**South Carolina General Assembly**

125th Session, 2023-2024

**S. 124**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hembree, Turner and Malloy

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Introduced in the Senate on January 10, 2023

Introduced in the House on March 2, 2023

Last Amended on May 2, 2024

Currently residing in the Senate

Summary: Noncertified Teacher Pilot Program

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Education**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 69)

 1/10/2023 Senate Referred to Committee on **Education** (Senate Journal‑page 69)

 2/22/2023 Senate Committee report: Favorable **Education** (Senate Journal‑page 7)

 2/27/2023 Scrivener's error corrected

 2/28/2023 Senate Amended (Senate Journal‑page 18)

 2/28/2023 Senate Read second time (Senate Journal‑page 118)

 3/1/2023 Senate Read third time and sent to House (Senate Journal‑page 7)

 3/1/2023 Senate Roll call Ayes-39 Nays-1 (Senate Journal‑page 7)

 3/2/2023 House Introduced and read first time (House Journal‑page 4)

 3/2/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 4)

 4/30/2024 House Committee report: Favorable with amendment **Education and Public Works** (House Journal‑page 4)

 5/1/2024 Scrivener's error corrected

 5/2/2024 House Amended

 5/2/2024 House Read second time

 5/2/2024 House Unanimous consent for third reading on next legislative day (House Journal‑page 0)

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/124_20221201.docx)

[02/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/124_20230222.docx)

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Indicates Matter Stricken

Indicates New Matter

Committee Report

April 30, 2024

S. 124

Introduced by Senators Hembree, Turner and Malloy

S. Printed 04/30/24--H. [SEC 5/1/2024 12:14 PM]

Read the first time March 02, 2023

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The committee on House Education and Public Works

To whom was referred a Bill (S. 124) to amend the South Carolina Code of Laws by adding Section 59‑18‑1115 so as to establish a pilot program that will permit public school districts to hire noncertified, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass with amendment:

 Amend the bill, as and if amended, SECTION 1, by striking Section 59-18-1115(A) and inserting:

 (A) The Department of Education is directed to establish a pilot program by May 1, 2025, that will permit a school located in a critical geographic area or critical need teacher certification area as defined in Section 59-26-20(j), to hire noncertified teachers in a ratio of up to twenty-five percent of its entire teaching staff. This pilot does not apply to individuals seeking employment as work-based, career and technical education teachers. To affect the establishment of the pilot program and to ensure the program participants are prepared, the State Board of Education, through the Department of Education, shall approve guidelines that at a minimum include the following:

 (1) a noncertified teacher must possess a suitable baccalaureate or graduate degree for the position he is hired to teach and must have at least five years of relevant workplace experience;

 (2) procedures are provided for requiring noncertified teachers to participate in the evaluation process pursuant to Section 59-26-30(B)(4) and (5);

 (3) initial and ongoing training and support requirements; and

 (4) a noncertified teacher must demonstrate enrollment in a state-approved alternative or traditional route certification program within three years of employment.

Amend the bill further, SECTION 1, by striking Section 59-18-1115(D) and inserting:

 (D) Beginning November 1, 2026, the Department of Education shall submit an annual report that includes recommendations for improving, expanding, or continuing the pilot program to the General Assembly. At the end of the five-year pilot program, the annual status report shall include a recommendation regarding continuance of the program. The pilot program shall be considered reauthorized for additional five-year periods unless ended by the General Assembly.

Amend the bill further, SECTION 1, by striking Section 59-18-1115(E)(1) and (2) and inserting:

 (E)(1) The Department of Education shall establish procedures for the registration, clearance, and approval of all noncertified teachers working in any public school pursuant to this section. Teachers shall submit the required documentation and fees to the Department of Education, which shall include, but are not limited to:

 (a) a completed registration form;

 (b) any associated fee; and

 (c) transcripts, which shall be subject to review.

 (2) An individual applying for registration as a noncertified teacher must undergo a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the Department of Education. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain the fingerprints for identification and certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The State Department of Education shall keep information received pursuant to this section confidential, except that such information may be disclosed to the State Board of Education as may be necessary. The results of these criminal record checks must not be shared outside the department.

 (3) An individual whose South Carolina educator certificate has been suspended or revoked shall not be employed as a noncertified teacher during the term of suspension or revocation. If a noncertified teacher is dismissed, resigns, or is otherwise separated from employment with a district following allegations of misconduct, the district superintendent shall report the educator’s name and registration information to the Chair of the State Board of Education and the State Superintendent of Education. Upon a finding of just cause as defined in Section 59-25-160, the State Board of Education is authorized to revoke the noncertified teacher’s registration.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 59-1-425(A) of the S.C. Code is amended to read:

 (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, beginning with the 2007-2008 school year, the opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar. ThreeFour days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used forAt least two days must be designated as staff workdays for the preparation of opening of schools. On these days, teachers and instructional assistants must be afforded time that is self-directed and free from assigned meetings or training in order to evaluate student academic data and to plan and prepare instructional materials and classroom spaces for the start of the school year. and The remaining fivefour days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.

Amend the bill further, by striking SECTION 2 and inserting:

SECTION 2. Nothing contained in this act may be construed to replace or preclude application of any other statute.

SECTION X. This act may be cited as the “Educator Assistance Act”.

SECTION X. Article 3, Chapter 25, Title 59 of the S.C. Code is amended by adding:

 Section 59‑25‑112. A professional certificate issued by the State Board of Education is permanent unless revoked or suspended and is not subject to renewal. No teacher may be required to renew a professional certificate issued by the board.

SECTION X. Article 1, Chapter 101, Title 59 of the S.C. Code is amended by adding:

 Section 59‑101‑145. The State Department of Education, in collaboration with the Education Oversight Committee, is authorized to use data that is already being collected through current processes to report on the in‑state and out‑of‑state college enrollment, college persistence, and postsecondary completion of South Carolina’s high school graduates. The department shall work to streamline data collection timelines and processes to reduce the burden and increase the efficiency of such data collection and reporting.

SECTION X. Section 59‑25‑420 of the S.C. Code is amended by adding:

 (C) Teachers who submit their contract prior to May eleventh pursuant to subsection (A) have ten days after publication of the employing district’s salary schedule for the coming school year to notify the district’s board of trustees in writing that the teacher wishes to withdraw his acceptance of his contract. If a teacher submits his request within ten days, the district is prohibited from reporting the withdrawal of prior acceptance as a breach of contract pursuant to Section 59‑25‑530.

SECTION X. Section 59‑25‑530 of the S.C. Code is amended to read:

 Section 59‑25‑530. Any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be or as provided in Section 59‑25‑420 is deemed guilty of unprofessional conduct. A breach of contract resulting from the execution of an employment contract with another board within the State without the consent of the board first employing the teacher makes void any subsequent contract with any other school district in South Carolina for the same employment period. Upon the formal complaint of the school board, substantiated by conclusive evidence, the State board shallmay suspend or revoke the teacher's certificate, for a period not to exceed one calendar year. The State Board shall not hear a complaint from a school board pursuant to this section unless it is received within thirty days of the breach. The period for educator certificate suspension due to breach of contract must begin on the date such contract is breached with the district and run for a period of time deemed appropriate by the State Board of Education, not to exceed six months from the date of breach, if the educator is not employed in a certified position by another public school district or public school. If the educator is employed in a certified position by another public school district or public school, the period of suspension may not exceed six months, effective the date of the board’s determination. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificateThe department shall provide notification of the suspension to other state educator licensing authorities.

SECTION X. Sections 59-101-130 and 59-101-140 of the S.C. Code are repealed.

SECTION X. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect July 1, 2024.

Renumber sections to conform.

Amend title to conform.

SHANNON ERICKSON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill, as amended, requires SCDE to establish a pilot program by May 1, 2025, to permit a qualifying school to hire noncertified teachers in a ratio of up to 25 percent of its entire teaching staff. A qualifying school must be located in a critical geographic area or critical need teacher certification area as defined in Section 59-26-20(j). The State Board of Education, through SCDE, must approve guidelines for the pilot program that, at a minimum, include the following:

a noncertified teacher must possess a suitable baccalaureate or graduate degree in the position he is hired to teach and must have at least five years of relevant workplace experience,

procedures are provided for requiring noncertified teachers to participate in the evaluation process,

initial and ongoing training and support requirements, and

a noncertified teacher must demonstrate enrollment in a state-approved alternative or traditional route certification program within three years of employment.

Participation in the pilot program is optional, and the decision to participate rests solely with SCDE and the school principal, upon approval of the district superintendent. Schools and districts that participate in the program are encouraged to collaborate on recruitment, training, and implementation of the program and to assist SCDE with establishing best practices.

SCDE must establish a separate code in the professional coding system to capture noncertified teachers and must continue to report this information on school report cards. SCDE must also submit an annual report, beginning November 1, 2026, to the General Assembly that includes recommendations for improving, expanding, or continuing the program. The bill specifies that at the end of the five year pilot program, the program will be considered reauthorized for additional five-year periods unless ended by the General Assembly.

The bill, as amended, provides that a professional certificate issued by the State Board of Education is permanent unless revoked or suspended and is not subject to renewal. The bill also requires SCDE, in collaboration with EOC, to use data collected under current procedures to report on the in-state and out-of-state college enrollment, college persistence, and postsecondary completion of the state’s high school graduates. SCDE must work to streamline data collection timelines and processes to reduce the burden and increase the efficiency of such data collection and reporting.

The bill, as amended, further provides that a teacher who submits their contract acceptance before the statutory notification deadline may withdraw their acceptance by submitting a written notice to the school district within ten days after the publication of the employing district’s salary schedule for the upcoming school year. Additionally, school districts may not report such withdrawals as a breach of contract. The bill also revises the penalty for breach of contract, as well as the period for educator certificate suspension due to breach of contract, and makes such suspensions discretionary.

Lastly, the bill, as amended, repeals certain reporting requirements for high schools, IHLs, and the State Superintendent of Education. State high schools are no longer required to submit to the State Superintendent of Education a report detailing the number of high school graduates that entered the freshman class of an IHL, either in or out of the state, or a breakdown showing all courses passed and failed by those students. IHLs are no longer required to submit such information to the state high schools, and the State Superintendent of Education is no longer required to tabulate such reports and include them in the annual report to the General Assembly.

**S.C. Department of Education.** SCDE indicates that this bill, as amended, will increase the department’s expenses by at least $301,100 in FY 2024-25. Of this amount, $193,300 is for salary and fringe benefits for 3.0 FTEs to process noncertified teacher registrations, including the evaluation of candidate documentation, review of criminal history record information, the issuance of registrations, and processing of disciplinary reviews and actions. Of the remaining amount, $7,000 is for initial equipment costs and setup, and $100,800 is for reprogramming SC Educator in order to issue a new credential for noncertified teachers and to create case management and workflow processes. Expenses will decrease to approximately $195,300 each year thereafter for the 3.0 FTEs and ongoing equipment costs. SCDE reports that it will request a General Fund appropriation increase to fund the expenses.

**State Agency Schools.** The Governor’s School for Agriculture at John de la Howe indicates that the school currently has no noncertified teachers, and that if the need arises to hire noncertified teachers, any expenses can be managed within existing appropriations. The Governor’s School for Science and Mathematics indicates that it will manage the provisions of the bill with existing appropriations. The Wil Lou Gray Opportunity School indicates that the school only hires certified teachers, and its teachers are state employees and are not required to sign yearly contracts. The Governor’s School for the Arts and Humanities previously indicated that the bill would have no expenditure impact since the agency could manage the provisions of the bill within existing appropriations. The School for the Deaf and Blind previously indicated on similar legislation that they only hire certified teachers. Therefore, we do not expect that this bill will have an expenditure impact on the state agency schools.

**State Law Enforcement Division.** SLED previously indicated that this bill would have no expenditure impact on the agency, as any increase in criminal records checks could be managed with existing appropriations.

**Education Oversight Committee.** EOC previously indicated on similar legislation that the language in the bill requires the department to perform activities that will be conducted in the normal course of agency business. Therefore, this bill is not expected to have an expenditure impact on EOC.

**State Institutions of Higher Learning.** Based on responses from Coastal Carolina University and the University of South Carolina on similar legislation, we anticipate that repealing the reporting requirement will not result in any expenditure savings for IHLs.

State Revenue

This bill, as amended, requires all noncertified educators to undergo a SLED background check, which must be submitted during the registration process. We anticipate that the bill may increase the number of background checks that SLED will be required to perform. SLED previously indicated that the total cost for a criminal records search is $51.75, of which $25 is retained by SLED. The vendor, Identogo, receives $13.50, and the remainder of the fee, $13.25, is remitted to the FBI. Pursuant to Section 23-3-115(A), revenue generated by criminal records checks performed by SLED up to an amount of $4,461,000 must be deposited in the General Fund. Any revenue over that amount is retained by SLED. The overall revenue impact of this bill on Other Funds of SLED is undetermined as the number of noncertified teachers fluctuates each year. However, SCDE previously indicated there were 1,368 noncertified teachers in the 2021-22 school year. Based upon a three-year historical average, fees collected from background checks totals approximately $17,147,000, of which $4,461,000 must be deposited in the General Fund. The remainder is retained by SLED. Based upon historical data, we anticipate that Other Funds revenue of SLED will increase by an undetermined amount in FY 2024-25 as a result of the potential increase in background checks.

This bill, as amended, also requires noncertified educators to submit fees to SCDE as part of the registration and clearance process to become a noncertified teacher. However, the bill does not specify the amount of the fee. Proviso 1.8, as passed by the House of Representatives and Senate for the FY 2024-25 budget, authorizes SCDE to retain revenue for registration fees for non-SCDE employees and teacher certification fees. Therefore, Other Funds revenue of the agency will increase due to these fees. However, the amount of the increase is undetermined and will depend upon the number of registrations for noncertified teachers and the amount of the registration fee. Additionally, SCDE previously indicated on similar legislation that the provision of the bill making a professional certificate issued by the State Board of Education permanent and not subject to renewal will impact revenue collected through certificate application fees for individuals who are currently required to reapply after the expiration of an educator certificate. However, the department cannot quantify the potential reduction in revenue, as the number of educators who may reapply for certification due to an expired certificate will vary. The department further reports that revenue from certification application fees is used to support salaries for some certification staff employees and data system maintenance and development.

Local Expenditure

As stated above, this bill, as amended, allows qualifying schools to hire noncertified teachers in a ratio of up to 25 percent of its entire teaching staff. Additionally, schools and districts that participate in the pilot program are encouraged to collaborate on recruitment, training, and implementation of the program and to assist SCDE with establishing best practices.

Based on information published by SCDE, in school year 2024-25, 883 out of 1,387 total local schools will qualify for the pilot program based on the critical need geographic area requirement. Additionally, for school year 2024-25, there are 65 designated critical need subject areas.

The expenditure impact on local school districts to provide the necessary training for noncertified teachers to enter the classroom is undetermined. While some participating schools and districts may collaborate on training, the expenditure impact will depend upon the number of noncertified teachers and the number of qualifying schools that choose to participate in the pilot program.

Also, it is undetermined how many districts will choose to hire noncertified teachers pursuant to the provisions of the bill. The expenditure impact will vary by district and depends upon the number of noncertified teachers that the districts choose to hire. Although the number of noncertified teachers fluctuates, there were 1,368 noncertified teachers in the 2021-22 school year. Of this amount, 879 noncertified educators taught in a qualifying school. This includes the following position codes: special education, prekindergarten, kindergarten, classroom teachers, and retired teachers.

The bill, as amended, also provides that a professional certificate issued by the State Board of Education is permanent unless revoked or suspended and is not subject to renewal. The bill further provides that a teacher who submits their contract acceptance before the statutory notification deadline may withdraw their acceptance by submitting a written notice to the school district within ten days after the publication of the employing district’s salary schedule for the upcoming school year. The bill also revises the penalty for breach of contract, as well as the period for educator certificate suspension due to breach of contract, and makes such suspensions discretionary. Additionally, the bill repeals certain reporting requirements for state high schools. SCDE previously surveyed the seventy-three regular school districts and the three charter districts regarding any potential increase in expenditures to make a professional certificate issued by the State Board of Education permanent and to allow a teacher to withdraw their contract acceptance within ten days after the publication of their employing district’s salary schedule. Of the eighteen responding districts, fourteen indicated that the bill would have no expenditure impact. However, one district noted that allowing teachers to withdraw their contract acceptance within ten days after the publication of their employing district’s salary schedule may place a burden on districts to fill these positions before the start of the school year, as some districts do not publish their approved salary schedules until mid to late June. Two districts anticipate that the bill may increase expenses but report that the cost is undetermined. The remaining two districts indicated that expenses would increase by an amount ranging from $250,000 to $1,137,500 to provide additional professional development that teachers previously received through the certificate renewal process and for additional recruiting costs that may result from an increase in the number of teachers who withdraw their contract acceptance.

State Expenditure

This bill requires SCDE to establish a pilot program by May 1, 2024, to permit a qualifying school to hire noncertified teachers in a ratio of up to ten percent of its entire teaching staff. A qualifying school must have received an overall rating of “Excellent”, “Below Average”, or “Unsatisfactory” on its annual report card for at least two consecutive years or must be located in a critical geographic area as defined in Section 59-26-20(j). The State Board of Education, through SCDE, must approve guidelines for the pilot program that, at a minimum, include the following:

a noncertified teacher must possess a suitable baccalaureate or graduate degree in the position he is hired to teach and must have at least five years of relevant workplace experience,

procedures are provided for requiring noncertified teachers to participate in the evaluation process pursuant to Section 59-26-30(B)(4) and (5),

initial and ongoing training and support requirements, and

a noncertified teacher must demonstrate enrollment in a certification program within three years of employment, including any state-approved alternative or traditional route program.

While participation in the pilot program is optional, the decision to participate rests solely with SCDE and the school principal, upon approval of the district superintendent. Schools and districts that participate in the program are encouraged to collaborate on recruitment, training, and implementation of the program and to assist SCDE with establishing best practices.

SCDE must establish a separate code in the professional coding system to capture noncertified teachers and must continue to report this information on school report cards. SCDE must also submit an annual report, beginning November 1, 2025, to the General Assembly that includes recommendations for improving, expanding, or continuing the program. At the end of the five-year program, the annual report must include a recommendation on the continuance of the program.

The bill also requires SCDE to establish procedures for the registration and clearance of all noncertified teachers. Teachers must submit the required documentation and fees to SCDE, which must include, but are not limited to, a completed registration form, any associated fees, transcripts, and specified background documents. Further, an individual whose state educator certificate has been suspended or revoked may not be employed as a noncertified teacher. The State Board of Education is authorized to revoke a noncertified teacher’s registration if the teacher commits an offense covered by the Code of Conduct.

**S.C. Department of Education.** The overall expenditure impact on SCDE is undetermined.

The existing educator information system must be modified by software developers in order to issue a new credential and registration for noncertified teachers and to create case management and workflow processes. SCDE indicates that the cost to modify the existing system is unknown. SCDE also indicates that its General Fund expenses will increase by at least $109,700 in FY 2024-25. Of this amount, $103,700 is recurring for 2.0 FTEs to process noncertified teacher registrations, including the evaluation of candidate documentation, review of criminal history record information, the issuance of registrations, and processing of disciplinary reviews and actions. The remaining $6,000 in nonrecurring expenses is for equipment for the new FTEs.

*This section of the impact statement has been updated for fiscal year references.*

**State Agency Schools.** The Governor’s School for Agriculture at John de la Howe previously indicated that the school currently has no noncertified teachers, and that if the need arises to hire noncertified teachers, any expenses can be managed within existing appropriations. The Governor’s School for the Arts and Humanities previously indicated that the bill would have no expenditure impact since the agency could manage the provisions of the bill within existing appropriations. The Wil Lou Gray Opportunity School previously indicated that the school only hires certified teachers. The Governor’s School for Science and Mathematics and the School for the Deaf and Blind previously indicated on similar legislation that they either only hire certified teachers or can adhere to the provisions of the bill within existing appropriations. Therefore, we do not expect that this bill will have an expenditure impact on the state agency schools.

**State Law Enforcement Division.** SLED previously indicated that this bill would have no expenditure impact on the agency, as any increase in criminal records checks could be managed within existing appropriations.

State Revenue

This bill requires noncertified educators to submit fees to SCDE as part of the registration and clearance process to become a noncertified teacher. However, the bill does not specify the amount of the fee. Proviso 1.8 of the FY 2023-24 Appropriations Act authorizes the agency to retain revenue for registration fees for non-SCDE employees and teacher certification fees. Therefore, Other Funds revenue of the agency will increase due to these fees. However, the amount of the increase is undetermined and will depend upon the number of registrations for noncertified teachers and the amount of the registration fee.

The bill also requires all noncertified educators to undergo a SLED background check, which must be submitted during the registration process. We anticipate that the bill may increase the number of background checks that SLED will be required to perform. SLED previously indicated that the total cost for a criminal records search is $51.75, of which $25 is retained by SLED. The vendor, Identogo, receives $13.50, and the remainder of the fee, $13.25, is remitted to the FBI. Pursuant to Section 23-3-115(A), revenue generated by criminal records checks performed by SLED up to an amount of $4,461,000 must be deposited in the General Fund. Any revenue over that amount is retained by SLED.

The overall revenue impact of this bill on Other Funds of SLED is undetermined as the number of noncertified teachers fluctuates each year. However, SCDE previously indicated there were 1,368 noncertified teachers in the 2021-22 school year. Based upon a three-year historical average, fees collected from background checks totals approximately $17,147,000, of which $4,461,000 must be deposited in the General Fund. The remainder is retained by SLED. Based upon historical data, we anticipate that Other Funds revenue of SLED will increase by an undetermined amount in FY 2024-25 as a result of the potential increase in background checks.

*This section of the impact statement has been updated to reflect an updated average on the revenue generated from background checks.*

Local Expenditure

As stated above, this bill allows qualifying schools to hire noncertified teachers in a ratio of up to ten percent of its entire teaching staff. Additionally, schools and districts that participate in the pilot program are encouraged to collaborate on recruitment, training, and implementation of the program and to assist SCDE with establishing best practices.

Data published by SCDE indicates there are 1,370 total local schools in the 2022-23 school year. Of this number, 458 schools would qualify for the pilot program based upon an “Excellent”, “Below Average”, or “Unsatisfactory” rating on the 2019 and 2021 report cards. Please note that there are no report card ratings from 2020, as the U.S. Department of Education waived federal accountability requirements due to COVID-19. Also, 809 schools would qualify based on the critical geographic area requirement for FY 2022-23. However, this number will fluctuate based on consecutive report card ratings and geographic area requirements.

The expenditure impact on local school districts to provide the necessary training for noncertified teachers to enter the classroom is undetermined. While some participating schools and districts may collaborate on training, the expenditure impact will depend upon the number of noncertified teachers and the number of qualifying schools that choose to participate in the pilot program. We will update this impact statement if the districts revise this response.

Also, it is undetermined how many districts will choose to hire noncertified teachers pursuant to the provisions of the bill. The expenditure impact will vary by district and depends upon the number of noncertified teachers that the districts choose to hire. Although the number of noncertified teachers fluctuates, there were 1,368 noncertified teachers in the 2021-22 school year. Of this amount, 879 noncertified educators taught in a qualifying school. This includes the following position codes: special education, prekindergarten, kindergarten, classroom teachers, and retired teachers.

*This section of the impact statement has been updated to clarify that state funding is no longer allocated on a certified teacher basis.*

State Expenditure

This bill requires SCDE to establish a pilot program by May 1, 2024, to permit a qualifying school to hire noncertified teachers in a ratio of up to ten percent of its entire teaching staff. A qualifying school must have received an overall rating of “Excellent”, “Below Average”, or “Unsatisfactory” on its annual report card for at least two consecutive years or must be located in a critical geographic area as defined in Section 59-26-20(j). The State Board of Education, through SCDE, must approve guidelines for the pilot program that, at a minimum, include the following:

a noncertified teacher must possess a suitable baccalaureate or graduate degree in the position he is hired to teach and must have at least five years of relevant workplace experience,

procedures are provided for requiring noncertified teachers to participate in the evaluation process pursuant to Section 59-26-30(B)(4) and (5),

initial and ongoing training and support requirements, and

a noncertified teacher must demonstrate enrollment in a certification program within three years of employment, including any state-approved alternative or traditional route program.

While participation in the pilot program is optional, the decision to participate rests solely with SCDE and the school principal, upon approval of the district superintendent. Schools and districts that participate in the program are encouraged to collaborate on recruitment, training, and implementation of the program and to assist SCDE with establishing best practices.

SCDE must establish a separate code in the professional coding system to capture noncertified teachers and must continue to report this information on school report cards. SCDE must also submit an annual report, beginning November 1, 2025, to the General Assembly that includes recommendations for improving, expanding, or continuing the program. At the end of the five-year program, the annual report must include a recommendation on the continuance of the program.

The bill also requires SCDE to establish procedures for the registration and clearance of all noncertified teachers. Teachers must submit the required documentation and fees to SCDE, which must include, but are not limited to, a completed registration form, any associated fees, transcripts, and specified background documents. Further, an individual whose state educator certificate has been suspended or revoked may not be employed as a noncertified teacher. The State Board of Education is authorized to revoke a noncertified teacher’s registration if the teacher commits an offense covered by the Code of Conduct.

**S.C. Department of Education.** The overall expenditure impact on SCDE is undetermined.

The existing educator information system must be modified by software developers in order to issue a new credential and registration for noncertified teachers and to create case management and workflow processes. SCDE indicates that the cost to modify the existing system is unknown. SCDE also indicates that its General Fund expenses will increase by at least $109,700 in FY 2023-24. Of this amount, $103,700 is recurring for 2.0 FTEs to process noncertified teacher registrations, including the evaluation of candidate documentation, review of criminal history record information, the issuance of registrations, and processing of disciplinary reviews and actions. The remaining $6,000 in nonrecurring expenses is for equipment for the new FTEs. *This section of the impact statement has been updated to include a response from SCDE.*

**State Agency Schools.** The Governor’s School for Agriculture at John de la Howe indicates that the school currently has no noncertified teachers, and that if the need arises to hire noncertified teachers, any expenses can be managed within existing appropriations. The Governor’s School for the Arts and Humanities indicates that the bill will have no expenditure impact since the agency can manage the provisions of the bill within existing appropriations. The Wil Lou Gray Opportunity School indicates that the school only hires certified teachers. The Governor’s School for Science and Mathematics and the School for the Deaf and Blind previously indicated on similar legislation that they either only hire certified teachers or can adhere to the provisions of the bill within existing appropriations. Therefore, we do not expect that this bill will have an expenditure impact on the state agency schools. We will update this impact statement if the agencies revise their responses.

**State Law Enforcement Division.** SLED indicates that this bill will have no expenditure impact on the agency, as it can manage any increase in criminal records checks within existing appropriations.

State Revenue

This bill requires noncertified educators to submit fees to SCDE as part of the registration and clearance process to become a noncertified teacher. However, the bill does not specify the amount of the fee. Proviso 1.10 of the FY 2022-23 Appropriations Act authorizes the agency to retain revenue for registration fees for non-SDE employees and teacher certification fees. Therefore, Other Funds revenue of the agency will increase due to these fees. However, the amount of the increase is undetermined and will depend upon the number of registrations for noncertified teachers and the amount of the registration fee.

The bill also requires all noncertified educators to undergo a SLED background check, which must be submitted during the registration process. We anticipate that the bill may increase the number of background checks that SLED will be required to perform. SLED previously indicated that the total cost for a criminal records search is $51.75, of which $25 is retained by SLED. The vendor, Identogo, receives $13.50, and the remainder of the fee, $13.25, is remitted to the FBI. Pursuant to Section 23-3-115(A), revenue generated by criminal records checks performed by SLED up to an amount of $4,461,000 must be deposited in the General Fund. Any revenue over that amount is retained by SLED.

The overall revenue impact of this bill on Other Funds of SLED is undetermined as the number of noncertified teachers fluctuates each year. However, SCDE previously indicated there were 1,368 noncertified teachers in the 2021-22 school year. Based upon a three-year historical average, SLED was able to retain an average of $10,375,000 from background checks for its $25 portion of the fee. Assuming a similar pattern in future years and since this amount is over the $4,461,000 amount that is allocated to the General Fund, we anticipate that Other Funds of SLED will increase by an undetermined amount in FY 2023-24 as a result of the potential increase in background checks. There would be no increase to the General Fund for this portion of the bill.

Local Expenditure

As stated above, this bill allows qualifying schools to hire noncertified teachers in a ratio of up to ten percent of its entire teaching staff. Additionally, schools and districts that participate in the pilot program are encouraged to collaborate on recruitment, training, and implementation of the program and to assist SCDE with establishing best practices.

Data published by SCDE indicates there are 1,370 total local schools in the 2022-23 school year. Of this number, 458 schools would qualify for the pilot program based upon an “Excellent”, “Below Average”, or “Unsatisfactory” rating on the 2019 and 2021 report cards. Please note that there are no report card ratings from 2020, as the U.S. Department of Education waived federal accountability requirements due to COVID-19. Also, 809 schools would qualify based on the critical geographic area requirement for FY 2022-23. However, this number will fluctuate based on consecutive report card ratings and geographic area requirements.

The expenditure impact on local school districts to provide the necessary training for noncertified teachers to enter the classroom is undetermined. While some participating schools and districts may collaborate on training, the expenditure impact will depend upon the number of noncertified teachers and the number of qualifying schools that choose to participate in the pilot program. We will update this impact statement if the districts revise this response.

Also, it is undetermined how many districts will choose to hire noncertified teachers pursuant to the provisions of the bill. The expenditure impact will vary by district and depends upon the number of noncertified teachers that the districts choose to hire. Although the number of noncertified teachers fluctuates, there were 1,368 noncertified teachers in the 2021-22 school year. Of this amount, 879 noncertified educators taught in a qualifying school. This includes the following position codes: special education, prekindergarten, kindergarten, classroom teachers, and retired teachers.

Additionally, districts will not generate state teacher salary funding for noncertified teachers. The potential salary impact for local districts will depend on the number of noncertified teachers each district chooses to hire.

State Expenditure

This bill requires SCDE to establish a pilot program by May 1, 2024, to permit a qualifying school to hire noncertified teachers in a ratio of up to ten percent of its entire teaching staff. A qualifying school must have received an overall rating of “Excellent”, “Below Average”, or “Unsatisfactory” on its annual report card for at least two consecutive years or must be located in a critical geographic area as defined in Section 59-26-20(j). The State Board of Education, through SCDE, must approve guidelines for the pilot program that, at a minimum, include the following:

a noncertified teacher must possess a suitable baccalaureate or graduate degree in the position he is hired to teach and must have at least five years of relevant workplace experience,

procedures are provided for requiring noncertified teachers to participate in the evaluation process pursuant to Section 59-26-30(B)(4) and (5),

initial and ongoing training and support requirements, and

a noncertified teacher must demonstrate enrollment in a certification program within three years of employment, including any state-approved alternative or traditional route program.

While participation in the pilot program is optional, the decision to participate rests solely with SCDE and the school principal, upon approval of the district superintendent. Schools and districts that participate in the program are encouraged to collaborate on recruitment, training, and implementation of the program and to assist SCDE with establishing best practices.

SCDE must establish a separate code in the professional coding system to capture noncertified teachers and must continue to report this information on school report cards. SCDE must also submit an annual report, beginning November 1, 2025, to the General Assembly that includes recommendations for improving, expanding, or continuing the program. At the end of the five-year program, the annual report must include a recommendation on the continuance of the program.

The bill also requires SCDE to establish procedures for the registration and clearance of all noncertified teachers. Teachers must submit the required documentation and fees to SCDE, which must include, but are not limited to, a completed registration form, any associated fees, transcripts, and specified background documents. Further, an individual whose state educator certificate has been suspended or revoked may not be employed as a noncertified teacher. The State Board of Education is authorized to revoke a noncertified teacher’s registration if the teacher commits an offense covered by the Code of Conduct.

**S.C. Department of Education.** The expenditure impact of this bill on SCDE is pending, contingent upon a response.

**State Agency Schools.** The Governor’s School for Agriculture at John de la Howe indicates that the school currently has no noncertified teachers, and that if the need arises to hire noncertified teachers, any expenses can be managed within existing appropriations. The Governor’s School for the Arts and Humanities indicates that the bill will have no expenditure impact since the agency can manage the provisions of the bill within existing appropriations. The Wil Lou Gray Opportunity School indicates that the school only hires certified teachers. The Governor’s School for Science and Mathematics and the School for the Deaf and Blind previously indicated on similar legislation that they either only hire certified teachers or can adhere to the provisions of the bill within existing appropriations. Therefore, we do not expect that this bill will have an expenditure impact on the state agency schools. We will update this impact statement if the agencies revise their responses.

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The bill also requires all noncertified educators to undergo a SLED background check, which must be submitted during the registration process. We anticipate that the bill may increase the number of background checks that SLED will be required to perform. SLED previously indicated that the total cost for a criminal records search is $51.75, of which $25 is retained by SLED. The vendor, Identogo, receives $13.50, and the remainder of the fee, $13.25, is remitted to the FBI. Pursuant to Section 23-3-115(A), revenue generated by criminal records checks performed by SLED up to an amount of $4,461,000 must be deposited in the General Fund. Any revenue over that amount is retained by SLED.

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Local Expenditure

As stated above, this bill allows qualifying schools to hire noncertified teachers in a ratio of up to ten percent of its entire teaching staff. Additionally, schools and districts that participate in the pilot program are encouraged to collaborate on recruitment, training, and implementation of the program and to assist SCDE with establishing best practices.

Data published by SCDE indicates there are 1,370 total local schools in the 2022-23 school year. Of this number, 458 schools would qualify for the pilot program based upon an “Excellent”, “Below Average”, or “Unsatisfactory” rating on the 2019 and 2021 report cards. Please note that there are no report card ratings from 2020, as the U.S. Department of Education waived federal accountability requirements due to COVID-19. Also, 809 schools would qualify based on the critical geographic area requirement for FY 2022-23. However, this number will fluctuate based on consecutive report card ratings and geographic area requirements.

The expenditure impact on local school districts to provide the necessary training for noncertified teachers to enter the classroom is undetermined. While some participating schools and districts may collaborate on training, the expenditure impact will depend upon the number of noncertified teachers and the number of qualifying schools that choose to participate in the pilot program. We will update this impact statement if the districts revise this response.

Also, it is undetermined how many districts will choose to hire noncertified teachers pursuant to the provisions of the bill. The expenditure impact will vary by district and depends upon the number of noncertified teachers that the districts choose to hire. Although the number of noncertified teachers fluctuates, there were 1,368 noncertified teachers in the 2021-22 school year. Of this amount, 879 noncertified educators taught in a qualifying school. This includes the following position codes: special education, prekindergarten, kindergarten, classroom teachers, and retired teachers.

Additionally, districts will not generate state teacher salary funding for noncertified teachers. The potential salary impact for local districts will depend on the number of noncertified teachers each district chooses to hire.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

to amend the South Carolina Code of Laws by adding Section 59‑18‑1115 so as to ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION, AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 11, Chapter 18, Title 59 of the S.C. Code is amended by adding:

 Section 59‑18‑1115. (A) The Department of Education is directed to establish a pilot program by May 1, 2024, that will permit a school that has received an overall rating of “Excellent”, “Below Average”, or “Unsatisfactory” on its annual report card for at least two consecutive years, or is located in a critical geographic area as defined in Section 59-26-20(j), to hire noncertified teachers in a ratio of up to ten percent of its entire teaching staff. To effect the establishment of the pilot program and to ensure the program participants are prepared, the State Board of Education, through the Department of Education, shall approve guidelines that at a minimum include the following:

 (1) a noncertified teacher must possess a suitable baccalaureate or graduate degree for the position he is hired to teach and must have at least five years of relevant workplace experience;

 (2) procedures are provided for requiring noncertified teachers to participate in the evaluation process pursuant to Section 59-26-30(B)(4) and (5);

 (3) initial and ongoing training and support requirements; and

 (4) a noncertified teacher must demonstrate enrollment in a certification program within three years of employment, including any state approved alternative or traditional route program.

 (B) Participation in the pilot program is optional, and the decision to participate rests solely with the Department of Education and the school principal, upon approval of the district superintendent. Participating schools and districts are encouraged to collaborate on recruitment, training, and implementation of the pilot program and to assist the Department of Education with establishing best practices.

 (C) The Department of Education shall establish a separate code in the professional coding system to capture noncertified teachers and shall continue to report this information on school report cards.

 (D) Beginning November 1, 2025, the Department of Education shall submit an annual report that includes recommendations for improving, expanding, or continuing the pilot program to the General Assembly. At the end of the five-year pilot program, the annual status report shall include a recommendation regarding continuance of the program.

 (E)(1) The Department of Education shall establish procedures for the registration and clearance of all noncertified teachers working in any public school pursuant to this section. Teachers shall submit the required documentation and fees to the Department of Education, which shall include, but are not limited to:

 (a) a completed registration form;

 (b) any associated fee;

 (c) transcripts, which shall be subject to review; and

 (d) FBI, South Carolina Law Enforcement Division, and National Association of State Directors of Teacher Education and Certification Clearinghouse checks.

 (2) An individual whose South Carolina educator certificate has been suspended or revoked shall not be employed as a noncertified teacher. If a noncertified teacher commits an offense covered by the Code of Conduct as promulgated by the State Board of Education, then the State Board of Education is authorized to revoke the non-certified teacher’s registration.

SECTION 2. Nothing contained in this section may be construed to repeal, replace, or preclude application of any other statute.

SECTION 3. This act takes effect upon approval by the Governor.

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