



# STATE OF SOUTH CAROLINA DEPARTMENT OF EDUCATION

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Superintendent

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Columbia, South Carolina 29201

## MEMORANDUM

**TO:** District Special Education Directors and Coordinators

**FROM:** John R. Payne, Director  
Office of Special Education Services

**RE:** Kindergarten Readiness Instrument, *CIRCLE* and *mCLASS:CIRCLE*

**DATE:** September 30, 2014

This memorandum serves as guidance to local educational agencies (LEAs) with regards to the administration of *CIRCLE* and *mCLASS:CIRCLE*, the statewide pre-kindergarten and kindergarten readiness instrument as provided by South Carolina Act 284 ([Read to Succeed Act](#)) and [Proviso 1A.76](#) of the 2014–15 *Appropriations Act*, and the implications for students with disabilities as covered by the Individuals with Disabilities Education Act, 2004 (IDEA).

According to the *Read to Succeed Act* (SC Code Ann. Section 59-155-150), “the purpose of the assessment is to provide teachers and parents or guardians with information to address the readiness needs of each student, especially by identifying language, cognitive, social, emotional, health problems, and concerning appropriate instruction for each child.” Although this legislation refers to this instrument as an assessment, the written intent/definition in this legislation is to provide a formative tool to determine appropriate instructional strategies for curriculum implementation. Therefore, under the IDEA and State Board of Education Regulation 43-243, the intent/definition of this instrument is tantamount to a screening, as defined at 34 C.F.R. § 300.302.

*CIRCLE* and *mCLASS:CIRCLE* are not used in meeting Section 1111 of the Elementary and Secondary Education Act (20 U.S.C. 6311); and are not measures of academic achievement relative to grade-level academic standards, which are described in the IDEA Regulation at 34 C.F.R. § 300.160. In addition, *CIRCLE* and *mCLASS:CIRCLE* are not considered evaluations under the IDEA, as defined at 34 C.F.R. § 300.15 and outlined at 34 C.F.R. §§ 300.301 through 300.311, to determine eligibility for special education and related services as defined at 34 C.F.R. § 300.8.

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Although *CIRCLE* and *mCLASS:CIRCLE* describe and provide accommodations in administration materials, the intent of these accommodations is to provide access and ensure nondiscriminatory administration in accordance with Section 504 of the Rehabilitation Act of 1973. As a result, LEAs are not required to convene Individualized Education Program (IEP) team meetings under the IDEA to determine what IEP accommodations are to be provided to or on behalf of the student. It is important to note, however, that all students must be included in *CIRCLE* and *mCLASS:CIRCLE*, as outlined in state law.

Please note that this guidance is relative to the administration of *CIRCLE* and *mCLASS:CIRCLE* for the 2014–15 school year. As these pre-kindergarten and kindergarten readiness measures continue and expand, as outlined in various legislation for subsequent years, the South Carolina Department of Education may promulgate additional or revised guidance.

Please note that *CIRCLE* and *mCLASS:CIRCLE* and all accompanying materials are copyrighted and proprietary; and that the requirements for test administration and test security measures as outlined in state law apply. If you have any questions about *CIRCLE* or *mCLASS:CIRCLE*, please contact Kevin Fatica, Office of Assessment, at [KJFatica@ed.sc.gov](mailto:KJFatica@ed.sc.gov) or at (803) 734-8282; accommodations, please contact Anne Mruz, Office of Assessment, at [amruz@ed.sc.gov](mailto:amruz@ed.sc.gov) or (803) 734-8034; or preschool special education services, please contact Norma Donaldson Jenkins, Office of Special Education Services, at [njenkins@ed.sc.gov](mailto:njenkins@ed.sc.gov) or (803) 734-8811.