legislative initiatives that are designed to address the Court’s concerns. Furthermore, the General Assembly included spending measures in the Fiscal Year 2016-17 state budget to help alleviate financial burdens born by the Plaintiff Districts. This report highlights for the Court the activities undertaken by the committees and outlines the legislative action taken.

I. 2016 LEGISLATIVE SESSION

During the 2016 annual session, the General Assembly continued to focus on improving public schools throughout the state, with particular attention on the Plaintiff Districts and to issues raised in the *Abbeville* opinion. The legislation enacted by the General Assembly in 2016 built upon the legislative foundation developed by the General Assembly during the previous three decades¹

A. Bills: A total of eight bills were introduced that directly related to the issues identified in the *Abbeville* lawsuit:

1. H. 4936 – To redefine the expectations of a South Carolina high school graduate;

2. H. 4937- To recreate the Education and Economic Development Coordinating Council to allow the business community to work with K-12 and higher education to ensure students are college and career ready;
3. H. 4939 – To eliminate outdated statutes and to promote greater efficiency, to cut unnecessary expenses, and to require the Department of Education to offer technical assistance to struggling districts;
4. H. 4940 – To create an Office of Transformation under the Department of Education for the purpose of reviewing lower performing school districts’ plans and reporting back to the General Assembly with best practice suggestions;
5. H. 4776 – To establish a process funded with recurring revenue by which struggling and poor school districts can petition the state for facility infrastructure needs;
6. H. 4778 - Calling for uniformity in school accreditation;
7. H. 4938 – To conduct a survey to identify incentives to entice new teachers to live and work in rural, lower income districts; and
8. H. 4941 – To allow the state to take control if a school district is failing financially.

Of these eight bills H. 4936 (Act 195), H. 4939 (Act 241), H. 4940 (Act 178), and H. 4938 (Rat. # 273) were enacted by the General Assembly and approved by the Governor.

B. Appropriations Act: In addition to the general legislation enacted to address the issues faced by the plaintiff districts, the FY 2016-17 General Appropriations Act contained provisions to ease the financial burden born by the plaintiff districts. In particular:

1. \$218 million to increase Base Student Cost by \$130 to \$2,350 per pupil (\$337M of the \$2.4 billion in BSC will go to the Plaintiff Districts).
2. \$8.2 million to expand the Rural Teacher Initiative to address persistent recruitment and retention challenges in rural and underserved districts.

3. \$19.2 million to reimburse school districts expenses for bus driver pay to relieve bus driver shortages and reduce student ride times (\$11.4M out of the \$55M will go to the Plaintiff Districts).
4. \$16.8 million in Technology Technical Assistance to provide technology upgrades in the Plaintiff Districts in order to prepare for online testing and increase access.
5. \$3.1 million to pay for efficiency studies in all Plaintiff Districts.
6. \$10 million for the Education and Economic Development Act to fund 213 new career specialists (\$5.9M of the \$36M will go to the Plaintiff Districts).
7. 2% pay increase for teachers on top of the STEP increase and an increase in the state salary schedule to 23 years, adding dual enrollment weighting (\$25M of the \$150M will go to the Plaintiff Districts).
8. \$3 million for Mobile Device Access and Management to fund high-speed mobile internet service for students who do not have such internet services at home and are participating in a course of study that requires such access. DOA estimates that at \$522/student/year for mobile devices services, this would benefit 5,747 students.
9. \$1.5 million for Facility Assessment that will be done for the whole state.
10. \$15.1 million for new buses to work toward a 15-year replacement cycle.
11. \$3.5 million to reduce school districts' costs providing transportation services to students who would otherwise have to walk in hazardous conditions.
12. \$1.1 million for the VirtualSC program, which serves over 40,000 students to include 18 new teachers for online courses.
13. \$18 million for Instructional Materials.
14. \$29.3 million for the K-12 Technology Initiative in the Lottery (\$6.5M will go to the Plaintiff Districts).
15. \$1 million for Full Day 4k instructional cost increase for public and private providers. Full day 4K for the Plaintiff Districts will receive \$22M out of \$58M for this program.

16. \$3 million in the Lottery for College and Career Readiness to provide districts in need with instructional leadership and standards based on curriculum support.

17. \$4.1 million in technical assistance funds to provide support for schools and district performing below expectations.

18. \$9 million for Teacher Recruitment and Retention for Abbeville Districts and districts with poverty index of 80% or higher.

II. SPECIAL LEGISLATIVE COMMITTEES

In further response to the November 2014 *Abbeville* decision, the Speaker of the House of Representatives and the President Pro Tempore of the Senate each convened special panels to begin the process of addressing the issues identified by the Court.

A. House of Representatives

After the South Carolina Supreme Court issued its decision in the case of *Abbeville v. South Carolina*, Speaker of the House of Representatives Jay Lucas commissioned the Education Policy Review and Reform Task Force. According to Speaker Lucas, “[e]ffective education reform requires more than just suggestions from administrators; it demands valuable input from our job creators who seek to hire trained and proficient employees. All available avenues should be explored to guarantee our students receive a workforce-ready education that prepares each child for the 21st century.”

In order to gain a broad perspective from multiple vantage points, the following individuals were appointed to the Task Force:

- The Honorable Merita A. “Rita” Allison (District 36-Spartanburg), Chairwoman of the House Education and Public Works Committee. (Chair of the Task Force);
- April Allen, Director of State Government Relations, Continental Tire Corporation;
- Wanda L. Andrews, Ed. D., Superintendent, Lee County School District;

- The Honorable Kenneth A. “Kenny” Bingham (District 89-Lexington), Chairman of the Public Education and Special Schools Subcommittee, House Ways and Means Committee;
- The Honorable Joseph S. Daning (District 92-Berkeley), Chairman of the Transportation Subcommittee, House Education and Public Works Committee;
- Lewis Gossett, President and CEO, South Carolina Manufacturing Alliance;
- The Honorable Jerry N. Govan (District 95-Orangeburg), House Education and Public Works Committee;
- The Honorable Jackie E. “Coach” Hayes (District 55-Dillon), House Ways and Means Committee;
- Rainey Knight, Ph.D., Former Superintendent of Darlington County Public Schools;
- The Honorable Dwight A. Loftis, (District 19-Greenville), House Ways and Means Committee;
- David Longshore, Jr., Ph.D., Former Superintendent, Orangeburg School District 3;
- The Honorable Joseph H. “Joe” Neal (District 70--Richland and Sumter), House Ways and Means Committee ;
- Terry K. Peterson, Ph.D., Director of the Afterschool and Community Learning Network;
- Superintendent Molly Spearman, State Superintendent of Education;
- Rick Reames, Executive Director, Pee Dee Education Center;
- John Tindal, Superintendent, Clarendon School District 2; and
- James C. “Jimmie” Williamson, Ph.D., President and Executive Director, South Carolina Technical College System.

1. Task Force Meetings

From the outset, the Task Force determined that it was important to hear from invited speakers and concerned citizens. To accomplish this, four hearings were held. Two hearings were conducted in Columbia, one in Dillon, and one in Due West (Abbeville County). The proceedings of each meeting are summarized below.

- a) Columbia--February 23, Blatt Building

The initial Task Force meeting was opened by Speaker Lucas who provided a charge to the members. Following his remarks, the Task Force heard presentations from the following individuals:

- The Honorable Richard W. Riley, Former Governor and United States Secretary of Education;
- Michael A. Rebell, LL.B, Professor of Law and Educational Practice, Columbia University;
- Professor Derek Black, USC School of Law;
- Former State Superintendent of Education Barbara Nielsen; and
- Former State Superintendent of Education Inez Tenenbaum.

Following the conclusion of the remarks, the Task Force adopted a framework for speakers at upcoming forums.

b) Dillon--March 23, Dillon Middle School

Dillon Middle School hosted the second Task Force meeting. The meeting was the first of three that allowed for participation from the general public. Mr. D. Ray Rogers, Superintendent of Dillon School District 4, welcomed the committee and provided opening comments. Invited speakers included the following:

- Dr. Tammy Pawloski--Director, Francis Marion University Center of Excellence;
- The Honorable Terry Alexander--House District 59, Darlington and Florence Counties;
- Dr. Helena Tillar, Superintendent, Marlboro County School District and Chair of the Pee Dee Education Center;
- Debbie Hyler, The School Foundation (Florence School District 1); and
- Dr. Rette Dean, Retired Superintendent, Marion School District 7.

In addition to the invited speakers, the Task Force heard from 23 other individuals. Among those participants were educators, students, parents, school board members, and clergy. During her testimony, Dr. Tillar provided the framework for and a summary of the Plaintiff District's recommendations.

e) Due West (Abbeville County)--April 27, Erskine College

Abbeville school district is not only the first district listed in the lawsuit, it is geographically located on the other end of the state from Dillon. Dr. Ashely Woodiwiss, the Grady Patterson Professor of Politics at Erskine College welcomed the Task Force. The invited speakers for this hearing were as follows:

- Mr. Jonathan Phipps--Superintendent of Abbeville County School District;
- Dr. David O'Shields--Superintendent of Laurens County School District 56;
- Kay Cleveland--Special Programs Director for Laurens County School District 56;
- Mr. Greg Tolbert--Boys and Girls Clubs of the Upstate;
- Dr. David Mathis--Superintendent of Saluda County School District;
- Dr. Ray Wilson--Executive Director of the Western Piedmont Education Consortium; and
- Dr. Fay Sprouse--Superintendent of Greenwood School District 51.

As with Dillon, there was enthusiastic participation during the public comment portion of the hearing. Eight individuals, in addition to the invited speakers, shared their thoughts with the Task Force.

d) Columbia--June 1, Blatt Building

The final public comment hearing concluded the receipt of general testimony. (Subsequent testimony and material was still accepted by the five subcommittees.) Prior to the presentation of testimony, Dr. JoAnne Anderson presented a set of 90 recommendations on behalf of the plaintiff districts.

The invited speakers were as follows:

- The Honorable Leola Robinson-Simpson--House District 25, Greenville County;
- The Reverend Dr. Herman R. Yoos, III--Bishop of the South Carolina Synod of the Evangelical Lutheran Church in American on behalf of LARCUM (LARCUM is an acronym for Lutheran, Anglican, Roman Catholic, United Methodist);
- Mr. Mike Burgess--Educator, River Bluff High School;
- Bradford Swann--Students First State Director; Dana Laurens--Students First Outreach Director;

- Robert Gantt-- President of the South Carolina School Boards Association and Lexington-Richland Five school board member;
- Kathy Maness--Executive Director, Palmetto State Teachers Association;
- Dr. Scott Turner--Incoming President, South Carolina Association of School Administrators (Dr. Turner spoke in place of Dr. Christina Melton, current SCASA President);
- Bernadette Hampton--President, South Carolina Education Association;
- Ryan Mahoney--Foundation for Excellence in Education and Palmetto Promise;
- Zelda Waymer--Executive Director, South Carolina Afterschool Alliance
- Nikki Williams--Executive Vice President, EdVenture Children's Museum;
- Dr. James Harvey--South Carolina Association of School Psychologists;

In addition to the invited speakers, four other individuals provided remarks to the Task Force.

At the conclusion of the testimony, the Task Force agreed to the creation of five subcommittees.

The subcommittees were as follows:

- Transportation and Facilities Infrastructure;
- Accountability (Academic and Financial), Continuous Improvement, and Leadership (District, School, and Community);
- Educator Recruitment, Retention, Effectiveness, and Professional Development;
- College and Career Pathways of High Quality Learning Opportunities in Elementary, Middle, and High Schools; and
- High Quality Early Childhood Education and Family Engagement

e) Columbia--November 19, Blatt Building

One week prior to the November 19 meeting, the Task Force received a draft copy of the final report. At the beginning of the November 19 meeting, Chairwoman Allison reviewed the process employed by the Task Force, and repeated the charge Speaker Lucas originally delivered on February 13.

The Task Force reviewed twelve findings and 120 recommendations put forth by the subcommittees. Amendments to many of the findings and recommendations were proposed and discussed prior to votes being taken. The Task Force gave preliminary approval to the report, but subcommittee chairs were directed to work with staff on the report's timeline. Additionally, one recommendation dealing with employment contracts in districts with high superintendent turnover was revised for the Task Force's approval.

f) Columbia--December 16, Blatt Building

At the final meeting of the Task Force, additional amendments to the report were discussed and the report was adopted unanimously. The report was submitted to Speaker Lucas ahead of the deadline, and is publicly available at:

<http://www.scstatehouse.gov/CommitteeInfo/HouseEducationPolicyReviewandReformTaskForce/HouseEducationPolicyReviewandReformTaskForce>.

2. Subcommittee Meetings

Chairwoman Allison, with input from the Plaintiff representatives, created five subcommittees.

The subcommittees, their membership, and the days on which they met are as follows:

- Transportation and Facilities Infrastructure

John Tindal--Chair

Joe Daning

Rita Allison

Met August 31, September 8, and October 27.

- Accountability (Academic and Financial), Continuous Improvement, and Leadership (District, School, and Community)

Kenny Bingham--Co-Chair

Rainey Knight--Co-Chair

Lewis Gossett

Met August 12 and September 28.

- Educator Recruitment, Retention, Effectiveness, and Professional Development
 Jackie Hayes--Co-Chair
 David Longshore--Co-Chair
 Rick Reames
 Dwight Loftis
 Met July 29, September 2, and October 27.
- College and Career Pathways of High Quality Learning Opportunities in Elementary, Middle, and High Schools
 Jerry Govan--Co-Chair
 Molly Spearman--Co-Chair
 Terry Peterson
 Jimmy Williamson
 Met September 15 and October 28.
- High Quality Early Childhood Education and Family Engagement
 Wanda Andrews--Co-Chair
 Joe Neal--Co-Chair
 April Allen
 Met August 13 and September 30.

3. EOC Input

The South Carolina Education Oversight Committee provided the Task Force with data regarding the Plaintiff Districts (Appendix IV). EOC information included the following:

- report card ratings for each district,
- districts' poverty indices,
- student enrollment and performance,
- early childhood participation, and
- information on teachers and administrators.

B. Senate Special Committee on the *Abbeville* Lawsuit

President Pro Tempore Hugh Leatherman tapped a select group of Senators² to propose a plan to address the issues raised by the Court.³ The committee asked for representative input and a direct working contact to be named from each of the Plaintiff Districts. Public testimony was received from affected agencies and direct representation from staff of the Plaintiff Districts. The Senate Committee relied heavily on the expertise of the Department of Education, the Education Oversight Committee and the staff of the Plaintiff Districts. The Senate Committee decided the “Profile of the Graduate” should serve as the blueprint moving forward. The goal is for every child to graduate from a public high school in South Carolina with the knowledge, skills and abilities as defined in the Profile of the South Carolina Graduate.

1. April 23, 2015 Meeting

State Superintendent of Education Molly Spearman provided her insight regarding the lawsuit. Her comments centered on what the Department of Education can do to help. She mentioned:

1. Providing additional support from SDE;
2. Providing additional technology support and help getting additional technology to the rural areas of the State and allocating more money for technology to rural areas to get them up to speed for things like on-line test taking;
3. Recognizing the difficulty in hiring and retaining good teachers and taking an assessment of talent in the community to help talented individuals in the community obtain their degree;
4. Looking at more utilization of the SC Succeed Program;
5. Working on transportation issues to avoid some children spending hours on the bus each day;
6. Compiling of better data to better utilize the Department’s capacity to help;
7. Better coordination among all the stakeholders;
8. Trying to re-open the Office of Family Engagement;
9. Improving professional development of teachers; and

10. Reviewing current funding formulas.

The committee asked staff to develop a letter to send to all the Plaintiff districts asking them to appoint a single point of contact to attend our meetings and serve as a liaison for the committee to work with regarding information and data requests.

2. August 24, 2015 Meeting

The next meeting of the committee was held on August 24, 2015 at the Lexington School District 4 Early Childhood Center. Members toured the Early Childhood Center and then held the meeting focusing on transportation issues. The committee received remarks from State Superintendent of Education Molly Spearman and Mr. Tim Camp, Transportation Director at the State Department of Education. In addition to the Department of Education, the committee also heard from transportation directors from Barnwell 29, Laurens 56, Jasper and Hampton 2. The committee received testimony and data showing that more than half of all buses in the fleet are over 15 years old. The committee also received testimony that there are numerous bus routes that are over 60 or 90 minutes. The committee also heard many accounts of the low pay for bus drivers and the overall shortage/difficulty districts have in hiring and keeping bus drivers. The Department of Education mentioned the need to get on a 15 year replacement cycle for buses and increase pay for bus drivers and the bus mechanics.

3. October 29, 2015 Meeting

The Committee received testimony from Superintendent Molly Spearman, Dr. Karen Woodward (Superintendent of Lexington 1), Mike Brenan and Pam Lackey (Co-Chairs of Transform SC), Dr. David Mathis (Superintendent of Saluda County Schools), and Dr. David Longshore (former Superintendent and designee from Orangeburg 3). The focus of this meeting was the Profile of the Graduate. The Profile has been adopted by many groups including SCASA, SDE, EOC, Transform SC and the State Board of Education. The goal is for every child to achieve the Profile of the South Carolina Graduate. Transform SC testified that South Carolina is a small enough state to accomplish the goal of every child achieving the

Profile. Success will require leadership in the administration and leadership in the teachers and a plan for change tailored to the community.

4. December 8, 2015 Meeting

The committee received testimony from Melanie Barton (Executive Director of the Education Oversight Committee), Dr. Ivan Randolph (Former Superintendent of Abbeville School District), Mr. Martin Wright (Superintendent of Hampton 2 School District). The focus of this meeting was receiving data and information giving a profile of the Plaintiff districts and their individual and collective needs to improve educational outcomes. The committee received information on historical student counts, revenue from Federal, State and Local sources, revenue per pupil data. Ms. Barton presented assessment data on the Plaintiff districts. She also suggested the need for enhanced accountability for students and teachers. She mentioned infrastructure needs of the Plaintiff districts and how many of them have a very small tax base to support technology and building needs. She suggested that the committee will need to decide what they will allow the State to do regarding interventions in failing school districts. Lastly, she suggested the State needs to do more to help children from birth to be ready to enter kindergarten, to be proficient in reading by third grade and to be on track for college and careers in grades 5 and 8. Dr. Randolph suggested the committee look at 1) facilities in the Plaintiff districts, 2) work closely with Early Childhood Development and 3) improve Leadership Development. Mr Wright listed some suggested changes in the Plaintiff Districts including 1) an improved system of accountability wrapped with support mechanisms, 2) removal of barriers for highly effective teachers and 3) improved teacher salaries.

5. January 6, 2016 Meeting

The focus of this meeting was to receive comments from the State Department of Education. Superintendent Spearman testified concerning the Profile of the Graduate and how to achieve its goal that every student be ready. She spoke about some of the areas where the General Assembly could enhance these opportunities. Superintendent Spearman went on to offer some suggestions on what the Department of Education can do to help in the Plaintiff districts. She stated again SDE needs to take on a more

supportive role. She gave some examples of technology, math experts, curriculum coordinators and establishing regional education centers. Superintendent Spearman also offered comments on transportation needs. She stated that the State needs to fund a 15 year replacement cycle which will take approximately \$34 million a year. The State needs to fully fund driver salaries and increase the salaries for the maintenance staff. The members asked questions and the Superintendent gave answers on various topics.

6. January 28, 2016 Meeting

The focus of this meeting was teacher recruitment and retention. The committee received testimony from Andy Baxter (Southern Region Education Board), Jane Turner (Executive Director Center for Educator Recruitment, Retention and Advancement), Ramona McCoy Cummings (Teacher at Lake View High School and former teacher of the year from Dillon) Jennifer Smith (Teacher at Abbeville Elementary and former teacher of the year in Abbeville) was unable to attend personally but sent in written testimony. This meeting began with Andy Baxter from SREB making a presentation to the committee on Attracting and Retaining Effective Teachers in South Carolina.

Jane Turner (CERRA) presented key data from CERRA's Supply and Demand Report. Some of the highlights were that 4,000 teachers did not return and that only 1,954 new graduates were entering the profession. Approximately 1,000 teachers retire each year; 14.2% leave after the first year; and 37% leave after 5 years. She then went on to provide an update on the recommendations from Proviso 1A.73, the Rural Teacher Initiative.

After this the Committee heard from a former teacher of the year. She stated some of the issues she deals with include: low salaries, fewer resources to offer students, and students coming to them with fewer resources. She stated many teachers stay in her district until they can get a higher paying job in another district. She works in a 1955 school building. She believes we need to recruit more home grown teachers.

7. March 3, 2016 Meeting

The focus of this meeting was Early Childhood Education. Presenters at this meeting were Glenn Odom and Dr. Floyd Creech representing Florence 1's Start SMART program, Mr. Ken Wingate - First

Steps Board Chairman and Jennifer Anderson - Early Childhood Director at the State Department of Education.

Dr. Creech spoke on some of the specifics of the Start SMART Program including:

- Need for parental engagement
- Focus on program is 0 - 5
- Need to activate the community to have success
- Work with pediatricians (Reach Out and Read, etc.)
- Do monthly fidelity checks (with measures)
- New teacher evaluation (SLO's, etc.) is good
- Offer their training to anyone who works with young children
- Received EOC \$250,000 block grant
- Florence One has an incredible board

Dr. Creech also noted additional needs. Among these needs were:

- Capital funding to provide high quality preschool program facilities.
- Sustained funding for year-round, full-day programs to reduce the time for summer learning regression and support for childcare for working parents.
- Universal 4K funding.
- Campaigns to encourage community knowledge and engagement.
- Pilot programs for social emotional health of young children.
- Pilot programs exploring improved programs for children with developmental delays.
- Requiring preschool teachers to have state teacher certification in all settings.

Ken Wingate from First Steps gave his insights on the most critical priorities for Early Childhood. He set out eight priorities:

- Preserving Local Involvement

- Protecting Private Sector, faith-based and Public Sector Involvement
- Requiring Transparent Accountability & Incentive Based training all Teachers Using Research Based Models and solid data
- Keeping Scope of Intervening Broad - the earlier and the more comprehensive the intervention the better
- Assisting Local County Partners however we can
- Integrating Data System across all early childhood agencies, that includes social services data linked with K-12 data.
- Viewing these priorities as the most cost effective thing we can do

The final presenter was Jennifer Anderson, Early Childhood Director at the Department of Education.

She stated SDE is currently looking at:

- Teacher / Child Interaction is most critical - teachers are a powerful influence
- Teacher Quality
- Curriculum and Standards
- Fidelity

When asked the question “what is your recommendation of what we as a State need to do in the Plaintiff Districts?” the response was that we need a leadership institute (Statewide) to train teachers and to replicate programs like those in Florence 1, but that we need a leader who understands what is involved.

CONCLUSION

The effort of the Senate and the House to improve public education in S.C. is ongoing. This report sets out the activities that occurred in the 2016 legislative session. The end of this session, however, is not the end of the effort - - either in general or specially in response to the Court’s decision in *Abbeville*. Additional activities will be undertaken in the remainder of this year and in the session that will begin in January, 2017. The Senate and the House are mindful of the mandate from the Court and are working diligently to improve the educational system for the benefit of all students.

¹ **1994** - Using Education Improvement Act funds, SC began providing at least half-day classes for at-risk four-year olds in each district

1996 - Charter Schools Act enacted, addressing evolving need for school choice

- Established the K-12 Technology Initiative through Proviso to expand educational technology across all public schools statewide.

1997 - National Board Certification incentive is funded in SC for the first time.

1998 - The Education Accountability Act is passed, establishing a performance based accountability system for public education focusing on improving teaching and learning so that students are equipped with a strong academic foundation.

- District must begin offering full-day 5K to requesting parents.

1999 - State School Facilities Bond Act passes (\$750 million) to assist with facilities needs.

2002 - SC Lottery is implemented (\$4.1 billion appropriated through 2015-16, including \$735 million directed to K-12).

2005 - Education and Economic Development Act is passed, to support and enhance career planning and guidance. Department of Education must develop curriculum framework for career clusters of study, requires the State Board of Education to develop a state model for addressing at-risk students, etc.

2006 - Child Development Education Program Pilot (CDEPP) funds full-day 4K via Proviso for at-risk children living in the trial and plaintiff districts; program is expanded in successive years and codified in 2014. As of the current fiscal year, 64 of 81 districts are eligible to participate in the program. Approximately 51% of all South Carolina four-year olds in poverty are being served in a formal, early childhood education program funded by state or federal resources. In districts that have participated for more than one year in state full-day 4K, 83% of four-year olds living in poverty are being served.

2006 - Act 388 exempted owner-occupied homes from school operating property taxes, capped reassessment at 15% over a five year period and specified each county could not receive less than \$2.5 million in reimbursement from the Homestead Exemption Fund. Many of the Plaintiff districts have benefited from this \$2.5 million floor.

2007 - Virtual School Program offering online courses, at no cost, via the Department of Education

2008 - Updated and strengthened provisions in the Education Accountability Act (EAA).

2008 - Flexibility provided to districts during/after the recession (i.e., allowed districts to suspend step increases, negotiate retired teacher contracts, as a means to avoid layoffs, etc.).

2010 - Enacted the Educational Bill of Rights for Children in Foster Care, requiring districts to have procedures in place to ensure seamless transitions between schools and school districts for children upon notice that a child is in foster care, and to consider maintaining the child in the same school if it is in the child's best interest.

2011 - Increased cap on number of years for teacher induction from 1 year to 3 years, allowing additional time to develop and evaluate new teachers.

2014 - Included the Exceptional Needs Children Tax Credit via Proviso, to enhance alternatives for qualified children's K-12 special education needs.

2014 - Implemented Read to Succeed and codified 4K to improve and strengthen the foundation for early learning; includes professional development requirements, reading coaches, and interventions to preclude third grade retention for at-risk students.

Beginning Fiscal Year 2015, included appropriations to support interventions and support for at-risk students and new initiatives: added .15 poverty weighting, funded TransformSC, technology, summer reading camps, reading coaches. FY17 provisos with focus on Plaintiff districts, etc.

² The Senate Special Committee on the Abbeville Lawsuit is comprised of: Nikki Setzler (co-chair), Wes Hayes (co-chair), John Matthews, Sean Bennet, and Greg Hembree

³ The President Pro Tempore charged the committee to develop a proposed plan for addressing the deficiencies mentioned by the Court in *Abbeville I* and *Abbeville II*, including but not limited to:

-
1. Funding streamlining to ensure resources and instrumentalities of learning are accessible by and distributed equally to all school districts
 2. Improving access to adequate transportation so that students do not miss instruction time and other constitutionally required educational opportunities provided for them
 3. Placing and retaining certified teachers with college degrees in rural schools and methods to mitigate turnover
 4. Possible cross-county consolidation of school districts to reduce administrative costs
 5. Provisions to assure safe and adequate facilities and
 6. Improving local organizational effectiveness to ensure prioritization of available funding for instruction and resources (curriculum, teachers and programming)

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as Speaker of the House of Representatives and
as a representative of The South Carolina House
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are

Respondents-Appellants,

and

State of South Carolina, Nikki R. Haley,
as Governor of the State of South Carolina,
are

Respondents.

PROOF OF SERVICE

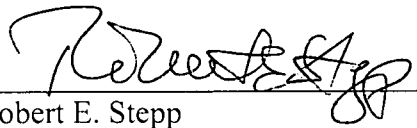
I hereby certify that I have caused to be served a copy of the Respondents-Appellants' Report as Required by Order dated November 5, 2015 upon counsel of record, as reflected below, by hand delivery, this 29^h day of June 2016.

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