**South Carolina General Assembly**

124th Session, 2021-2022

**A176, R179, S946**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Goldfinch

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Introduced in the Senate on January 11, 2022

Introduced in the House on February 22, 2022

Last Amended on May 4, 2022

Passed by the General Assembly on May 11, 2022

Governor's Action: May 16, 2022, Signed

Summary: Unencumbered time for teachers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/11/2022 Senate Introduced and read first time ([Senate Journal‑page 18](file:///h:\sj\20220111.docx))

1/11/2022 Senate Referred to Committee on **Education** ([Senate Journal‑page 18](file:///h:\sj\20220111.docx))

2/1/2022 Senate Committee report: Favorable with amendment **Education** ([Senate Journal‑page 11](file:///h:\sj\20220201.docx))

2/16/2022 Senate Committee Amendment Adopted ([Senate Journal‑page 10](file:///h:\sj\20220216.docx))

2/16/2022 Senate Amended ([Senate Journal‑page 10](file:///h:\sj\20220216.docx))

2/16/2022 Senate Read second time ([Senate Journal‑page 10](file:///h:\sj\20220216.docx))

2/16/2022 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 10](file:///h:\sj\20220216.docx))

2/17/2022 Senate Read third time and sent to House ([Senate Journal‑page 12](file:///h:\sj\20220217.docx))

2/22/2022 House Introduced and read first time ([House Journal‑page 6](file:///h:\hj\20220222.docx))

2/22/2022 House Referred to Committee on **Education and Public Works** ([House Journal‑page 6](file:///h:\hj\20220222.docx))

4/27/2022 House Recalled from Committee on **Education and Public Works** ([House Journal‑page 32](file:///h:\hj\20220427.docx))

5/4/2022 House Amended ([House Journal‑page 26](file:///h:\hj\20220504.docx))

5/4/2022 House Read second time ([House Journal‑page 26](file:///h:\hj\20220504.docx))

5/4/2022 House Roll call Yeas‑113 Nays‑0 ([House Journal‑page 28](file:///h:\hj\20220504.docx))

5/5/2022 House Read third time and returned to Senate with amendments ([House Journal‑page 9](file:///h:\hj\20220505.docx))

5/11/2022 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 177](file:///h:\sj\20220511.docx))

5/11/2022 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 177](file:///h:\sj\20220511.docx))

5/12/2022 Ratified R 179 ([Senate Journal‑page 209](file:///h:\sj\20220512.docx))

5/16/2022 Signed By Governor

5/31/2022 Effective date 05/16/22

5/31/2022 Act No.  176

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**VERSIONS OF THIS BILL**

[1/11/2022](file:///p:\pprever\2021-22\946_20220111.docx)

[2/1/2022](file:///p:\pprever\2021-22\946_20220201.docx)

[2/16/2022](file:///p:\pprever\2021-22\946_20220216.docx)

[4/27/2022](file:///p:\pprever\2021-22\946_20220427.docx)

[5/4/2022](file:///p:\pprever\2021-22\946_20220504.docx)

(A176, R179, S946)

**AN ACT** **TO AMEND SECTION 59‑5‑63, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTY‑FREE LUNCH PERIODS FOR PUBLIC ELEMENTARY SCHOOL TEACHERS, SO AS TO INSTEAD PROVIDE AT LEAST THIRTY MINUTES OF UNENCUMBERED TIME ON EACH REGULAR SCHOOL DAY FOR ALL FULL‑TIME PUBLIC ELEMENTARY SCHOOL TEACHERS AND FOR TEACHERS RESPONSIBLE FOR INSTRUCTING SPECIAL EDUCATION CLASSES FOR MORE THAN TWENTY PERCENT OF THE SCHOOL DAY WITH STUDENTS REMOVED FROM THE GENERAL EDUCATION SETTING, TO PROVIDE DETAILS FOR RELATED POLICIES, TO PROVIDE IMPLEMENTATION REQUIREMENTS OF LOCAL SCHOOL BOARDS, AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE COMPLETELY IMPLEMENTED BEFORE JULY 1, 2023.**

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

**Unencumbered time requirement, policies, school district adoptions**

SECTION 1. Section 59‑5‑63 of the 1976 Code is amended to read:

“Section 59‑5‑63. (A)(1) The State Board of Education shall adopt and periodically revise as necessary a statewide policy that each local school board shall use to develop and implement a plan that directs the principal of each elementary school to provide at least thirty minutes of unencumbered time on each regular school day to all full‑time teachers teaching in a grade between kindergarten through fifth grade. The policy also shall direct a principal of any elementary, middle, or high school to provide at least thirty minutes of unencumbered time on each regular school day to any teacher who is responsible for instructing a special education class for more than twenty percent of the school day with students who are removed from the general education setting.

(2) The statewide policy also must provide:

(a) the process that a local school board shall follow in developing an unencumbered time policy including, but not limited to, policy application, manner of application, and times of application;

(b) unencumbered time is defined as at least thirty minutes without any assigned duties or responsibilities;

(c) that unencumbered time may not be withheld or reduced unless it is reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff;

(d) that additional compensation may not be offered in place of unencumbered time, except as provided by Section 59‑5‑63(A)(2)(b) and as prescribed in the policy;

(e) penalties if a principal fails to comply with the local unencumbered time policy; and

(f) penalties if a local school board fails to comply with this section.

(B) The local school board shall adopt an unencumbered time policy at a regularly scheduled meeting within three months after the adoption of the statewide policy by the State Board of Education. The policy of a local school board must include, at a minimum, the policy of the State Board of Education but also may include additional provisions. If the State Board of Education revises the statewide policy, the local school board shall incorporate and adopt the revisions into the local unencumbered time policy at a regularly scheduled meeting within three months.

(C) The local school board shall submit its unencumbered time policy and any subsequent revisions to the Department of Education within thirty days of adoption.”

**Implementation deadline**

SECTION 2. The provisions of this act must be completely implemented before July 1, 2023.

**Time effective**

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

Ratified the 12th day of May, 2022.

Approved the 16th day of May, 2022.

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