**South Carolina General Assembly**

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**H. 4196**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. H.B. Brown and Wylie

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Currently residing in the House Committee on **Education and Public Works**

Summary: School trustees

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

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11/17/2009 House Referred to Committee on **Education and Public Works**

1/12/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑25

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**VERSIONS OF THIS BILL**

[11/17/2009](file:///p:\pprever\2009-10\4196_20091117.docx)

**A** **BILL**

TO AMEND SECTION 59‑19‑90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS AND DUTIES OF SCHOOL TRUSTEES, SO AS TO DELETE THE DUTY OF THE EMPLOYMENT AND DISCHARGE OF TEACHERS; TO AMEND SECTION 59‑25‑410, RELATING TO NOTIFICATION OF TEACHER EMPLOYMENT FOR THE ENSUING YEAR, SO AS TO PROVIDE THAT THE SUPERINTENDENT OF THE SCHOOL DISTRICT SHALL NOTIFY TEACHERS OF CONTINUED EMPLOYMENT; TO AMEND SECTION 59‑25‑415, RELATING TO PRIORITY FOR CERTIFIED PERSONNEL IN REHIRING, SO AS TO REVISE NOTICE REQUIREMENTS; TO AMEND SECTION 59‑25‑420, RELATING TO NOTIFICATION OF ACCEPTANCE OF REEMPLOYMENT, SO AS TO REQUIRE THE TEACHER TO NOTIFY THE SUPERINTENDENT OF ACCEPTANCE; AND TO AMEND SECTION 59‑25‑460, RELATING TO DISMISSAL OF TEACHERS, SO AS TO PROVIDE THAT NOTICE MUST BE GIVEN BY THE SUPERINTENDENT.

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

SECTION 1. Section 59‑19‑90 of the 1976 Code, as last amended by Act 89 of 2003, is further amended to read:

“Section 59‑19‑90. The board of trustees shall ~~also~~:

(1) Provide schoolhouses. Provide suitable schoolhouses in its district and make them comfortable, paying due regard to any schoolhouse already built or site procured, as well as to all other circumstances proper to be considered so as best to promote the educational interest of the districts;

(2) ~~Employ and discharge teachers. Employ teachers from those having certificates from the State Board of Education, fix their salaries and discharge them when good and sufficient reasons for so doing present themselves, subject to the supervision of the county board of education. In reaching a decision as to whether or not to employ any person qualified as a teacher, consideration may be given to the residence of such person but it shall not be the deciding factor or a bar to employing such person.~~

~~(3)~~ Promulgate rules and regulations. Promulgate rules prescribing scholastic standards of achievement and standards of conduct and behavior that must be met by ~~all~~ pupils as a condition to the right of ~~such~~ the pupils to attend the public schools of ~~such~~ the district. The rules ~~shall~~ must take into account the necessity of proper conduct on the part of ~~all~~ pupils and the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils ~~shall be~~ is promoted notwithstanding that ~~such~~ the rules may result in the ineligibility of pupils who fail to observe the required standards, and require the suspension or permanent dismissal of ~~such~~ those pupils;

(~~4~~3) Call meetings of electors for consultation. Call meetings of the qualified electors of the district for consultation in regard to the school interests ~~thereof~~, at which meetings the chairman or other member of the board shall preside, if present;

(~~5~~4) Control school property. Take care of, manage and control the school property of the district;

(~~6~~5) Visit schools. Visit the public schools within its district from time to time and at least once in every school term and take care that they are conducted according to law and with the utmost efficiency;

(~~7~~6) Control educational interest of district. Manage and control local educational interests of its district, with the exclusive authority to operate or not to operate ~~any~~ a public school ~~or schools~~;

(~~8~~7) Charge matriculation and incidental fees. Charge and collect matriculation and incidental fees from students; however, regulations or policies adopted by the board regarding charges and collections must take into account the students’ ability to pay and must hold the fee to a minimum reasonable amount. Fees may not be charged to students eligible for free lunches and must be reduced pro rata for students eligible for reduced price lunches;

(~~9~~8) Transfer and assign pupils. Transfer ~~any~~ a pupil from one school to another ~~so as~~ to promote the best interests of education, and determine the school within its district in which any pupil shall enroll; ~~and~~

(~~10~~9) Prescribe conditions and charges for attendance. Be empowered to prescribe conditions and a schedule of charges based on cost per pupil as last determined, for attendance in the public schools of the school district for:

(a) children of parents temporarily residing within the school district;

(b) children whose parents or legal guardians live elsewhere but who are residing with residents of the school district; ~~and~~

(c) children of parents residing on federal property or military or naval bases of the United States located within or adjacent to the boundaries of such school district; and

(d) ~~all~~ other children specially situated and not meeting the eligibility requirements of Section 59‑63‑30, but who ~~shall~~ have petitioned the trustees in writing seeking permission to attend the public schools of the school district~~.~~;

(~~11~~10) Provide school‑age child care program or facilities ~~therefor~~. Provide:

(a) a licensed school‑age child care program for children aged five through fourteen years that operates before or after the school day, or both, and during periods when school is not in session;

(b) a licensed school‑age child care program that operates during periods when school is in session for students who are enrolled in a half‑day kindergarten program; or

(c) classrooms, other space, or both, in a school for use by an organization that ~~is operating~~ operates a licensed school‑age child care program before or after the school day, or both, and during periods when school is not in session for children aged five through fourteen years~~.~~;

~~All latchkey programs operating pursuant to this item must be licensed.~~

(~~12~~11) Establish the annual calendar. Have the authority to establish an annual school calendar for students, faculty, and staff to include starting dates, ending dates, holidays, make‑up days, in‑service days, and professional development days.”

SECTION 2. Section 59‑25‑410 of the 1976 Code is amended to read:

“Section 59‑25‑410. On or before April fifteenth of each year, the ~~boards of trustees of the several school districts~~ superintendent of each public school district of the State shall decide and notify, in writing, the teachers, as defined in Section 59‑1‑130, in their employ concerning their employment for the ensuing year. If the ~~board, or the person designated by it,~~ superintendent fails to notify a teacher who has been employed by a school district for a majority of the current school year of his status for the ensuing year, the teacher ~~shall be~~ is deemed to be reemployed for the ensuing year and the ~~board~~ superintendent shall issue a contract to ~~such~~ the teacher as though the ~~board~~ superintendent had reemployed such teacher in the usual manner. Notices of intent not to renew an employment contract ~~shall~~ must be given in writing no later than April fifteenth of each year.

On or before August fifteenth the superintendent, principal, where applicable, or supervisor shall notify the teacher of his tentative assignment for the ensuing school year.

This section ~~shall~~ does not apply to ~~any~~ a teacher whose contract of employment or dismissal is under appeal ~~under~~ pursuant to Section 59‑25‑450.

For purposes of this article, ‘teacher’ means ~~all employees possessing~~ an employee who possesses a professional certificate issued by the State Department of Education, except those employees working pursuant to multi‑year contracts.”

SECTION 3. Section 59‑25‑415 of the 1976 code is amended to read:

“Section 59‑25‑415. Certified personnel who have taught in a school district for at least one year and who are dismissed for economic reasons have priority for being rehired to fill ~~any~~ a vacancy for which they are qualified which occurs within two years from the date of their dismissal. A ~~school district~~ superintendent has complied with the requirements of this section by mailing a notice of intent to rehire to the teacher’s last known address.”

SECTION 4. Section 59‑25‑420 of the 1976 Code is amended to read:

“Section 59‑25‑420. ~~Any~~ A teacher who is reemployed by written notification pursuant to Section 59‑25‑410 shall by April twenty‑fifth first notify the ~~board of trustees~~ superintendent in writing of his acceptance of the contract. Failure on the part of the teacher to notify the ~~board~~ superintendent of acceptance within the specified time limit ~~shall be~~ is conclusive evidence of the teacher’s rejection of the contract.

~~Any~~ A teacher, receiving a notice that he will not be reemployed for the ensuing year, shall have the same notice and opportunity for a hearing provided in subsequent sections for teachers dismissed for cause during the school year.”

SECTION 5. Section 59‑25‑460 of the 1976 Code is amended to read:

“Section 59‑25‑460. ~~No~~ A teacher ~~shall~~ may not be dismissed unless written notice specifying the cause of dismissal is first given the teacher by the ~~District Board of Trustees~~ superintendent and an opportunity for a hearing by the district board of trustees has been afforded the teacher. ~~Such~~ Written notice ~~shall~~ must include the fact that a hearing before the board is available to the teacher upon request provided~~, such~~ the request is made in writing within fifteen days as prescribed by Section 59‑25‑470. ~~Any such~~ A hearing ~~shall~~ must be public unless the teacher requests in writing that it be private. The district board of trustees may issue subpoenas requiring the attendance of witnesses at ~~any~~ a hearing and, at the request of the teacher against whom a charge is made, shall issue such subpoenas, but it may limit the number of witnesses to be subpoenaed in behalf of the teacher to not more than ten. ~~All~~ Testimony at ~~any~~ a hearing ~~shall~~ must be taken under oath. ~~Any~~ A member of the board may administer oaths to witnesses. The board shall cause a record of the proceedings to be kept and shall employ a competent reporter to take stenographic or stenotype notes of ~~all of~~ the testimony. If the board’s decision is favorable to the teacher, the board shall pay the cost of the reporter’s attendance and services at the hearing. If the decision is unfavorable to the teacher, one‑half of the cost of the reporter’s attendance and services ~~shall~~ must be borne by the teacher. Either party ~~desiring~~ that desires a transcript of the hearing shall pay for ~~the costs thereof~~ its cost.”

SECTION 6. This act takes effect upon approval by the Governor.

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