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9 **A BILL**

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11 TO AMEND SECTION 59-5-63, CODE OF LAWS OF SOUTH
12 CAROLINA, 1976, RELATING TO DUTY-FREE LUNCH
13 PERIODS FOR PUBLIC ELEMENTARY SCHOOL TEACHERS,
14 SO AS TO INSTEAD PROVIDE UNENCUMBERED TIME FOR
15 ELEMENTARY SCHOOL TEACHERS AND TEACHERS WHO
16 INSTRUCT CERTAIN STUDENTS REMOVED FROM THE
17 GENERAL EDUCATION SETTING, AND TO PROVIDE
18 RELATED REQUIREMENTS OF STATE BOARD OF
19 EDUCATION POLICIES AND LOCAL SCHOOL BOARDS;
20 AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE
21 COMPLETELY IMPLEMENTED BEFORE JULY 1, 2023.

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

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26 SECTION 1. Section 59-5-63 of the 1976 Code is amended to read:

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28 “Section 59-5-63. (A)(1) The State Board of Education shall
29 ~~promulgate regulations directing~~ adopt and periodically revise as
30 necessary a statewide policy that each local school board shall use
31 to develop and implement a plan that directs the principal of each
32 elementary school having ~~grades one kindergarten~~ through six to
33 develop and implement a plan which shall equitably apportion
34 lunchroom duty among the teachers so that each teacher has as many
35 duty free lunch periods as may be reasonable in order to insure the
36 safety and welfare of students and staff. The implementation of the
37 plan shall not impose additional costs on the school districts. The
38 regulations shall direct that the plan be in effect for the 1984-85
39 school year fifth grade to provide at least thirty minutes of
40 unencumbered time on each regular school day to all full-time
41 teachers who are assigned to a classroom. The policy also shall
42 direct a principal of any elementary, middle, or high school to

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1 provide at least thirty minutes of unencumbered time on each
2 regular school day to any teacher who is responsible for instructing
3 a student who is removed from the general education setting for
4 more than forty percent of the day.

5 (2) The statewide policy also must provide:

6 (a) the process that a local school board shall follow in
7 developing an unencumbered time policy including, but not limited
8 to, policy application, manner of application, and times of
9 application;

10 (b) that unencumbered time may not be withheld or
11 reduced unless it is reasonable and necessary due to extreme and
12 unavoidable circumstances to ensure the safety and welfare of
13 students and staff;

14 (c) that additional compensation may not be offered in
15 place of unencumbered time;

16 (d) penalties if a principal fails to comply with the local
17 unencumbered time policy; and

18 (e) penalties if a local school board fails to comply with this
19 section.

20 (B) The local school board shall adopt an unencumbered time
21 policy at a regularly scheduled meeting within three months after
22 the adoption of the statewide policy by the State Board of Education.
23 The policy of a local school board must include, at a minimum, the
24 policy of the State Board of Education but also may include
25 additional provisions. If the State Board of Education revises the
26 statewide policy, the local school board shall incorporate and adopt
27 the revisions into the local unencumbered time policy at a regularly
28 scheduled meeting within three months.

29 (C) The local school board shall submit its unencumbered time
30 policy and any subsequent revisions to the Department of Education
31 within thirty days of adoption.”

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33 SECTION 2. The provisions of this act must be completely
34 implemented before July 1, 2023.

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

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