~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 25, 2010

**H. 4248**

Introduced by Reps. Horne, Allison, Daning, Long, Littlejohn, Wylie, Gunn and Ballentine

S. Printed 2/25/10--H. [SEC 2/26/10 2:49 PM]

Read the first time January 12, 2010.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 4248) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑19‑115 so as to require a substitute teacher hired by a local school district, 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, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑115. An individual hired by a local school district board of trustees to serve as a substitute teacher shall undergo a named-based South Carolina criminal record search conducted by the local school district using records maintained by the State Law Enforcement Division pursuant to regulations contained in Subarticle 1, Article 3, Chapter 73 of the Code of Regulations, at no charge to the school district. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts substitute teacher hiring decisions. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 to serve as substitute teachers and hiring recommendations relative to felony convictions and relevant just‑cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in criminal record searches.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑115 SO AS TO REQUIRE A SUBSTITUTE TEACHER HIRED BY A LOCAL SCHOOL DISTRICT TO UNDERGO A CRIMINAL RECORD SEARCH, TO REQUIRE EACH SCHOOL DISTRICT TO DEVELOP A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCH, TO PROVIDE WHAT THE POLICY MUST INCLUDE, AND TO REQUIRE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROVIDE TRAINING TO APPROPRIATE SCHOOL DISTRICT PERSONNEL; AND TO AMEND SECTION 23‑3‑115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO FIX THE FEE AT EIGHT DOLLARS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

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

SECTION 1. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑115. An individual hired by a local school district board of trustees to serve as a substitute teacher shall undergo a criminal record search by the State Law Enforcement Division pursuant to regulations contained in Subarticle 1, Article 3, Chapter 73 of the Code of Regulations. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts substitute teacher hiring decisions. The district policy may stipulate that the district assumes the cost of the criminal record search or that the applicant assumes the cost. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 to serve as substitute teachers and hiring recommendations relative to felony convictions and relevant just-cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel on the understanding and appropriate uses of the information provided in criminal record searches.”

SECTION 2. Section 23‑3‑115(B) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(B) The fee allowed in subsection (A) is fixed at eight dollars if the criminal record search is conducted for a charitable organization, a bona fide mentor, a school district for individuals hired as substitute teachers, school employees who are not covered under Section 23‑3‑130, school coaches and tutors, school volunteers who work in a school on a daily basis, or for individuals who serve as student chaperones, or for the use of a charitable organization. The division shall develop forms on which a mentor, school district, or charitable organization shall certify that the criminal record search is conducted for the use and benefit of the charitable organization, school district, or mentor. For purposes of this subsection, the phrase ‘charitable organization’ means:

(1) an organization which has been determined to be exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended;

(2) a bona fide church, including an institution such as a synagogue or mosque;

(3) an organization which has filed a statement of registration or exemption under the Solicitation of Charitable Funds Act, Chapter 56, Title 33; or

(4) local recreation commission volunteers.”

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

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