**South Carolina General Assembly**

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**H. 4419**

**STATUS INFORMATION**

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Summary: Selection of teachers by school principal

**HISTORY OF LEGISLATIVE ACTIONS**

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12/10/2013 House Referred to Committee on **Education and Public Works**

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**VERSIONS OF THIS BILL**

[12/10/2013](file:///p:\pprever\2013-14\4419_20131210.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑25‑425 SO AS TO PROVIDE THAT A SCHOOL PRINCIPAL MAY SELECT FOR HIS SCHOOL TEACHERS WHO DEMONSTRATE THEIR QUALIFICATIONS AND EFFECTIVENESS UNDER THE EVALUATION SYSTEM, TO PROVIDE THAT A SCHOOL DISTRICT MAY ADOPT OPTIONS FOR CERTAIN TEACHERS WHO ARE DISPLACED AND NOT SELECTED FOR A REGULAR POSITION, AND TO PROVIDE THAT A DISTRICT MAY PLACE A TEACHER IN CERTAIN LIMITED ASSIGNMENTS; BY ADDING SECTION 59‑25‑445 SO AS TO PROVIDE A PROCESS FOR THE DISMISSAL OR DEMOTING OF TEACHERS WHO RECEIVE CERTAIN DEFICIENT RATINGS ON AN ANNUAL PERFORMANCE EVALUATION AND SUBSEQUENTLY FAIL TO REMEDY THE DEFICIENCIES; BY ADDING SECTION 59‑26‑25 SO AS TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL REVIEW THE RESULTS OF CERTAIN PILOT EVALUATION SYSTEMS TO DETERMINE THE PROFESSIONAL DEVELOPMENT NEEDS OF TEACHERS AND PRINCIPALS AND TO MAKE ADJUSTMENTS TO THE SYSTEM FOR FULL IMPLEMENTATION IN SCHOOL YEAR 2014‑2015, TO PROMULGATE REGULATIONS CONCERNING A STATEWIDE STUDENT GROWTH MODEL FOR DETERMINING STUDENT GROWTH ON ASSESSMENTS FOR PURPOSES OF TEACHER AND PRINCIPAL EVALUATIONS, TO PROVIDE OR HELP TO DEVELOP TRAINING FOR EVALUATORS AND A RESOURCE BANK THAT A LOCAL SCHOOL DISTRICT MAY USE TO DEVELOP ITS EVALUATION SYSTEM, TO PROVIDE A DEFAULT EVALUATION SYSTEM AS AN ALTERNATIVE FOR DISTRICTS UNABLE TO DEVELOP THEIR OWN LOCAL SYSTEM IN CERTAIN CIRCUMSTANCES, TO REVIEW AND APPROVE STUDENT ASSESSMENTS TO ENSURE ALIGNMENT WITH STATE STANDARDS BEFORE THEY ARE USED TO EVALUATE TEACHERS AND PRINCIPALS AND PROVIDE OR APPROVE EVALUATION FORMS USED TO EVALUATE TEACHERS AND PRINCIPALS, TO INCLUDE CERTAIN DATA LINKS IN ITS LONGITUDINAL DATA SYSTEM AND TO REQUIRE A PUBLIC REPORT OF THIS DATA, AND TO REVIEW THE IMPLEMENTATION OF THE TEACHER AND PRINCIPAL EVALUATION IN THE SCHOOL DISTRICTS FOR THE PURPOSE OF PROVIDING TECHNICAL ASSISTANCE AND ENSURING THE EVALUATIONS ARE APPROPRIATELY ADMINISTERED; BY ADDING SECTION 59‑26‑35 SO AS TO REQUIRE THAT A LOCAL SCHOOL DISTRICT MUST IMPLEMENT A SYSTEM FOR EVALUATING ANNUAL AND CONTINUING CONTRACT TEACHERS IN A CERTAIN MANNER; TO AMEND SECTION 59‑20‑50, RELATING TO SALARY SCHEDULES FOR TEACHERS AND ADMINISTRATORS, SO AS TO REVISE THE REQUIREMENTS AND PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 59‑24‑40, RELATING TO STATEWIDE PERFORMANCE STANDARDS FOR PRINCIPALS, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 59‑25‑310, RELATING TO THE AUTHORITY OF A SCHOOL DISTRICT TO HIRE INDIVIDUALS WHO HAVE RECEIVED A PASSPORT CERTIFICATE ISSUED BY THE AMERICAN BOARD FOR THE CERTIFICATION OF TEACHER EXCELLENCE, SO AS TO PROVIDE THE DISTRICTS ALSO MAY HIRE INDIVIDUALS WHO ARE ALTERNATIVELY CERTIFIED PURSUANT TO CERTAIN REQUIREMENTS; TO AMEND SECTION 59‑25‑320, RELATING TO A MANDATORY BACKGROUND CHECK FOR A PERSON WHO HAS RECEIVED A PASSPORT CERTIFICATE ISSUED BY THE AMERICAN BOARD FOR THE CERTIFICATION OF TEACHER EXCELLENCE, SO AS TO APPLY THE REQUIREMENT TO PEOPLE WITH CERTAIN ALTERNATIVE CERTIFICATION; TO AMEND SECTION 59‑25‑330, RELATING TO ALTERNATIVE ROUTE TEACHER CERTIFICATION, SO AS TO EXPAND CRITERIA FOR THIS CERTIFICATION; TO AMEND SECTION 59‑25‑340, RELATING TO THE REQUIREMENT OF PASSING THE SOUTH CAROLINA ADOPTED PEDAGOGY EXAMINATION FOR PEOPLE SEEKING ALTERNATIVE TEACHER CERTIFICATION, SO AS TO FURTHER REQUIRE THE EXAMINATION FOR A PERSON WITH AN ALTERNATIVE ROUTE CERTIFICATION; TO AMEND SECTION 59‑25‑350, RELATING TO REPORTS OF PEOPLE WITH A PASSPORT CERTIFICATE BY THE DEPARTMENT OF EDUCATION, SO AS TO INCLUDE PEOPLE WITH CERTAIN ALTERNATIVE ROUTE CERTIFICATES IN THIS REPORTING REQUIREMENT; TO AMEND SECTION 59‑25‑460, RELATING TO THE REQUIREMENT OF A NOTICE OF DISMISSAL AND HEARING BEFORE A TEACHER MAY BE DISMISSED, SO AS TO PROVIDE SPECIFIC REQUIREMENTS FOR THE CHARGE AND RELATED PROCEDURES; TO AMEND SECTION 59‑26‑30, AS AMENDED, RELATING TO COGNITIVE ASSESSMENTS FOR TEACHERS AND TEACHER CERTIFICATION, SO AS TO MODIFY REQUIREMENTS FOR THE ASSESSMENT AND REQUIRE THE PROMULGATION OF CERTAIN RELATED REGULATIONS; AND TO AMEND SECTION 59‑26‑40, AS AMENDED, RELATING TO TEACHER CONTRACTS, EVALUATIONS, AND THE TERMINATION OF EMPLOYMENT FOR ANNUAL CONTRACT TEACHERS, SO AS TO APPLY THE PROVISIONS TO TEACHERS CERTIFIED THROUGH ALTERNATIVE ROUTE CERTIFICATION AND MODIFY EXISTING REQUIREMENTS.

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

SECTION 1. Article 5, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59‑25‑425. (A) A school principal may select for his school teachers who demonstrate their qualifications and effectiveness under the evaluation system provided in Section 59‑25‑35. A school district that administers multiple schools shall include in its teacher contracts provisions to place teachers who are rated ‘highly effective’ or ‘effective’ on their evaluation in schools based on the mutual consent of the teacher and principal of the school.

(B) A school district may adopt options for teachers rated ‘effective’ or higher who are displaced and not selected for a regular position through mutual consent. These options may include defined grace periods during which such teachers will serve in temporary positions on full or partial pay and benefits, priority for interviews for vacancies, severance pay, or other arrangements, among others considered appropriate by the district. If a teacher is unable to obtain a mutual consent assignment at a school within the school district after the longer of two hiring cycles, as defined by the department, or twelve months, then the district shall place the teacher on unpaid leave until he is able to secure an assignment. If the teacher secures an assignment at a school of the school district while placed on unpaid leave, the school district shall reinstate the teacher’s salary at the level no less than what it was at the time the unpaid leave began.

(C) Nothing in this section limits the ability of a school district to place a teacher in a limited‑term assignment for up to twelve months, including a teacher assignment, substitute assignment, or instructional support role during the period in which the teacher is attempting to secure a mutual consent placement in a school. The limited term assignment does not constitute a mutual consent placement and must not be considered to interrupt the period in which the teacher is required to secure a mutual consent placement before the school district shall place the teacher on unpaid leave.”

SECTION 2. Article 5, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59‑25‑445. This section applies to a teacher who received an ‘ineffective’ or ‘needs improvement’ rating on his annual performance evaluation, has failed to remedy performance deficiencies through the process outlined in Section 59‑26‑40, and has consequently had continuing contract status revoked. The process for dismissing or demoting the teacher must take no longer than one hundred five days. Upon receiving notice of dismissal or demotion pursuant to this chapter, the teacher must not serve in an instructional role. An appeal of a demotion or dismissal on the basis of an annual performance evaluation must be limited to procedural concerns. The evaluation rating is not subject to appeal. A dismissal proceeding and a demotion proceeding for a teacher impacted by this section must meet the procedural and substantive requirements outlined in this chapter.”

SECTION 3. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59‑26‑25. (A) Pursuant to Section 59‑26‑35 and Section 59‑24‑40, the State Department of Education shall:

(1) review the results of the 2012‑2013 and 2013‑2014 pilot evaluation systems to determine the professional development needs of teachers and principals and to make adjustments to the system for full implementation in school year 2014‑2015; provided, however, that an adjustment must satisfy the requirements of Section 59‑26‑35 and Section 59‑24‑40;

(2) promulgate regulations governing the development and implementation of local evaluation systems under Section 59‑26‑35 and Section 59‑24‑40, and that are designed to preserve autonomy and flexibility for districts to adopt their own policies and processes for the evaluation system, consistent with Section 59‑26‑35 and Section 59‑24‑40, and may include, but not be limited to:

(a) processes and requirements to determine the teacher of record for purposes of assigning student achievement scores to a teacher in evaluating the teacher’s performance, which must consider:

(i) the minimum threshold of instruction time for a subject or course;

(ii) the implications of virtual learning environments with this categorization;

(iii) the unit of measure for quantifying instruction time, which may mean days or percentages of time;

(iv) team teaching, or multiple teachers tracked as instructing a student for a subject or course; and

(v) the implications of virtual learning environments with this categorization;

(b) processes to verify staff, their students, and their assignments;

(c) standards for rating levels to be assigned to teachers and principals, consistent with Section 59‑26‑35 and Section 59‑24‑40;

(d) processes and requirements for student growth methods to measure student achievement growth for teacher and principal evaluations; and

(e) minimum training requirements for evaluators of teachers and principals;

(3) develop, implement, and publicly disseminate a statewide student growth model for determining student growth on assessments for purposes of teacher and principal evaluations in order to standardize student academic growth measures and ensure teachers are measured according to the value they add to student growth;

(4) provide or help to develop training for evaluators and a resource bank that identifies assessments, processes, tools, and policies that a local school district may use to develop its evaluation system, and that includes resources that are appropriate to local school districts of different sizes, demographics, and locations and must be updated periodically to reflect new research and experience in implementing this law;

(5) develop a default evaluation system consistent with Section 59‑26‑35 and Section 59‑24‑40 that must be used by all local school districts if they choose not to or are not able to develop their own evaluation system at the local level; provided, however, that:

(a) if a local school district chooses to develop a locally developed model, it must meet the requirements pursuant to Section 59‑26‑35 and Section 59‑24‑40, and must be approved by the department; and

(b) a district that uses the state default evaluation system may revise or adapt policies or processes in the system to the extent consistent with Section 59‑26‑35 and Section 59‑24‑40 and regulations of the department;

(6) review and approve student assessments to ensure alignment with state standards before they are used to evaluate teachers and principals and provide or approve evaluation forms used to evaluate teachers and principals;

(7) include in its longitudinal data system links between individual teacher and principal evaluation and data on:

(a) human capital;

(b) the number of teachers rated effective or higher by subject, grade, classroom, and school;

(c) teacher preparation programs in the State; and

(d) achievement data for individual students; and

(8) review the implementation of the teacher and principal evaluation in the school districts for the purpose of providing technical assistance and ensuring the evaluations are appropriately administered.

(B) The department shall provide a public report of data in subsection (A)(7).”

SECTION 4. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59‑26‑35. (A) Beginning with the 2014‑2015 school year, a local school district must implement a system for evaluating annual and continuing contract teachers which complies with the provisions of this subsection that:

(1) requires a local school district annually to formally evaluate a teacher employed by the district pursuant to this section;

(2) requires each teacher be assigned an evaluator or evaluators decided upon by the local school district or, if the local school district does not decide on an evaluator, by department;

(3) includes:

(a) a professional growth plan developed by each teacher collaboratively with her evaluator or evaluators during the beginning of each evaluation period and that must:

(i) be designed to help the teacher meet the standards for effectiveness, effectively addressing the social, developmental, and emotional needs of students and maintaining a classroom environment that is conducive to learning; and

(ii) includes a statement of the professional development objectives of the teacher and the strategies the teacher intends to employ toward the realization of each objective;

(b) preobservation conference conducted by the evaluator or evaluators of a teacher in which the teacher shall provide the evaluator or evaluators with relevant information and that is based on at least one observation of the teacher conducted by the school principal and a second observation of the teacher conducted by a peer observer, provided that an observation:

(i) must be aligned to a clear, consistent rubric given to the teacher before the school year begins and that may include other measures aligned with student achievement;

(ii) may be announced or unannounced in the discretion of the department, district, or both;

(iii) must be of sufficient duration to provide meaningful data;

(iv) must be no less than the duration of one complete lesson, for at least one of the observations; and

(v) must be followed by post‑observation conference conducted to discuss commendation and recommendations;

(c) measures of student academic growth for tested subject teachers, provided that by the beginning of the 2014‑2015 school year, fifty percent of teacher evaluations must be based on evidence of growth in student achievement using a student growth model as determined by the department for grade levels and subjects for which student standardized assessment data is available, pursuant to Section 59‑26‑25, and to ensure that the measure of student academic growth meets minimum standards for reliability and rigor, the statistical properties of the growth measure must:

(i) be based on all previous performance data of a student across grades and subjects on the PASS, or other state standardized assessments;

(ii) include students with missing data and not exclude students from the analyses if they are missing an immediate prior test score;

(iii) accommodate student and teacher mobility, and shared instructional practices where more than one instructor has responsibility for the teaching of a student in a particular subject;

(d) measures of student academic growth for nontested subject teachers by requiring that:

(i) by the beginning of the 2014‑2015 school year, fifty percent of teacher evaluations must be based on evidence of growth in student achievement;

(ii) for grade levels and subjects for which student standardized assessment data is not available and for personnel for whom student standardized assessment data is not available, the department shall establish a list of preapproved options for districts to utilize to measure student growth;

(iii) measures decided upon by the district must be used as evidence of growth in student achievement and shall comprise fifty‑percent of the total evaluation; and

(iv) the district may select any number of measures from the list of preapproved options to comprise the fifty‑percent student academic growth component of nontested subject teacher evaluations;

(e) additional measures in the evaluation, all of which must:

(i) be correlated with impacts on student achievement results;

(ii) include multiple classroom observations, pursuant to this section, and student surveys; and

(f) other criteria as the department or district considers appropriate.

(B) Evaluation results under this section must be used to provide high‑quality, job‑embedded and ongoing mentoring, support, and professional development for a teacher, as appropriate, aligned to the specific needs of the teacher as identified in his evaluation.

(C) A teacher must be given written notice in advance of the school year of the measures and any specific indicators that will be used to evaluate him.

(D) A teacher must be given one of four rating levels:

(1) designated as ‘highly effective’, ‘effective’, ‘needs improvement’, and ‘ineffective’;

(2) defined by the department, provided that a local district may provide its own definitions until the department has provided its own definitions;

(3) based in significant part on whether, on average, the teacher’s students fell below, met, or exceeded the state’s growth expectation in each tested grade and subject, provided that an evaluation component should use a multiyear average when available. A measure of student growth should consider measures of uncertainty, or standard error, when determining the performance levels of teachers.

(E) The provisions of this section must be implemented according to the following schedule:

(1) promulgation of regulations by the State Board of Education and review of pilot program results by the end of the 2013‑2014 school year; and

(2) statewide implementation by the end of the 2014‑2015 school year.”

SECTION 5. Section 59‑20‑50 of the 1976 Code is amended to read:

“Section 59‑20‑50. (A) As used in this section:

(1) ‘Adjustment’ means an addition to the base salary schedule that is not a bonus or supplement and becomes part of the permanent base salary of the employee as calculated following the annual evaluation described in Section 56‑25‑35.

(2) ‘Base salary’ means the annual compensation of an instructional employee, including adjustments earned by the employee but excluding supplements earned in the current year or a previous year.

(3) ‘Needs improvement’ means instructional personnel who receive a final evaluation score that falls within next‑to‑last tier of the district’s evaluation system as defined in Section 56‑25‑35.

(4) ‘Eligible adjustment’ means the total amount of additional salary that an employee may receive in a school year.

(5) ‘Effective’ means instructional personnel who receive a final evaluation score that falls within the second‑to‑top tier of the district’s evaluation system as defined in Section 56‑25‑35.

(6) ‘Grandfathered salary schedule’ means the salary schedule or schedules adopted by a district school board before May 1, 2015, pursuant to subsection (G).

(7) ‘Highly effective’ means instructional personnel who receive a final evaluation score that falls within the top tier of the district’s evaluation system as defined in Section 56‑25‑35.

(8) ‘Performance salary schedule’ means a salary schedule adopted by a district school board pursuant to subsection (H).

(9) ‘Ineffective’ means instructional personnel who receive a final evaluation score that falls within the last tier of the district’s evaluation system as defined in Section 56‑25‑35.

(10) ‘Supplement’ means an annual addition to a base salary that does not become part of the continuing base salary of the employee.

(B)(1) Notwithstanding the computations prescribed in Section 59‑20‑40, the level of state contributions to each district shall not be reduced to a per‑pupil level of foundation program funds below that per‑pupil level of state funding of programs for the fiscal years prior to implementation of this chapter which will be incorporated in the foundation program.

(2) Provided, no district shall receive annually an increase in state funds less than the full rate of the inflationary adjustment in the base student cost specified in Section 59‑20‑40(1)(b). This increase shall be computed annually over and above the amount actually received from the State for the foundation program in the prior fiscal year.

(3) Provided, further, after the fiscal year 1982‑83 no district shall receive annually an increase in state funds less than four‑fifths of the inflationary adjustment in the base student cost specified in Section 59‑20‑40(1)(b). This increase shall be computed annually over and above the amount actually received from the State for the foundation program in the prior fiscal year.

(4) Beginning July 1, 1994, no additional school district shall receive hold‑harmless funds under this subsection due to decreases in student numbers or upward adjustments in the index of taxpaying ability.

(~~2~~C) Notwithstanding any provisions of this chapter, any local school district may increase the local effort above the foundation program funding level as deemed necessary to meet the aspirations of the people of the district.

(~~3~~D) Eighty‑five percent of the funds appropriated through state and local effort for each weighted classification shall be spent in direct and indirect aid in the specific area of the program planned to serve those children who generated the funds. Districts expending less than the required eighty‑five percent of the appropriated amount shall be subject to a penalty the following fiscal year in the amount equal to the difference between the amount spent and the required eighty‑five percent figure.

However, this requirement shall not apply to the funds generated by children in the pupil classification ‘Speech Handicapped Pupils’.

~~(4)(a)~~ ~~Each school district shall pay each certified teacher or administrator an annual salary at least equal to the salary stated in the statewide minimum salary schedule for the person’s experience and class. No teacher or administrator employed in the same position, over the same time period, shall receive less total salary, including any normal incremental increase, than that teacher or administrator received for the fiscal year before the implementation of this article.~~

~~(b)~~ ~~The state minimum salary schedule must be based on the state minimum salary schedule index in effect as of July 1, 1984. In Fiscal Year 1985, the 1.000 figure in the index is $14,172. (This figure is based on a 10.27% increase pursuant to the South Carolina Education Improvement Act of 1984.) Beginning with Fiscal Year 1986, the 1.000 figure in the index must be adjusted on a schedule to stay at the southeastern average as projected by the Division of Research and Statistical Services and provided to the Budget and Control Board and General Assembly during their deliberations on the annual appropriations bill. The southeastern average teacher salary is the average of the average teachers’ salaries of the southeastern states. In projecting the southeastern average, the division shall include in the South Carolina base teacher salary all local teacher supplements and all incentive pay. Under this schedule, school districts are required to maintain local salary supplements per teacher no less than their prior fiscal level. In Fiscal Year 1986 and thereafter teacher pay raises through adjustments in the state’s minimum salary schedule may be provided only to teachers who demonstrate minimum knowledge proficiency by meeting one of the following criteria:~~

~~(1)~~ ~~holding a valid professional certificate;~~

~~(2)~~ ~~having a score of 425 or greater on the Commons Examination of the National Teachers Examinations;~~

~~(3)~~ ~~meeting the minimum qualifying score on the appropriate area teaching examination; or~~

~~(4)~~ ~~meeting the minimum standards on the basic skills examinations as prescribed by the State Board of Education provided in Section 59‑26‑20.~~

(E) A district school board may use advanced degrees held in the area of certification of a teacher to establish the base pay only for instructional personnel hired after June 30, 2015. Other subsequent pay increases must be based on the criteria established in subsection (H).

(F) A district school board may not use the length of service or tenure of instructional personnel hired after June 30, 2015 to establish a base salary or make a salary adjustment or supplement.

(G)(1) A district board shall adopt a grandfathered salary schedule or schedules to use as the basis for paying all school employees hired before May 1, 2015.

(2) A grandfathered salary schedule must be based on salary schedules in effect for the current school year and may include no more than a five percent cost‑of‑living adjustment.

(3) Instructional personnel hired before May 1, 2015, may opt into the performance salary schedule established by the district in accordance with this chapter.

(4) A salary adjustment in the grandfathered schedule cannot exceed a salary adjustment offered in the performance salary schedule.

(5) An employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

(H)(1) A district board shall adopt a performance salary schedule that provides annual salary adjustments and supplements for instructional personnel deemed to be ‘effective’ or ‘highly effective’ before May 1, 2015.

(2) Beginning May 1, 2015, instructional personnel new to a district, returning to a district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the capacity of instructional personnel in a district must be placed on the performance salary schedule.

(3) In addition to the requirements established in subsections (E) and (F), base salaries must be established as follows:

(a) the base salary for instructional personnel who opt into the performance salary schedule must be the salary paid in the prior year, and may include a cost of living adjustment of no more than five percent;

(b) the base salary under the performance salary schedule for instructional personnel must be recalculated each year to include the prior year’s salary plus any salary adjustments earned by the employee; and

(c) a district school board shall establish a maximum base salary for instructional personnel that cannot be exceeded. An employee who reaches this maximum base salary is no longer eligible for additional salary adjustments, but may receive supplements as determined by the school board. A district school board may recalculate a maximum base salary each school year, as needed.

(4) Salary adjustments must be established as follows:

(a) each school district board shall provide annual salary adjustments for instructional personnel that receive an evaluation rating of ‘effective’ or ‘highly effective’;

(b) the annual eligible salary adjustment for instructional personnel under the performance salary schedule must be greater than the highest annual salary increase available to an employee of the same classification through the grandfathered salary schedule adopted by the district;

(c) the total amount available for the salary adjustment for instructional personnel must be no less than ten percent of the lowest base salary of the grandfathered pay scale, of which:

(i) at least fifty percent of an annual salary adjustment must be based on student growth scores; provided, however, that for instructional personnel who teach in tested‑subjects, the adjustment must be based on the student growth score, and for instructional personnel in nontested subjects, the district school board shall adopt subject‑specific growth measures pursuant to Section 56‑25‑35, or use common assessments linked to state standards for all subjects to determine student growth; and

(ii) no more than fifty percent of an annual salary adjustment must be based on classroom observations as described in Section 56‑25‑35; or

(iii) any combination of additional measures as considered appropriate by the district;

(d) the total amount available for a salary adjustment for instructional personnel in tested subjects may not exceed the total amount available for a salary adjustment for instructional personnel in nontested subjects.

(5) In addition to the salary adjustments, each district school board shall provide for salary supplements to instructional personnel receiving an evaluation rating of ‘effective’ or ‘highly effective’, for activities that include, but are not limited to:

(a) assignment to a Title I eligible school;

(b) assignment to a school in restructuring or reconstitution status as determined and reported by the department, provided that the supplement remain in force for at least one year following improved performance in that school;

(c) certification and teaching in critical teacher shortage areas as determined by the State Board of Education, with whose approval a district school board also may identify other areas of critical shortage within the district for purposes of implementing this section and may remove areas identified by the State Board of Education that are not applicable to the school district; and

(d) assignment of additional academic responsibilities.

(6) In no instances shall instructional personnel receive an annual salary adjustment or salary supplement if they receive a final score of ‘below expectations’ or ‘significantly below expectations’.

(I) Instructional personnel who receive a final score of ‘below expectations’ or ‘significantly below expectations’ for their annual evaluation must be provided a professional development reimbursement for the year following the evaluation.

(1) An instructional employee shall pursue professional development that specifically aligns with the recommendations provided in his annual evaluation.

(2) An instructional employee shall receive reimbursement from the school district for the cost of the professional development, not to exceed one thousand dollars, if provided evidence of successful completion of this development by the employee.

(J) If budget constraints in a given year limit the ability of a district to fully fund all adopted salary schedules, the performance salary schedule must not be reduced on the basis of total cost or the value of individual awards in a manner that is proportionally greater than reductions to another salary schedule adopted by the district.

(K) A district school board may provide a cost‑of‑living salary adjustment to a base salary if the adjustment:

(1) is less than five percent of the annual salary for instructional personnel; and

(2) does not exceed twenty‑five percent of the overall annual eligible salary adjustment available to instructional personnel.

(L) A district school board must ensure that all salary adjustments made pursuant to the performance salary schedule are included in the definition of pensionable earnings and compensation.”

SECTION 6. Section 59‑24‑40 of the 1976 Code is amended to read:

“Section 59‑24‑40. (A) For the purposes of assisting, developing, and evaluating principals, the State Board of Education, through the State Department of Education, shall adopt criteria and statewide performance standards which shall serve as a foundation for all processes used for assisting, developing, and evaluating principals employed in the school districts of this State. The ~~State~~ department ~~of Education~~ shall select or cause to be developed and the State Board of Education shall promulgate regulations for the evaluation of the performance of all principals based on those criteria and standards consistent with the criteria listed in this section. A school ~~districts~~ district shall use the standards and procedures adopted by the State Board of Education for the purpose of evaluating all principals at least ~~once every three years~~ annually. The ~~State~~ department ~~of Education~~ shall ensure that the criteria and standards are valid and reliable and are appropriately administered. Evaluation results must be provided in writing and a professional development plan established based on the principal’s strengths and weaknesses and taking into consideration the school’s strategic plan for improvement for the purpose of improving the principal’s performance. ~~Any principal whose performance on an evaluation is rated unsatisfactory must be evaluated again within one year.~~ Nothing in this section limits or prohibits school districts from setting additional and more stringent standards for the evaluation of principals. A satisfactory rating on the evaluation is one of several criteria for overall performance evaluation and is not sufficient for reemployment as a principal by a school district.

~~The State Department of Education shall review the implementation of the principal evaluation in the school districts for the purpose of providing technical assistance and ensuring the evaluations are appropriately administered.~~

~~The provisions of this section must be implemented according to the following schedule:~~

~~1997‑98 school year: Identification of criteria and standards;~~

~~1998‑99 school year: Development and testing of criteria, standards, and procedures in selected districts;~~

~~1999‑2000 school year: Statewide implementation.~~

(B) The elements of evaluation and standards for effectiveness must be defined by the State Board of Education pursuant to the rules and regulations promulgated for such purpose and consistent with this section. Prior to the 2014‑2015 school year, a local school district must implement principal evaluation systems that contain, but are not limited to, the following elements:

(1) a professional development plan developed by the principal and his evaluator or evaluators for the principal during the beginning of each evaluation period, pursuant to Section 59‑24‑30, provided this plan must:

(a) be designed to assist the principal to meet applicable standards for effectiveness;

(b) address needs of students, teachers, and staff;

(c) build and maintain a school environment that is conducive to learning; and

(d) include a statement of the professional development objectives of the principal as well as the strategies the principal intends to employ toward the achievement of each objective;

(2) the assignment of an evaluator or evaluators to a principal, as decided upon by the local school district or, if the local school district does not decide on an evaluator, by department;

(3) a preobservation conference conducted by the evaluator or evaluators of a principal during which the principal shall provide the evaluator or evaluators with relevant information and which:

(a) must be aligned to a clear, consistent rubric given to the principal before the school year begins and that may include other measures aligned with student achievement;

(b) may be announced or unannounced in the discretion of the department, district, or both;

(c) must be of sufficient duration to provide meaningful data;

(d) must be no less than the duration of one complete lesson; and

(e) must be followed by post‑observation conference conducted to discuss commendation and recommendations;

(4) by the beginning of the 2014‑2015 school year, fifty percent of principal evaluations must be based on evidence of growth in student achievement using a student growth model as determined by the department for grade levels and subjects for which student standardized assessment data is available, pursuant to Section 59‑26‑25, and to ensure that the measure of student academic growth meets minimum standards for reliability and rigor, the statistical properties of the growth measures:

(a) must be based on the previous performance data of a student across grades and subjects on the PASS, or other state standardized assessments; and

(b) must include students with missing data and not exclude students from the analyses if they are missing an immediate prior test score;

(5) additional measures of performance must be included and correlated with impacts on student achievement results for students in all subgroups, and these measures shall include:

(a) ability of the principal to attract and retain highly effective and effective teachers;

(b) the management of the school, including its finances, space, and legal compliance;

(c) parental engagement in the school;

(d) school observations, pursuant to this section; and

(e) other measures aligned with student achievement;

(6) a principal must be given:

(a) written notice in advance of the school year of the measures and any specific indicators that will be used to evaluate him; and

(b) one of four rating levels:

(i) designated as ‘highly effective’, ‘effective’, ‘needs improvement’, and ‘ineffective’;

(ii) defined by the department, provided that a local district may provide its own definitions until the department has provided its own definitions; and

(iii) based in significant part on whether, on average, the teacher’s students fell below, met, or exceeded the state’s growth expectation in each tested grade and subject, provided that an evaluation component should use a multiyear average when available. A measure of student growth should consider measures of uncertainty, or standard error, when determining the performance levels of principals.”

SECTION 7. Section 59‑25‑310 of the 1976 Code, as added by Act 75 of 2007, is amended to read:

“Section 59‑25‑310. In addition to individuals certified for employment as school teachers pursuant to Article 3 of this chapter, a school district may hire individuals who have received a passport certificate issued by the American Board for the Certification of Teacher Excellence (ABCTE) and who meet the requirements of this article in the content areas of biology, chemistry, English, mathematics, physics, or science. Additional areas of certification may be approved by the State Board of Education upon review of the longitudinal information required in Section 59‑25‑350. A school district also may hire an individual who has been alternatively certified pursuant to the requirements of Section 59‑25‑330 in the same manner as a person holding a traditional teaching certificate. A person holding an alternative teaching certificate pursuant to Section 59‑25‑330(B) must not be limited to teach by subject, grade, or geographic location.”

SECTION 8. Section 59‑25‑320 of the 1976 Code, as added by Act 75 of 2007, is amended to read:

“Section 59‑25‑320. A person who has received a passport certificate issued by the ABCTE or an alternative teaching certificate pursuant to Section 59‑25‑330(B) must not be hired by a school district in South Carolina without submitting to the ~~State Department of Education,~~ Office of Educator Certification at the time of application a Federal Bureau of Investigation fingerprint card and without having undergone a criminal records check by the South Carolina Law Enforcement Division and a national criminal records check supported by fingerprints and conducted by the Federal Bureau of Investigation pursuant to Section 59‑25‑115(B) completed within the previous eighteen months.”

SECTION 9. Section 59‑25‑330 of the 1976 Code, as added by Act 75 of 2007, is amended to read:

“Section 59‑25‑330. (A) A person who has received a passport certificate issued by the ABCTE, who has a minimum of a bachelor’s degree from a regionally accredited college or university or an institution with a teacher education program that has been approved by the State Board of Education for certification purposes, and who has met the requirements of Section 59‑25‑320 is considered to have met the requirements for certification and ~~must~~ shall be issued an appropriate alternative route certificate as determined by the State Board of Education. The alternative route certificate must be valid for one year and may be renewed annually for two additional years upon the successful completion of teaching and of the hiring district’s induction program.

(B) The State Board of Education shall review and approve proposals for alternate route certification programs for public school teachers in addition to the ABCTE. In order to be approved, a proposal shall provide that the alternative certification program must:

(1) be provided by a public or independent institution of higher education, a local board of education, a regional educational service center, or a private, nonprofit teacher or administrator training organization approved by the State Board of Education; and

(2) accept for participation only persons who meet the criteria pursuant to this section.

(C) An alternative certification program must provide an intensive training program in teaching as defined by the department for its participants. This program shall include:

(1) targeted coursework of at minimum twelve college credit hours and at maximum eighteen credits for secondary school and twenty‑four credits for elementary school, or the equivalent;

(2) mentorship with teachers rated effective or higher, student teaching experiences with teachers rated effective or higher or both, provided that a mentorship or a student teaching experience must constitute a significant portion of the alternative certification preparation;

(3) an assessment that provides:

(a) an initial evaluation of each candidate’s competencies to determine an appropriate individualized professional development plan;

(b) a post‑evaluation of each candidate to demonstrate successful completion of the program; and

(c) an evaluation conducted after classroom placement for each program graduate;

(4) classroom preparation of pedagogical knowledge that includes, but is not limited to:

(a) requirements for professional preparation specified by the department;

(b) techniques for using a variety of data indicators for student progress and instructional decision‑making;

(c) methodologies, including technology‑based methodologies, for teaching subject content that supports the state standards for students;

(d) techniques for effective classroom management, including behavioral management and differentiated instruction for all students; and

(e) techniques and strategies for making the role of the teacher in assuring a safe learning environment for students operational.

(D) To be eligible to seek alternative certification, an applicant must:

(1) submit to background screening pursuant to Section 59‑25‑320;

(2) hold a bachelor’s, master’s, doctorate, or professional degree from a regionally accredited college or university with a grade point average of at least 3.0 on a 4.0 scale or the equivalent on another scale, as determined by the superintendent of education;

(3) demonstrate mastery of general knowledge, through an appropriate measure of academic proficiency, pursuant to Section 59‑26‑30(A); and

(4) demonstrate mastery of subject area knowledge for each subject area in which he applies to be certified, through achievement of passing scores on subject area examinations required by State Department of Education and pursuant to Section 59‑26‑30(A).

(E) Alternative certification program graduates who fulfill the program requirements listed in this section from an approved alternative certification provider are considered to have met the requirements for certification and should be issued an appropriate alternative route certificate that shall serve the purpose of an initial license as determined by the State Board of Education. The alternative route certificate must be valid for one year and may be renewed annually for two additional years upon the successful completion of teaching and of the hiring district’s induction program.

(F) The department shall adopt rules necessary to implement the provisions of this act and govern alternative route certifications.”

SECTION 10. Section 59‑25‑340 of the 1976 Code, as added by Act 75 of 2007, is amended to read:

“Section 59‑25‑340. A person who has received a passport certificate issued by the ABCTE or an alternative route certificate by an alternative certification provider pursuant to Section 59‑25‑330(B), possesses an alternative route certificate, and has been initially hired by a school district must be required, as a condition for professional certification, to successfully pass the South Carolina adopted pedagogy examination.”

SECTION 11. Section 59‑25‑350 of the 1976 Code, as added by Act 75 of 2007, is amended to read:

“Section 59‑25‑350. (A) The State Department of Education shall submit annually by March thirty‑first to the State Board of Education and the General Assembly the total number of individuals employed in South Carolina with a passport certificate or alternative certification issued by ABCTE and by each alternative certification program authorized by the State Board of Education pursuant to Section 59‑25‑330(B) by district and nonprivileged information collected on these individuals through the ADEPT reporting system.

(B) The department shall evaluate the performance and growth of alternative route certification program graduates, pursuant to Section 59‑25‑330, by tracking and reporting performance data relating to program graduates, students, and the respective school and district. The department may make this information available to local boards of education and the State Board of Education. This information shall include, but not be limited to:

(1) data relating to students taught by program graduates shall include, but not be limited to:

(a) student achievement and growth performance on statewide assessments;

(b) student transcripts; and

(c) student attendance and student mobility;

(2) data relating to teachers who have graduated from preparation programs shall include, but not be limited to:

(a) teacher credentials, such as master’s degrees, teacher preparation programs completed, and certification levels and endorsement areas;

(b) teacher assessments, such as whether a teacher is deemed highly qualified pursuant to the No Child Left Behind Act, or deemed to meet such other designations as may be established by federal law or regulations for the purposes of tracking the equitable distribution of instructional staff;

(c) the unique teacher identifier assigned to each teacher by the department must be linked to the:

(i) alternative certification provider that the teacher in question graduated from; and

(ii) specific preparation program that the teacher in question was enrolled in within the alternative route certification program; and

(d) student growth measure for newly certified teachers their first three years in the field;

(3) data relating to schools and districts shall include, but not be limited to:

(a) school population;

(b) annual student graduation rates;

(c) annual teacher retention rates; and

(d) school disciplinary records, such as data relating to suspensions, expulsions, and other disciplinary actions.

(C) A local school district shall report all necessary information required by this section, provided the department shall provide technical assistance and training of school staff in the data collection and reporting process.”

SECTION 12. Section 59‑25‑460 of the 1976 Code is amended to read:

“Section 59‑25‑460. A charge against a teacher must be made in writing, signed by the person making the charge, and filed with the board of trustees of the district. A written copy of the charges must be provided to the teacher. The charges shall specify a proposed outcome of either dismissal or a specific demotion of the teacher. The superintendent or his designee shall decide whether or not to proceed upon the charges or may modify the charges and decide to proceed upon the charges as modified. The superintendent must, within fifteen days after receipt of the notice to the superintendent or his designee and the teacher in question, make a decision upon the charges. ~~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 and an opportunity for a hearing has been afforded the teacher. ~~Such~~ This written notice ~~shall~~ must include the fact that a hearing before the board is available to the teacher upon request provided, such request is made in writing within fifteen days as prescribed by Section 59‑25‑470. ~~Any such~~ The 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 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 hearing shall 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 be borne by the teacher. Either party desiring a transcript of the hearing shall pay for the costs ~~thereof~~ of it.”

SECTION 13. Section 59‑26‑30 of the 1976 Code, as last amended by Act 283 of 2004, is further amended to read:

“Section 59‑26‑30. (A) In the area of cognitive assessments for teachers and teacher certification, the State Board of Education, acting through the ~~State~~ department ~~of Education~~, shall:

(1) adopt a basic skills examination in reading, writing, and mathematics that is nationally normal and that is suitable for determining whether students may be admitted fully into an undergraduate teacher education program. The examination must be designed so that results are reported in a form that shall provide colleges, universities, and students with specific information about his strengths and weaknesses. Procedures, test questions, and information from existing examinations must be validated in accordance with current legal requirements. The passing score on the examination shall be set at ~~a level that reflects the degree of competency in the basic skills that, in the judgment of the State Board of Education, a prospective school teacher reasonably is expected to achieve~~ the mean of test takers in the aggregate or higher;

(2) adopt nationally recognized teaching examinations that measure the cognitive teaching area competencies desired for initial job assignments in typical elementary and secondary schools in this State. The examinations shall contain a minimum amount of common or general knowledge questions. They shall be designed so that results are reported in a form that provide a student with specific information about the student’s strengths and weaknesses. Procedures, test questions, and information from existing examinations and lists of validated teacher competencies are used to the maximum extent in the development of the examinations. An examination that is completely developed by an organization other than the special project may be considered for use as a whole only if the State Board of Education concludes that the development and maintenance of a specific area test is impractical or would necessitate exorbitant expenses. The examinations must be validated. The teaching examinations must be developed or selected only for those areas in which State Board of Education approved area examinations are not available;

(3) use nationally recognized specific teaching area examinations approved by the State Board of Education for certification purposes. The qualifying scores on the area examinations shall be set at the same level at which they are now set. The State Board of Education shall examine these levels to determine if adjustments are required. Periodic examinations shall be made to assure the validity of qualifying scores. The qualifying scores may be adjusted if new legal requirements or validity studies indicate the adjustments are necessary. In an area in which an area teaching examination approved by the State Board of Education is not available, the state board shall use the teaching examinations developed in accordance with this section for certification purposes as soon as those examinations are prepared, validated, and ready for use;

(4) report the results of the teaching examinations to the student in written form that provides specific information about the student’s strengths and weaknesses. Every effort must be made to report the results of the area examinations and common examinations in written form that provides specific information about the student’s strengths and weaknesses;

(5) report to each teacher training institution in the State the performance of the institution’s graduates on the teaching examinations. The report to the institution must be in a form that assists the institution in further identifying strengths and weaknesses in its teacher training programs;

(6) provide for the security and integrity of the tests that are administered under the certification program as currently provided by the State Department of Education;

(7) award a teaching certificate to a person who successfully completes the scholastic requirements for teaching at an approved college or university and the examination he is required to take for certification purposes;

(8) award a conditional teaching certificate to a person eligible to hold a teaching certificate who does not qualify for full certification under item (7) above provided the person has earned a bachelor’s degree from an accredited college or university with a major in a certification area for which the board has determined there exists a critical shortage of teachers, and the person has passed the appropriate teaching examination. The board may renew a conditional teaching certificate annually for a maximum of three years, if the holder of the certificate shows satisfactory progress toward completion of a teacher certification program prescribed by the board. In part, satisfactory progress is the progress that the holder of a conditional certificate should complete the requirements for full certification within three years of being conditionally certified;

(9) promulgate regulations and procedures whereby course credits that may be applied to the recertification requirements of all public school teachers are earned in courses that are relevant to the area in which the teacher is recertified.

(B) For purposes of assisting, developing, and evaluating professional teaching, the State Board of Education acting through the State Department of Education shall:

(1) adopt a set of state standards for teaching effectiveness which shall serve as a foundation for the processes used for assisting, developing, and evaluating teacher candidates, as well as teachers employed under induction, annual, or continuing contracts;

(2) promulgate regulations to be used by colleges and universities for evaluating and assisting teacher candidates. Evaluation and assistance programs developed or adopted by colleges or universities must include appropriate training for personnel involved in the process. Teacher candidates must be provided with guidance and assistance throughout preparation programs, as well as provided with formal written feedback on their performance during their student teaching assignments with respect to state standards for teaching effectiveness;

(3) promulgate regulations to be used by local school districts for providing formalized induction programs for teachers employed under induction contracts. Induction programs developed or adopted by school districts must provide teachers with comprehensive guidance and assistance throughout the school year, as well as provide teachers with formal written feedback on their strengths and weaknesses relative to state standards for teaching effectiveness;

(4) promulgate regulations to be used by local school districts for evaluating and assisting teachers employed under annual contracts. Formal evaluation processes developed or adopted by school districts must meet the parameters of Section 59‑26‑35 and must address legal and technical requirements for teacher evaluation and must assess typical teaching performance relative to state standards for teaching effectiveness. Evaluation results must be provided in writing and appropriate assistance must be provided when weaknesses in performance are identified;

(5) promulgate regulations to be used by local school districts for conducting evaluations of teachers employed under continuing contracts. Continuing contract teachers formally must be evaluated on ~~a continuous~~ an annual basis. ~~At the discretion of the local school district, evaluations for individual teachers may be formal or informal.~~ Formal evaluation processes developed or adopted by school districts must address legal and technical requirements for teacher evaluation and must assess typical teaching performance relative to state standards for teaching effectiveness. Evaluation results must be provided in writing and appropriate assistance must be provided when weaknesses in performance are identified. ~~Informal evaluations must be conducted with a goals‑based process that requires teachers to continuously establish and accomplish individualized professional development goals.~~ Goals must be established by the teacher in consultation with a building administrator and must be supportive of district strategic plans and school renewal plans and must be consistent with Section 59‑26‑35(A);

(6) promulgate regulations so that college, university, and school district strategies, programs, and processes for assisting, developing, and evaluating teachers pursuant to this section must be approved by the State Board of Education. Regulations also must establish procedures for conducting periodic evaluations of the quality of the strategies, programs, and processes adopted by school districts and institutions of higher education in implementing the provisions of this chapter in order to provide a basis for refining and improving the programs for assisting, developing, and evaluating teacher candidates and teachers on induction, annual, and continuing contracts, planning technical assistance, and reporting to the General Assembly on the impact of the comprehensive system for training, certification, initial employment, evaluation, and continuous professional development of public educators in this State;

(7) promulgate regulations that establish procedures for the State Department of Education to provide colleges, universities, and school districts with ongoing technical assistance for assisting, developing, and evaluating teachers pursuant to this section;

(8) promulgate regulations and procedures so that school districts shall report to the State Department of Education teacher evaluation results and teaching contract decisions on an annual basis. The State Department of Education shall maintain this information and make it available to colleges, universities, and school districts upon request;

(9) beginning with the ~~1997‑98~~ 1997‑1998 school year, the Assessments of Performance in Teaching (APT) must not be used to evaluate student teachers. Until regulations promulgated pursuant to this section become effective, colleges and universities shall evaluate and assist teacher candidates in accordance with State Board of Education guidelines; ~~and~~

(10) during the ~~1997‑98~~ 1997‑1998 school year, the APT must not be required for evaluating induction contract teachers. During this year, if school districts are ready to implement a formal induction program for induction contract teachers as required by this section, they may do so. If school districts are not ready to implement such a program, they must progress toward developing or adopting a program to be implemented beginning with the ~~1998‑99~~ 1998‑1999 school year. In this circumstance, school districts may use the APT. Beginning with the ~~1998‑99~~ 1998‑1999 school year, a school district may not use the APT for evaluating induction contract teachers. Until regulations promulgated pursuant to this section become effective, school district strategies, programs, and processes for assisting, developing, and evaluating teachers must be developed, adopted, and implemented in accordance with State Board of Education guidelines~~.~~; and

(11) promulgate regulations by June 30, 2014, to be used by local school districts for creating evaluation systems for annual and continuing contract teachers consistent with Section 59‑26‑35.”

SECTION 14. Section 59‑26‑40 of the 1976 Code, as last amended by Act 231 of 2012, is further amended to read:

“Section 59‑26‑40. (A) A person who receives a teaching certificate as provided in Section 59‑26‑30 and Section 59‑25‑330 may be employed by a school district under a nonrenewable induction contract. School districts shall comply with procedures and requirements promulgated by the State Board of Education relating to aid, supervision, and evaluation of persons teaching under an induction contract. Teachers working under an induction contract must be paid at least the beginning salary on the state minimum salary schedule.

(B) Each school district shall provide teachers employed under induction contracts with a formalized induction program developed or adopted in accordance with State Board of Education regulations.

(C) At the end of each year of the ~~three‑year~~ four‑year induction period, the district may employ the teacher under another induction contract, an annual contract, or may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the induction contract level. ~~At the end of the three‑year induction contract period, a teacher shall become eligible for employment at the annual contract level.~~ A teacher employed under an induction contract must not be eligible for employment at the annual contract level unless he has been rated as ‘effective’ or ‘highly effective’ on his three most recent annual year‑end performance evaluations and has completed at least four full school years of employment in a probationary period. At the discretion of the local school district in which the induction teacher was employed and consistent with the eligibility requirements of this section, the district may employ the teacher under an annual contract or the district may terminate his employment. If employment is terminated, ~~the~~ an eligible teacher may seek employment in another school district at the annual contract level. A person must not be employed as an induction teacher for more than ~~three~~ four years. This subsection does not preclude his employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education. During the induction contract period, the employment dismissal provisions of Article 3, Chapter 19 and Article 5, Chapter 25 of this title do not apply.

(D) Annual contract teachers must be evaluated or assisted with procedures developed or adopted by the local school district in accordance with State Board of Education regulations. Teachers employed under an annual contract also must complete an individualized professional growth plan established by the school or district. Professional growth plans must be supportive of district strategic plans and school renewal plans. Teachers must not be employed under an annual contract for more than four years, in accordance with State Board of Education regulations.

(E) During the first annual contract year, at the discretion of the school district in which the teacher is employed, the annual contract teacher either must complete the formal evaluation process or be provided diagnostic assistance. During subsequent annual contract years, teachers must be evaluated or assisted in accordance with State Board of Education regulations. Teachers are eligible to receive diagnostic assistance during only one annual contract year.

(F) ~~Once an annual contract teacher has successfully completed the formal evaluation process, met the criteria set by the local board of trustees, and satisfied requirements established by the State Board of Education for the professional teaching certificate, the teacher becomes eligible for employment at the continuing contract level.~~ An annual contract teacher may be considered for continuing contract status once he has satisfied criteria set by the local board of trustees, satisfied the requirements established by the State Board of Education for the professional teaching certificate, and has demonstrated effectiveness through three consecutive ratings of ‘effective’ or ‘highly effective’ on his three most recent annual performance evaluations, including those evaluations conducted during the induction period. Upon meeting the requirements provided in this section, an annual contract teacher shall undergo a formal review and conferral process before being granted continuing contract status. The formal review must be conducted by the teacher’s principal and the superintendent’s designee and shall include a review of the teacher’s performance evaluations and progress as an instructor, as demonstrated by the criteria outlined in this section. At the discretion of the school district in which the teacher is employed, the district may employ the teacher under a continuing contract or terminate the teacher’s employment. If employment is terminated, the teacher may seek employment in another school district. At the discretion of the next hiring district, the teacher may be employed at the annual or continuing contract level. An annual contract teacher who has completed successfully the evaluation process and met the criteria set by the local board of trustees, but who has not yet satisfied all requirements established by the State Board of Education for the professional teaching certificate, is eligible for employment under a subsequent annual contract~~, with evaluation being either formal or informal, at the discretion of the local school district~~. At the discretion of the school district in which the teacher is employed, the district may employ the teacher under an annual contract or terminate the teacher’s employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level. If at the end of an annual contract year a teacher did not complete successfully the formal evaluation process or if it is the opinion of the school district that the teacher’s performance was not sufficiently high based on criteria established by the local board of trustees, the teacher is eligible for employment under a subsequent annual contract. Formal evaluation or assistance must be provided consistent with State Board of Education regulations. At the discretion of the school district, the district may employ the teacher under a subsequent annual contract or terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level.

(G) An annual contract teacher who has not completed successfully the formal evaluation process or the professional growth plan for the second time must not be employed as a classroom teacher in a public school in this State for a minimum of two years. Before reentry as an annual contract teacher, he must complete a state‑approved remediation plan in areas of identified deficiencies. Upon completion of this requirement, the teacher is eligible for employment under an annual contract for one additional year to continue toward the next contract level. The provisions of this subsection granting an opportunity for reentry into the profession are available to a teacher only once. This subsection does not preclude the teacher’s employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education.

(H)(1) During the annual contract period the employment dismissal provisions of Article 3, Chapter 19 and Article 5, Chapter 25 of this title do not apply. Teachers working under a one‑year annual contract who are not recommended for reemployment at the end of the year, within fifteen days after receipt of notice of the recommendation, may request an informal hearing before the district superintendent. The superintendent shall schedule the hearing not sooner than seven and not later than thirty working days after he receives a request from the teacher for a hearing. At the hearing the evidence must be reviewed by the superintendent. The teacher may provide information, testimony, or witnesses that the teacher considers necessary. The decision by the superintendent must be given in writing within twenty days of the hearing. The teacher may appeal the superintendent’s decision to the school district board of trustees.

(2) An appeal must include:

(~~1~~a) a brief statement of the questions to be presented to the board; and

(~~2~~b) a brief statement in which the teacher states his belief about how the superintendent erred in his judgment.

(3) Failure to file an appeal with the board within ten days of the receipt of the superintendent’s decision causes the decision of the superintendent to become the final judgment in the matter. The board of trustees shall review the materials presented at the earlier hearing, and after examining these materials, the board may or may not grant the request for a board hearing of the matter. Written notice of the board’s decision on whether or not to grant the request must be rendered within thirty‑five calendar days of the receipt of the request. If the board determines that a hearing by the board is warranted, the teacher must be given written notice of the time and place of the hearing which must be set not sooner than seven and not later than fifteen days from the time of the board’s determination to hear the matter. The decision of the board is final.

(I) A person who receives a conditional teaching certificate as provided in Section 59‑26‑30 may be employed by a school district under an induction contract or an annual contract in accordance with the provisions of this section. The holder of a conditional teaching certificate must be employed to teach at least a majority of his instructional time in the subject area for which he has received conditional certification.

(J) After successfully completing an induction contract period, not to exceed three years, and an annual contract period, a teacher shall become eligible for employment at the continuing contract level subject to the processes and eligibility requirements specified by this section. This contract status is transferable to any district in this State. A continuing contract teacher shall have full procedural rights that currently exist under law relating to employment and dismissal. A teacher employed under a continuing contract must be formally evaluated on ~~a continuous~~ an annual basis. ~~At the discretion of the local district and based on an individual teacher’s needs and past performance, the evaluation may be formal or informal.~~ Formal evaluations must be conducted with a process developed or adopted by the local district in accordance with State Board of Education regulations. The formal process also must include an individualized professional growth plan established by the school or district. Professional growth plans must be supportive of district strategic plans and school renewal plans. Informal evaluations ~~which should be conducted for accomplished teachers who have consistently performed at levels required by state standards,~~ may be conducted in addition to formal evaluations and must be conducted with a goals‑based process in accordance with State Board of Education regulations. The professional development goals must be established by the teacher in consultation with a building administrator and must be supportive of district strategic plans and school renewal plans.

(K) If a continuing contract teacher receives a rating of ‘ineffective’ on an annual year‑end performance evaluation, the school district shall provide the teacher with an individualized development plan developed by appropriate administrative personnel in consultation with the individual teacher. A continuing teacher who receives a rating of ‘ineffective’ on an annual performance evaluation must be placed on a probation period to maintain tenured status for ninety calendar days following the receipt of the notice of ineffective performance. School holidays and school vacation periods are not counted when calculating the ninety day period. During the ninety day period, two observations of the teacher in question and post‑observation meetings to discuss performance and progress must be held between the teacher and supervising administrator. The teacher in question must be provided assistance and in‑service training opportunities to help correct the noted performance deficiencies. At any time during the ninety days, the teacher in question may request a transfer to another appropriate position with a different supervising administrator; however, if a transfer is granted, it does not extend the period for correcting performance deficiencies. Within fourteen days after the close of the ninety calendar days, the evaluator must assess whether the performance deficiencies have been corrected and forward a recommendation to the district school superintendent. Within fourteen days after receiving the evaluator’s recommendation, the district school superintendent must notify the teacher in question in writing whether the performance deficiencies have been satisfactorily corrected and whether the district school superintendent will recommend that the teacher’s continuing contract status be continued through the next annual year‑end performance evaluation. If the teacher does not receive a rating of ‘effective’ or higher by the time of the subsequent annual year‑end performance evaluation, the teacher’s continuing contract status must be revoked, and the teacher must be placed under an annual contract as described by this section, and must be eligible for dismissal or demotion.

(L) If a continuing contract teacher has received a rating of ‘needs improvement’ on an annual year‑end performance evaluation, the school district shall provide the teacher with an individualized development plan developed by appropriate administrative personnel in consultation with the individual teacher. The individualized development plan shall require the teacher to make progress toward a rating of ‘effective’ by the time of the next annual year‑end performance evaluation. During the year the teacher is on the individualized development plan, the teacher in question must be evaluated periodically and apprised of progress achieved, and must be provided assistance and in‑service training opportunities to help correct the noted performance deficiencies. At any time during this time, the teacher in question may request a transfer to another appropriate position with a different supervising administrator; however, if a transfer is granted, it does not extend the period for correcting performance deficiencies. If the teacher does not receive a rating of ‘effective’ or higher by the time of the subsequent annual year‑end performance evaluation, the teacher’s continuing contract status must be revoked, and the teacher must be placed under and annual contract as described in this section, and must be eligible for dismissal or demotion.

(M) A teacher under an induction contract, annual contract, or continuing contract is eligible for dismissal if such a teacher has received two annual performance ratings of ‘ineffective’ within a three year period, three consecutive annual performance evaluation ratings of ‘needs improvement,’ or three consecutive annual performance evaluation ratings that are a combination of ‘ineffective’ and ‘needs improvement.’ This section must not be interpreted to prevent the dismissal of teachers under other statutory provisions.

(N) If a person has completed an approved teacher training program at a college or university outside this State, has met the requirements for certification in this State, and has less than one year of teaching experience, he may be employed by a school district under an induction contract. If he has one or more years of teaching experience, he may be employed by a district under an annual contract.

(~~L~~O) A teacher certified under the career and technology education work‑based certification process is exempt from the provisions of the South Carolina Education Improvement Act of 1984 which require the completion of scholastic requirements for teaching at an approved college or university. After completing the induction contract period, not to exceed three years, the teacher may be employed for a maximum of four years under an annual contract to establish his eligibility for employment as a continuing contract teacher. Before being eligible for a continuing contract, a teacher shall pass a basic skills examination developed in accordance with Section 59‑26‑30, a state approved skill assessment in his area, and performance evaluations as required for teachers who are employed under annual contracts. Certification renewal requirements for teachers are those promulgated by the State Board of Education.

(P) Rules governing license reciprocity must be no different for applicants holding traditional certification than for applicants holding alternative route certification pursuant to Section 59‑25‑330.

(~~M~~Q) Before the initial employment of a teacher, the local school district shall request a criminal record history from the South Carolina Law Enforcement Division for past convictions of a crime.

(~~N~~R) The State Department of Education shall ensure that colleges, universities, school districts, and schools comply with the provisions established in this chapter.”

SECTION 15. This act takes effect upon approval by the Governor.

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