

Document No. 4603  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, and 20 U.S.C. Section 6301 et seq.

43-307. Alignment of Assessment and Accountability Elements with the No Child Left Behind Act

**Synopsis:**

State Board of Education (SBE) Regulation 43-307 requires SBE assessments and accountability elements to align with the No Child Left Behind Act (NCLB) with much specificity. The proposed amendment will ensure that South Carolina will comply with federal law without having to amend the regulation each time the NCLB is amended.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on September 25, 2015.

**Instructions:**

Entire regulation is to be replaced with the following text.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

43-307. Alignment of Assessment and Accountability Elements with the No Child Left Behind Act.

~~I. The reauthorization of the Elementary and Secondary Education Act of 2001, Public Law 107-110, also known as the No Child Left Behind Act, requires each state to The State Board of Education and the South Carolina Department of Education will align its assessment and accountability elements with the measures mandated by federal law. The following steps are taken to align the elements of the Education Accountability Act of 1998 with those of the No Child Left Behind Act.~~

~~A. Assessment System~~

~~1. The assessment system, as mandated by the Education Accountability Act and further specified in the State Accountability Workbook, required by the No Child Left Behind Act, applies to all public schools and districts in the state and holds all students to the same academic achievement criteria and performance standards.~~

~~2. The annual school, district, and state report cards, as mandated by the Education Accountability Act and as further specified in the State Accountability Workbook, will include the data required by the No Child Left Behind Act.~~

~~B. Accountability System~~

~~1. Adequate Yearly Progress. This measure is calculated as specified in the State Accountability Workbook and is included as a measure of accountability and progress of the public schools. Adequate yearly progress will be reported on the front of the Education Accountability Act mandated report card.~~

~~2. Subgroups for Accountability. The subgroups identified for measuring the progress on adequate yearly progress are: economically disadvantaged students, major racial and ethnic groups, students with disabilities, and students with limited English proficiency. All students in the school are considered to be an additional subgroup. The definitions of the subgroups are specified in the South Carolina Department of Education Test Administration Manual and the No Child Left Behind Act.~~

~~3. Other Indicators of Performance. Attendance is the additional required indicator for elementary and middle schools. This indicator's threshold and adequate yearly progress criteria are specified in the State Accountability Workbook. For high school, the additional indicator is required to be graduation rate. This indicator's threshold and adequate yearly progress criteria are specified in the State Accountability Workbook.~~

~~II. The Elementary and Secondary Education Act of 2001, Public Law 107-110, also known as the No Child Left Behind Act, requires schools and districts not meeting adequate yearly progress for two consecutive years to move into needs improvement status and for Title I schools missing adequate yearly progress more than two consecutive years to progress through the levels of consequences specified in federal law.~~

~~III. The State Board of Education authorizes the South Carolina Department of Education to develop and amend the State Accountability Workbook as necessary to meet U.S. Department of Education approval.~~

**Fiscal Impact Statement:**

None.

**Statement of Rationale:**

The proposed amendment will ensure that South Carolina will comply with federal law without having to amend the regulation each time the NCLB is amended. The proposed amendment would simply state that South Carolina will follow the requirements of the NCLB.