~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 2, 2010

**S. 1140**

Introduced by Senator Alexander

S. Printed 3/2/10--S. [SEC 3/3/10 12:56 PM]

Read the first time February 4, 2010.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 1140) to amend Section 59‑25‑480, Code of Laws of South Carolina, 1976, relating to teacher dismissal appeals, so as to require an appeal to be made, etc., respectfully

**REPORT:**

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

JOHN E. COURSON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Administrative Law Court

The court indicates that this bill will have a fiscal impact on the General Fund of the State of approximately $62,905 in personal service/contributions and operating costs for 1.00 Staff Attorney. The additional duties outlined by this bill will require additional staff for the court to assist in researching and drafting order related to the dismissal appeals.

State Department of Education (SDE)

SDE indicates this bill has no impact to the agency and minimal impact to local school districts due to travel cost.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 59‑25‑480, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEACHER DISMISSAL APPEALS, SO AS TO REQUIRE AN APPEAL TO BE MADE TO AN ADMINISTRATIVE LAW COURT; AND TO AMEND SECTION 59‑25‑520, RELATING TO POWERS AND DUTIES OF THE COURT IN TEACHER DISMISSAL APPEALS, SO AS TO ESTABLISH THE COURT AS THE ADMINISTRATIVE LAW COURT.

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

SECTION 1. Section 59‑25‑480 of the 1976 Code is amended to read:

“Section 59‑25‑480. The decision of the district board of trustees ~~shall be~~ is final, unless within thirty days ~~thereafter~~ an appeal is made to the ~~court of common pleas~~ administrative law court ~~of any county in which the major portion of such district lies~~.

Notice of the appeal and ~~the~~ its grounds ~~thereof shall~~ must be filed with the district board of trustees. The district board ~~shall~~, within thirty days ~~thereafter~~, shall file a certified copy of the transcript record with the clerk of ~~such~~ court. ~~Any~~ An appeal from the order of the ~~circuit~~ administrative law court ~~shall~~ must be taken in the manner provided by ~~the South Carolina Appellate Court Rules~~ law. If the decision of the board is reversed on appeal, on a motion of either party the ~~trial~~ court shall order reinstatement and shall determine the amount for which the board ~~shall be~~ is liable for actual damages and court costs.  ~~In no event shall any~~ Liability may not extend beyond two years from the effective date of dismissal. Amounts earned or amounts earnable with reasonable diligence by the person wrongfully suspended ~~shall~~ must be deducted from any back pay.”

SECTION 2. Section 59‑25‑520 of the 1976 Code is amended to read:

“Section 59‑25‑520. The administrative law court ~~of common pleas shall~~, on application of the district board, shall enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records and ~~shall have the power to~~ may punish as for contempt of court, by a fine or imprisonment, or both, the unexcused failure or refusal to attend and give testimony or produce books, papers, and records as may have been required in ~~any~~ a subpoena issued by the district board. The district board may issue to the sheriff of the county in which ~~any~~ a hearing is held a warrant requiring him to produce at the hearing ~~any~~ a witness who ~~shall have~~ ignored or failed to comply with ~~any~~ a subpoena issued by the district board and duly served upon ~~such~~ the witness. ~~Such a~~ The warrant ~~shall~~ must authorize the sheriff to arrest and produce at the hearing ~~such~~ the witness, and it ~~shall be~~ is his duty to do so; but the failure of a witness ~~so~~ to appear in response to ~~any such~~ the subpoena may be excused on the same grounds as provided by law in the courts of this State as to the attendance of witnesses and jurors.”

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

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