

Another source of education funding, the Education Improvement Act (EIA) of 1984, also provides state funding to LEAs based upon need within the LEA. Several subfunds exist within the EIA to ensure funding for State priorities. State policies ensure equitable funding among and within LEAs by requiring that, within each subfund, at least 85% of the funding must be spent in the specific programs for which the funds are provided. For example:

- The “Students at Risk of School Failure” subfund is allocated “based on 2 factors: (1) the poverty index of the district …, which measures student eligibility for the free or reduced price lunch program and Medicaid; and (2) the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on [ESEA assessments] in either reading or mathematics” (See F1F for Excerpts from the Funding Manual regarding Students At Risk of School Failure.)
- The “Early Childhood Program” funds for four-year-olds are allocated “based on the number of kindergarten children who are eligible for free and reduced price lunch” (See F1G for Excerpts from the Funding Manual regarding the State’s Early Childhood Program.)

As the excerpts from the Funding Manual document, all of these funds must be spent for services to age-eligible children in poverty within the district. The State’s policies lead to equitable distribution of funding within LEAs among high-need and other schools.

#### **(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools**

- |  |
|--|
| <p>(i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;</p> |
|--|

South Carolina has a strong charter school law with no limits on charter school numbers, types, or enrollments. Under the South Carolina Charter School Act, S.C. Code Ann. § 59-40-10 *et seq.*, as long as charter developers create a high quality charter school application that is approved through our two-part review process, the charter school will be authorized and can open. The SC Charter Schools Act is attached in Appendix F2A.

**Number and Type.** As of May 2010, 37 public charter schools are operating in 16 of South Carolina’s LEAs; 35 are regular start-up schools and two are conversion schools. Appendix F2C provides a list of South Carolina’s current charter schools. Of these, 32 are brick

and mortar charter schools, and five are virtual charter schools (see Appendix F2B for a list of current South Carolina charter schools). Also, 12 new charter schools have been authorized to open and are currently in their mandatory planning year. At least nine of those plan to open by August 2010, which means that South Carolina could have 46 operating charter schools, of 1195<sup>5</sup> total schools (3.8%). Thirteen new applications were submitted by the deadline (May 4, 2010) for opening in the 2011-2012 school year. If deemed compliant, these charters would use 2010-11 as their planning year.

Beyond the normal “brick and mortar” structure, charter schools may offer virtual classes aligned with the State’s Charter Schools Act (Appendix F2A, S.C. Code §§ 59-40-40(1), -65 as amended in 2007). Since the passage of this law and the opening of the statewide authorizer, virtual charter schools have steadily increased. In their first year (2008-09), three virtual charter schools served approximately 2,500 students. In 2009-10, two additional schools opened, bringing the State’s total to five. Virtual charter schools now serve 6,100 students.

| <b>Five Year Historical Growth of Charter Schools in South Carolina</b> |                               |   |              |                 |                                |                      |                                  |
|---|-------------------------------|---|--------------|-----------------|--------------------------------|----------------------|----------------------------------|
| <b>Year</b>   | <b>Applications Submitted</b> | <b># Advisory Committee Held Met Requirements</b> | <b># New</b> | <b># Closed</b> | <b>Total # Charter Schools</b> | <b># of Students</b> | <b>Growth from Previous Year</b> |
| 2005-06   | 11                            | 7   | 7            | 2               | 25                             | 4,142                | 20%                              |
| 2006-07   | 8                             | 4   | 5*           | 1               | 29                             | 5,135                | 24%                              |
| 2007-08   | 18                            | 11  | 1            | 1               | 29                             | 5,488                | 7%                               |
| 2008-09   | 10                            | 7   | 7            | 1               | 35                             | 9,035                | 65%                              |
| 2009-10   | 20                            | 11  | 4            | 2               | 37                             | 12,306¶              | 36%                              |

\*The number of new schools opening is higher than the number approved in 2006-07 because a school approved in a prior year extended its planning and preparatory period beyond one year.

¶ All enrollment figures are based on the 135th day enrollment; however, this last figure is based on the 45th day ADM. The 135th day enrollment figures are yet to be tabulated and released due to the State’s conversion of data systems from SASI to PowerSchool. The 135th day enrollment will, more than likely, be higher.

In South Carolina, a charter school developer collaborates with a sponsor for its charter school; this sponsor is either the local public school district/LEA or the South Carolina Public

---

<sup>5</sup> The 2007-08 EdFacts Charter Profile lists 1195 total schools. Other figures in this application may vary depending upon year and purpose of the count. For example, some counts do not include multi-district career centers. Other counts for report card and AYP purposes might include two report cards for one school that crosses grade ranges. Some “district” counts do not include special districts and schools (South Carolina has two Governor’s schools and several special schools).

Charter School District (*statewide charter district*), a statewide sponsor that began operation in 2007. Since the amendments to the Charter School Act in 2007, the State has revised its charter school application processes to ensure that only high quality charters are approved.

**Enrollment.** South Carolina law does not cap charter school enrollments. Between the 2007-08 and 2008-09 academic years, charter school enrollments grew by 65% to more than 9,000 students, reflecting the largest one-year enrollment boost in our State's charter history. In 2009-10, more than 12,000 students are enrolled in charter schools. Enrollment size is a function of budget, program focus, facility size, and contract with the sponsor. In its charter school application, a charter developer must include a five-year budget that is based upon enrollment projections that, when approved, become part of the authorized contract for the new charter school. S.C. Code 59-40-60(C) allows for the authorized contract to be modified, so a charter school can make a request to the sponsor to increase its enrollment. Such requests typically include evidence of support to obtain the additional students, assurances that the facility has enough space, and proof that the charter school's students are making academic progress.

South Carolina has taken several key steps to foster high quality, viable charter schools:

- *Required mandatory planning year after authorization and before doors open to students.* The State Board requires that every authorized charter school go through a one-year planning period to ensure they are making the necessary strides to open and serve students effectively. During this planning year, the Department and appropriate partners provide charter groups with access to technical assistance and training pertaining to strategic planning, nonprofit management, student achievement, leadership, personnel management, stakeholder involvement, budgeting, fiscal management, and daily operations.
- *Multiple authorizers:* South Carolina is one of few states to have a statewide authorizer, the South Carolina Public Charter School District, in addition to geographic LEAs. The first schools sponsored by the statewide charter district opened in August 2008; this LEA currently operates seven schools and ranks 37<sup>th</sup> in enrollment of the 88 LEAs in the state. The statewide charter district has been selected by the National Association of Charter School Authorizers to develop a national model with standards and practices that can be replicated with other statewide charter school authorizers.
- *Partnerships to serve and support charter schools.* In addition to the Charter Education Associate at the Department and the statewide charter district, several key partners are

- involved in providing support and technical assistance to ensure high quality charter schools: the SC Association of Public Charter Schools and Palmetto Charter Network, as well as the South Carolina Association of Nonprofit Organizations (see letters of support in Appendix A).
- *The Department has submitted a new application under the Charter Schools Program (ED) to continue cultivating high quality charter schools.*

South Carolina is pleased that efforts to support charter schools have resulted in 75% (28 of 37) of charter schools operating longer than three years. As a result of rigorous application and planning processes, our efforts to provide training and technical assistance, and the sharing of best practices, the frequency of charter school closings has decreased over time, and currently averages less than one closing a year.

(ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;

**Authorization.** South Carolina approves new charter schools through a comprehensive, two-part application review process. The State Board has delineated the procedures and standards for the review process in 24 S.C. Code Regs. § 43-601 (Appendix F2C).

State Board Regulations (Appendix F2B). First, charter developer groups submit a charter application to the state-appointed Charter School Advisory Committee (Advisory Committee) that reviews, within 60 days, each charter school application for legal compliance. This Advisory Committee includes 11 members representing charter school teachers, parents, and principals, as is set forth in statute (S.C. Code §§ 59-40-70 of the Charter Schools Act in Appendix F2A). South Carolina continually educates committee members on evaluating applications for legal compliance. The Advisory Committee uses an evaluation rubric and interviews the charter developers. If the Advisory Committee deems the application compliant, the application is forwarded to the authorizer (sponsor), either the local LEA or the statewide charter district.

Within 30 days, the LEA sponsor performs a second review of the application for quality and compliance. A sponsor can deny a charter application if (1) it does not meet the detailed statutory requirements, (2) it fails to meet the spirit and intent of the law, or (3) it adversely

affects, as defined by regulation, the other students within the district (S.C. Code § 59-40-70(C) (referencing §§ 59-40-50 and -60 in Appendix F2A)). If denied, a charter developer has an opportunity to appeal directly to the State's Administrative Law Courts.

Only applications that are approved by both the Advisory Committee and the LEA sponsor are authorized to open. For the 2009 application cycle, the Advisory Committee deemed 11 of the 20 applications legally complaint, and nine of those were authorized by the selected sponsors. In the last five years, of the 50 charter school applications, 27 new charter schools were authorized to open following the two-part review.

Three major reasons that charter applications have been denied in South Carolina are: (1) low enrollment demonstrating a lack of community support; (2) questions about the fiscal soundness of the proposed school; and (3) concerns about the school's academic performance. Appendix F2D details charter school information from the last five years, including the numbers of applications submitted, those approved, reasons for the denial, and the numbers closed or not renewed.

**Significant student achievement.** Charter schools are accountable under South Carolina law for their students' achievement. Applications must include goals, objectives, and student achievement standards that become the foundation from which the sponsor will hold the charter school accountable (S.C. Code § 59-40-60(F), Appendix F2A; State Board Regulation, 24 S.C. Code Regs. § 43-601 III (D), Appendix F2B). Attaining Adequate Yearly Progress, as advanced by the Elementary and Secondary Education Act, must be included in the achievement standards (Reg. § 43-601 III (D), (E)(3), Appendix F2C). A charter must be revoked if, upon the required annual review, the sponsor finds that the school "failed to meet or make reasonable progress, as defined in the charter application, toward pupil achievement standards identified in the charter application" (S.C. Code § 59-40-110(C)(2),(Appendix F2A)). Significantly, South Carolina's charter schools are operating at high quality levels, and in SY 07-08 they made Adequate Yearly Progress at rates slightly higher than traditional public schools:

| Type of School     | Number of Schools | Number Meeting AYP | Percentages |
|--------------------|-------------------|--------------------|-------------|
| Traditional Public | 1195              | 217                | 19.5%       |
| Charter            | 29                | 6                  | 22.2%       |

**Student populations.** South Carolina law ensures that charter schools serve student

populations similar to those in the local LEA. Each charter application must also provide a plan to “ensure that the enrollment of the school is similar to the racial composition of the local school district in which the charter school is to be located” and that the school “does not conflict with any school district desegregation plan” (S.C. Code § 59-40-60(F), Appendix F2A; and 24 S.C. Code Regs. 43-601 III(I), Appendix F2C). Current South Carolina charter schools serve children from all ethnic and ability backgrounds, including many who are educationally disadvantaged, at percentages that closely parallel state demographics. (The 2008-09 school year was the first time that the Caucasian and African-American percentages did not match the state level percentages exactly.) Charter school enrollment of boys (51%) and girls (49%) also matches that of the state.

Once a charter school opens to serve students, the sponsor becomes responsible for investigating whether enrollment exceeds the allowable variances and examining the charter school’s recruitment efforts for nondiscrimination (S.C. Code § 59-40-70(D), Appendix F2A). If the sponsor finds that the charter school is “not operating in a racially discriminatory manner,” then the school, absent any other issues, should continue to operate. If the allowable variances are exceeded, the charter school may request an increase in enrollment from the sponsor.

**Monitoring and Accountability.** A charter school must provide an annual report to its sponsor per § 59-40-140(H), that includes: the number of students enrolled, which has a budgetary rationale behind it; the success of the school in meeting the educational goals within its charter, which has an achievement rationale behind it; and the identity and certification of staff, which has a legal rationale behind it. Seventy-five percent of the teachers in a charter must be certified by the State; 90% of the teachers in a conversion charter must hold State certification (S.C. Code § 59-40-50(B)(5), Appendix F2A). A charter may be revoked or non-renewed by the LEA for four reasons: (1) the school committed a material violation of the charter; (2) it failed to meet or make reasonable progress as defined in the application; (3) it failed to meet generally accepted standards of fiscal management; or (4) it violated any provision of the law from which the charter was not exempted (S.C. Code § 59-40-110(C), Appendix F2A).

South Carolina has a strong record of closing or not renewing ineffective charter schools. In a little more than a decade of chartering history, 17 charter schools have been closed. Most of these schools voluntarily relinquished their charters due to low enrollments and, ultimately, poor planning. (Recent regulatory changes to require a planning year are designed in part to address

this concern.) Six charters were directly revoked or not renewed by their sponsors/authorizers for more than one reason; of the 12 reasons cited for these closures, six were for unstable finances, four were for inadequate academic results, one was for improper governance, and one was for violating State law.

After examining reasons for closure and best practices for charter operations, South Carolina instituted the mandatory one-year planning period and encouraged charter groups to use that year accessing training and technical assistance to ensure sustainability. To this end, the Department's Charter staff and its partners conduct and coordinate training and provide focused sessions for charter groups and sponsors so that they are aware of legal responsibilities and authority, best practices, resources, evaluation instruments, personnel management, and funding opportunities. South Carolina's definition of a high quality charter school is "a financially viable, choice-driven innovation that produces student achievement and stakeholder satisfaction through effective leadership." All training and technical assistance focuses on cultivating elements of this definition, as seen below.

| Characteristics of a high quality charter school in South Carolina |  |   |
|--|--|---|
| Defined  | Described  | Features  |
| <i>Financial Viability</i>   | Sustained Beyond Planning and Implementation Grant     | <ul style="list-style-type: none"> <li>• Strong internal, fiscal controls</li> <li>• Clean yearly audits</li> <li>• Public/private partnerships forged</li> <li>• Identified potential grant opportunities</li> <li>• Aware of available state/federal funding</li> </ul> |
| <i>Choice-Driven</i>   | A Demonstrated Need through Community Involvement      | <ul style="list-style-type: none"> <li>• Grounded upon a clear and compelling mission statement</li> <li>• Outside input used in planning and continuous improvement efforts</li> <li>• Parent/community feedback</li> <li>• Relationship with authorizer</li> </ul>      |
| <i>Innovation</i>  | Research-based Approach to Improve Academic Excellence | <ul style="list-style-type: none"> <li>• Evidence of successful implementation in other arenas</li> <li>• Expansion of current practice to reach more students</li> <li>• New or novel idea not used in the proposed location</li> </ul>                                  |
| <i>Student Achievement</i>   | Annual, Continuous Growth                              | <ul style="list-style-type: none"> <li>• State report card rating (including testing results), graduation rates, and AYP</li> </ul>   |

|                                 |                               |   |
|---------------------------------|-------------------------------|---|
|                                 |                               | <ul style="list-style-type: none"> <li>• Recognizes responsibility for outcomes</li> <li>• Internal data sources</li> <li>• External evaluations</li> <li>• Annual report to the LEA authorizer-sponsor</li> <li>• Program modification is data-driven</li> <li>• Annual subgrantee report to the Department</li> </ul> |
| <i>Stakeholder Satisfaction</i> | Internal and External Support | <ul style="list-style-type: none"> <li>• High staff retention rates</li> <li>• Stable or growing enrollment</li> <li>• Satisfaction as listed on the annual school report card</li> <li>• Community support</li> <li>• High student attendance rates</li> </ul>   |
| <i>Effective Leadership</i>     | Capacity Developed Within     | <ul style="list-style-type: none"> <li>• Comply with State law for staffing</li> <li>• Teacher empowerment applications</li> <li>• Functioning board as shown by policies and practices</li> <li>• Minimal leadership turnover</li> <li>• Professional development on leadership</li> </ul>                             |

South Carolina's recent Charter School Program grant proposal to the ED, submitted May 7, 2010, includes intensive attention, assistance, and training to groups as they plan charter schools and write their charter applications. This level of assistance is designed to help charter developers think through the educational needs of their identified student populations and produce higher quality applications. For those charter developers who applications are authorized, technical assistance that focuses on turning the written word into a living, functioning public school will be provided, during the State Board-mandated planning year. Before these schools ever open, their principals will go through a leadership academy to prepare them for the differences between traditional and charter school administration. Partnerships with Francis Marion University's Center of Excellence to Prepare Teachers of Children of Poverty, Fierce, Incorporated, and the South Carolina Association of Nonprofit Organizations will enable new charter school leaders to gain professional development tailored to their students' needs. Appendix F2E provides details about the programs offered by these partners. If funded, the State will use Charter School Program federal funds to launch an additional 40 charter schools.

In addition, the Department is currently studying high-quality and high-performing charter schools in our state, and our findings will be shared to help charter schools develop a

continuous improvement process. Authorizing LEAs will also receive additional technical assistance to help them refine and apply the requirements for high quality charter applications. These actions will enable South Carolina to increase the number of charter schools and, most importantly, ensure that each school has the best opportunity for viability and each charter student has the best opportunity for achievement.

- (iii) The State's charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;

Charter school funding depends upon the type of LEA sponsor. South Carolina has two types of charter authorizers—local school districts/LEAs and the statewide public school charter district. S.C. Code Ann. § 59-40-140 (Appendix F2A) highlights the funding stream for charter schools authorized by local school district LEAs, which have a local tax base. These charter schools receive a weighted pupil amount calculated by dividing the LEA's total general fund revenue for the prior year (adjusted for current year's inflation factor) by the prior year's total weighted pupils (S.C. Code § 59-40-140(A)). See the description of Education Finance Act weighted pupil funding in (F)(1) above. Eligibility for categorical funding is determined based upon eligibility for the category; for example, a charter high school may be eligible for State *High Schools that Work* funding (Appendix F2A § (D)). See the description of Education Improvement Act funding in (F)(1)(a) above. These charters receive an equitable share of the local LEA funding.

The other authorizer—the statewide charter district—does not have a local tax base and relies upon the State for its non-federal funding (S.C. Code § 59-40-140(B), -220(A), Appendix F2A). The statewide charter district receives the State base student cost plus State categorical funding. To address concerns about the State charter district's lack of local tax base funding and despite significant overall revenue reductions, in FY 09-10 budget the General Assembly added \$700 per weighted pupil unit enrolled in the state charter district, above the State per pupil amount that is the basis for the EFA formula for other districts (see Appendix F2F for the relevant portion of the Appropriations Act). This additional funding is continued in the appropriations act for FY 10-11 despite additional reductions in overall State revenue. As noted above [(F)(1)(a)] State EFA funding is allocated among other districts based upon local revenue-raising ability. The statewide charter district's lack of ability to raise local revenue to augment the base student cost continues to be a concern, as are legal limits on other districts' ability to

raise local property taxes for school operating expenses. Pending legislation proposes an additional increase in the State weighted pupil unit funding to the state charter district, as described in the revision to the Charter Schools Act (H.4243) in Appendix F2G.

Regarding federal funding, charter schools in South Carolina operate under the auspices of their LEA sponsors. Because South Carolina's charter act states that charter schools are part of the LEA that authorizes them, charter schools must be considered for any and all State and Federal formula grant applications. As part of each federal formula grant submission, each authorizing LEA must have charter school principals verify in writing that the authorizer consulted the charter school in preparing the application. Should this verification form not be signed by the charter schools, the Department's federal programs areas will investigate the grant application before processing it for funding. When allowed by federal law, federal funds are allocated on the "basis of the number of special characteristics of the students attending the charter school" for which the funds were received (S.C. Code § 59-40-140(D), Appendix F2A). Because equitable and timely funding is absolutely necessary to sustain charter schools, the Department is revising funding guidelines that will be updated annually, published online, and distributed to LEAs and charter schools. The Department's charter school office uses these guidelines to initiate discussions between the charter school and its authorizer to ensure that charter schools are considered in the authorizing district's federal formula education grant applications.

- (iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools;

Although the State provides some benefits for charter schools as to facilities, overall South Carolina views facilities as a local responsibility and provides very little facilities assistance to any public schools—whether charter- or district-governed. State facilities funding occurs when special appropriations are made by the General Assembly or when there are State revenue surpluses; however, the sum of the surpluses given to all LEAs has rarely totaled enough to build one school, much less one school per district (e.g., \$1.5 million in Children's Endowment (Barnwell) fund (2008); \$3 million in EFA building fund (FY07); \$40 million EIA fund (FY06); Appendix F2H contains a list of those allocations).

The State does maintain a facilities inventory and makes certain resources available to charter schools. The Department annually provides to charter schools a listing of “vacant and unused buildings and vacant and unused portions of buildings that are owned by school districts in this State and that may be suitable for the operation of a charter school” (S.C. Code Ann. § 59-40-170, Appendix F2A). Charter developers and existing schools use the list to identify a potential facility. If a district “declares a building surplus and chooses to sell or lease the building,” a charter school must receive the right of first refusal to “purchase or lease the building under the same or better terms” as offered to the public. Currently, six charter schools (16%) have taken advantage of this opportunity. In addition, one conversion charter school remains in its pre-charter facility, and another is in a new facility built by its sponsoring LEA, bringing the total to 22% of charter schools that have exercised one or the other benefit. One other charter school (Calhoun Falls) leases a former school building for a nominal fee from the township to which the LEA had transferred the title.

All middle/early colleges are on college campuses, including the four that are charter schools. Brashier Middle College Charter High School has just completed a new facility on the Simpsonville campus of Greenville Technical College.

In summary, charter schools in the state are treated no differently from other public schools in the state in regards to funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements) and the ability to share in bonds and mill levies, or other supports. Additionally, the charter schools receive more flexibility and assistance with facilities acquisition and access to public facilities, and with requirements for maintaining and upgrading facilities than traditional public schools.

As to facilities requirements, standards for charter school facilities are less restrictive than those for traditional public schools. Generally in South Carolina, school buildings are exempt from local building codes and must comply with the uniform statewide standards in the SC School Facility and Construction Guide (the Guide) (S.C. Code §§ 6-9-110(A)(2), 59-23-230). However, the State exempts charter schools from the Guide’s building requirements (other than those necessary to meet health and safety standards) and directs that the law be interpreted liberally to support that purpose (S.C. Code §§ 59-40-30, -50(B)). The Department lists the Guide’s non-health and non-safety requirements on its website. In the past, charter schools would appear before the State Board to request a waiver of requirements not on the list. To

reduce the formal paperwork, effort, and time for the charter school and the State Board, this process was modified to place the responsibility upon the experts in this field. Now design professionals can seek waivers from these requirements from the Department. South Carolina does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools.

- (v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

“Innovative, autonomous public schools” are defined as those with open enrollment, that—in exchange for increased accountability for achievement—have flexibility and autonomy over their instruction model, associated curriculum, staffing, school day/year structures, and budgets. Our State statutory structure provides a mechanism for any school to be free of regulations that inhibit innovation. Flexibility may be granted to high achieving schools, at risk schools or LEAs, schools requesting exemptions to improve academic achievement based upon a written plan, and LEAs requesting regulatory exemption from the State Board.

The South Carolina Education Accountability Act (S.C. Code Ann. § 59-18-1100, Appendix A1A), provides a mechanism for schools to achieve flexibility from regulations and statutory provisions. While not totally autonomous from the LEA in which they reside, the schools, much like a charter school, enjoy the benefit of being free from many regulations. *High achieving schools* as defined in §59-18-1100 may receive flexibility status as a matter of course if they meet the law’s criteria. Flexibility and deregulation are also available for lower performing *at risk schools or districts*. S.C. Code Ann. § 59-18-1120 states:

Notwithstanding any other provision of law, a school designated as school/district at-risk while in such status is given the flexibility of receiving exemptions from those regulations and statutory provisions governing the defined program or other [State Board] regulations, dealing with the core academic areas as so outlined in Section 59-18-120, provided that the review team recommends such flexibility to the [State Board].

Any school may also receive flexibility status with *a plan tying the exemptions to student achievement*:

(B) Other schools may receive flexibility when their school renewal plan<sup>6</sup> explains why such exemptions are expected to improve the academic performance of the students and the plan meets the approval by the [State Board]. To continue to receive flexibility pursuant to this section, a school must annually exhibit overall school improvement as outlined in its revised plan and must meet the gains set for subgroups of students in content areas included in the accountability assessments. A school which does not re-qualify for flexibility status due to extenuating circumstances may apply to the [State Board] for an extension of this status for one year according to the provisions of Section 59-18-1110(D).

Through a unique provision in its regulation involving strategic planning, South Carolina grants all schools the opportunity to be free from all regulations. Regulation 43-261(c) gives any school district the right to request a waiver of any regulations that would “impede the implementation of an approved district strategic plan or school renewal plan.”<sup>7</sup> This waiver process involves the school district submitting the request to Department staff citing the specific regulations the district seeks to be free of and one-reading approval by the State Board. The State Board has granted many of such requests in the past, most recently at its April 2010 meeting with regard to dual credit and credentialing issues involving a middle college.

Taken in combination, this legal infrastructure allows any school or district the flexibility to further student academic growth through innovative measures. The flexibility is used by schools and LEAs. For example, in April 2010, Berkeley County School District requested and received approval for flexibility from the State Board related to its Middle College which will be housed on the Trident Technical College campus (media specialist requirements and dual credit

---

<sup>6</sup> South Carolina District Strategic Planning and School Renewal Planning are based upon a performance-based accountability process which incorporates school and district needs assessments, performance goals, strategies designed to meet these goals, and evaluation of each of these goals using specific and overall measures. This planning is required by the S.C. Education Accountability Act and State Board Regulation 43-261. The State and LEAs collaborated to design one planning document which also meets the requirements in the federal Elementary and Secondary Education Act.

<sup>7</sup> Needs assessments include the review of data on student achievement, school climate, teacher quality, and any district priority area. Based upon these assessments, districts and schools develop performance goals in each of the areas listed above. After determining the performance goals, schools and districts develop specific strategies for meeting each goal, and identify appropriate data sources and methods for measuring interim or yearly progress. Plans are initially designed to span five years and are updated annually based upon performance reviews of data and current yearly needs assessment results. When the plan needs flexibility or exemptions from State requirements to meet student achievement goals, the school may obtain a waiver from the State Board.

courses leading to certificates).

As to flexible and innovative instructional models and curriculums, South Carolina has an Office of Public School Choice and Innovation within the Department which assists LEAs in building flexible and innovative choices to meet the needs of students and parents. The State supports development of magnet schools,<sup>8</sup> middle/early colleges, Montessori programs, single gender programs, “looping” and multi-age teamed teaching, and natural resources schools. As to open enrollment, 31 LEAs offer open enrollment to any school within the district.<sup>9</sup>

#### **(F)(3) Demonstrating other significant reform conditions**

The extent to which the State, in addition to information provided under other State Reform Conditions Criteria, has created, through law, regulation, or policy, other conditions favorable to education reform or innovation that have increased student achievement or graduation rates, narrowed achievement gaps, or resulted in other important outcomes.

South Carolina has made concerted, continuous efforts to make systemic improvements in P-12 public schools using a wide range of legislative and state-led initiatives.

##### Legislative leadership

The State’s General Assembly has played a key role in advancing public education.

Highlights include:

- Three years before No Child Left Behind, South Carolina’s Education Accountability Act of 1998 set rigorous grade-by-grade standards, implemented statewide testing in Grades 3-8 and established a mechanism that allowed the State to take over management of schools where

---

<sup>8</sup> The complete list of current magnet schools can be found in Appendix F2I and includes arts, STEM (various combinations of science, technology, engineering, math; zoological and botanical); health professions, environmental fitness academy, exercise physiology and sports medicine; communications, journalism and media production; global studies, language immersion, international business and finance; law, business, and finance micro-society, entrepreneurial leadership; civic engagement and leadership; and International Baccalaureate, and academic magnets.

<sup>9</sup> LEAs reporting open enrollment are: Anderson School Districts 1, 2, and 3; Beaufort County School District, Charleston County Schools, Cherokee County School District, Colleton County School District, Darlington County School District, Florence District 3, Greenville County School District, Greenwood School District 50, Kershaw County School District, Laurens School Districts 55 and 56; Lexington County School Districts 1, 2, 4, and 5; Marlboro County School District, Oconee County School District, Orangeburg County School District 4, Richland County School District 2, Spartanburg County School Districts 1, 3, 5, 6, and 7; Sumter School Districts 2 and 17; York 2, and the SC Public Charter School District. (Two other LEAs, Department of Juvenile Justice and Palmetto Unified (Department of Corrections) have restricted enrollment.)