**South Carolina General Assembly**

124th Session, 2021-2022

**S. 318**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Fanning and McLeod

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Introduced in the Senate on January 12, 2021

Currently residing in the Senate Committee on **Education**

Summary: Teachers' Freedom of Speech Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Education**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 264](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Education** ([Senate Journal‑page 264](file:///h:\sj\20210112.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=318&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\318_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “TEACHERS’ FREEDOM OF SPEECH ACT” SO AS TO PROVIDE PUBLIC SCHOOL DISTRICTS MAY NOT RETALIATE AGAINST TEACHERS FOR MAKING PUBLIC POLICY EXPRESSIONS, TO PROVIDE A RELATED CAUSE OF ACTION AND REMEDIES, AND TO CLARIFY THE APPLICABILITY OF THIS ACT TO TEACHERS UNDER NONRENEWABLE INDUCTION CONTRACTS AND TEACHERS UNDER CONTINUING CONTRACTS.

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

SECTION 1. This act must be known and may be cited as the “Teachers’ Freedom of Speech Act”.

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

“Section 59‑25‑435. (A) The public or private support of a public policy decision of any kind by a teacher does not constitute:

(1) evident unfitness for teaching pursuant to Section 59‑25‑430;

(2) unprofessional conduct or a breach of contract pursuant to Section 59‑25‑530; or

(3) any other basis for the transfer or termination of a teacher by a school district or the failure of a school district to renew the contract of a teacher.

(B) A public school district may not wilfully transfer, terminate, or fail to renew the contract of a teacher because the teacher has publicly or privately supported a public policy decision of any kind.

(C) A teacher who is injured by reason of a violation of subsection (B) may bring a cause of action in circuit court for three times the teacher’s salary at the time of the violation, provided he bears the burden of proving the school district wilfully intended to violate the provisions of subsection (B).

(D) The provisions of this section apply to a teacher employed under:

(2) nonrenewable induction contracts, notwithstanding the provisions of Section 59‑26‑40; and

(1) continuing contracts, who also may avail himself of other remedies available under the provisions of this chapter.”

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

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