COMMITTEE REPORT

May 17, 2011

**S. 18**

Introduced by Senators McConnell, McGill, Rose, Campsen, Verdin, Ryberg, Leventis, Rankin and Alexander

S. Printed 5/17/11--S.

Read the first time January 11, 2011.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 18) to amend the Code of Laws of South Carolina, 1976, to enact the “South Carolina Teacher Protection Act of 2011”, by adding Section 59‑25‑900, etc., respectfully

**REPORT:**

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

JOHN E. COURSON for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA TEACHER PROTECTION ACT OF 2011”, BY ADDING SECTION 59‑25‑900, SO AS TO PROVIDE THAT A TEACHER MAY BRING A CIVIL ACTION AGAINST A STUDENT WHO COMMITS A CRIMINAL OFFENSE AGAINST THE TEACHER IF THE OFFENSE OCCURS ON SCHOOL GROUNDS OR AT A SCHOOL‑RELATED EVENT, OR IF THE OFFENSE IS DIRECTLY RELATED TO THE TEACHER’S PROFESSIONAL RESPONSIBILITIES, AND TO PROVIDE THAT NO TEACHER HAS CIVIL LIABILITY TO A STUDENT OR TO A PARTY ACTING IN THE INTEREST OF THE STUDENT FOR AN ACT OR OMISSION BY THE TEACHER THAT OCCURS WHILE THE TEACHER IS ACTING ON BEHALF OF THE SCHOOL.

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

SECTION 1. This act may be cited as the “South Carolina Teacher Protection Act of 2011”.

SECTION 2. Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59‑25‑900. (A) As used in this section:

(1) ‘Teacher’ means a:

(a) licensed teacher, principal, administrator, home school educator, or other educational professional who works on school grounds;

(b) professional or non‑professional employee who works on school grounds and has responsibility for maintaining order, discipline, or ensuring safety; or

(c) school employee who, in an emergency, is called upon to maintain order, discipline, or to ensure safety.

(2) ‘School’ means a public or private kindergarten, a public or private elementary school, a public or private middle school or junior high, a public or private high school, a secondary school, an adult education school, a home school that includes students not related by blood to the operator, a public or private college or university, and any vocational, technical, or occupational school.

(3) ‘Student’ means a person:

(a) enrolled in a school, whether the person is suspended or not suspended; or

(b) expelled from a school within one year of enrollment.

(B) A teacher may bring a civil action against a student who commits a criminal offense against the teacher if the offense occurs on school grounds or at a school‑related event, or if the offense is directly related to the teacher’s professional responsibilities. Nothing in this subsection is intended to limit the civil remedies available to another party as a result of the same criminal act.

(C) In addition to the protections granted under the South Carolina Tort Claims Act, no teacher has civil liability to a student or to a party acting in the interest of a student for an act or omission by the teacher if the:

(1) teacher was acting within the scope of the teacher’s employment;

(2) actions of the teacher violated no state, local, or federal law including regulations set forth by the individual district or school;

(3) acts or omissions were not the result of wilful or intentional conduct or gross negligence;

(4) acts or omissions were not the result of the teacher operating a motor vehicle or watercraft; and

(5) actions of the teacher do not constitute a violation of the student’s civil rights.

(D) This section does not affect the provisions of the South Carolina Tort Claims Act.”

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

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