**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑26‑35 SO AS TO PROVIDE TEACHER EMPLOYMENT CONTRACTS MAY NOT IMPOSE ANY RESTRAINTS ON TEACHERS WHO TERMINATE SUCH CONTRACTS FOR EMPLOYMENT IN OTHER DISTRICTS; TO PROHIBIT DISTRICTS FROM DIVULGING OR ASKING ABOUT SUCH TERMINATIONS OR CONSIDERING SUCH TERMINATIONS IN TEACHER EVALUATIONS OR HIRING DECISIONS, AMONG OTHER THINGS; TO EXEMPT RELATED INFORMATION IN EMPLOYMENT RECORDS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT; AND TO PROVIDE MEANS OF REDRESS FOR VIOLATIONS.

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

SECTION 1. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59‑26‑35. (A) An induction contract, annual contract, or continuous contract may not impose any restraints or penalties on a teacher who terminates the contract for employment in another district, including limitations or prohibitions on such employment, damages, or other restraints or penalties. Any such provisions are void and unenforceable.

(B) A school district may not:

(1) divulge or ask whether a teacher terminated an induction contract, annual contract, or continuous contract with a district;

(2) consider whether a teacher terminated an induction contract, annual contract, or continuous contract with a district when evaluating a teacher or making a hiring or retention decision about a teacher; or

(3) retaliate against a teacher who attempts to terminate or terminates an induction contract, annual contract, or continuous contract with a district.

(C) Information in the employment records of a teacher indicating that he has terminated an induction contract, annual contract, or continuous contract is not subject to disclosure under the Freedom of Information Act and must be redacted before any such records may be made available to the public.

(D) A district that violates the provisions of this section is subject to civil penalties, including actual damages, putative damages, and equitable relief. A teacher whose rights under this section are violated by a school district may bring a cause of action in circuit court against the district and may be awarded actual damages, putative damages, reasonable attorney’s fees, and other equitable relief that the court considers appropriate.”

SECTION 2. This act takes effect upon approval of the Governor.

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