COMMITTEE REPORT

March 17, 2021

**H. 3590**

Introduced by Reps. Allison and Lucas

S. Printed 3/17/21--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3590) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑18‑1115 so as to provide public school districts may hire noncertified teachers, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 11, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑1115. (A) A school district may hire noncertified teachers in a ratio of up to twenty‑five percent of a school or career center’s teaching staff if a certified teacher is not available and the following requirements are met:

(1) Noncertified teachers must possess baccalaureate degrees or graduate degrees from a regionally accredited college or university in the subject they are hired to teach and must have at least five years of relevant workplace experience as determined by the local school board.

(2) No individual who has an active suspension or revocation of their educator certificate may qualify as a noncertified teacher for purposes of this section.

(3) An individual may only serve as a noncertified teacher for a period of two school years. After that time, the individual must demonstrate enrollment in an approved traditional or alternative route educator preparation program in order to continue employment.

(4) All noncertified teachers must undergo a state criminal records check by SLED and a national criminal records check supported by fingerprints and conducted by the FBI before being hired by a district. Eligible applicants who have prior arrests, convictions, or both, must undergo a review by the State Board of Education and be approved before a clearance letter can be issued to them. The fingerprinting process must be completed through the approved state vendor. Background checks from other states or agencies are not transferable and cannot be accepted for purposes of registering noncertified teachers in this State. An individual registering as a noncertified teacher also must be checked against the national database of educator disciplinary actions. The State Board of Education is authorized to deny, suspend, or revoke the registration of any noncertified teacher pursuant to Section 59‑25‑160 and R. 43‑58.

(B) For purposes of this section, ‘noncertified teacher’ does not include applicants who meet eligibility requirements for the Career and Technology work‑based certification in the respective fields.

(C) Districts must continue to comply with the provisions of Section 59‑19‑117 for noncertified teachers.

(D) The State Board of Education shall require districts employing noncertified teachers pursuant to this section to individually register each such noncertified teacher with the State Department of Education. A district that terminates a registered noncertified teacher from employment shall notify the department of the termination and the reason for termination within ten days after the termination.

(E) Districts must provide the department with the name of the noncertified teacher, school where the teacher is employed, and subject area in which the teacher was hired to teach. The State Department of Education shall report the information to the General Assembly at the completion of the school year.”

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

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires districts that employ noncertified teachers to individually register each noncertified teacher with SDE. A district that terminates a registered noncertified teacher from employment must notify SDE of the reason for termination within thirty days after the termination.

**State Department of Education.** SDE indicates that any expenses associated with modifying the educator information system to allow for the registration of noncertified teachers can be managed within current appropriations. Therefore, this bill will have no expenditure impact on the agency.

**State Agency Schools.** The overall expenditure impact of this bill on the state agency schools is pending, contingent upon a response from the School for the Deaf and Blind. However, the Governor’s School for Science and Mathematics indicates that this bill will have no expenditure impact on the agency since most of its noncertified teachers have a doctorate degree. The Governor’s School for the Arts and Humanities indicates that the bill will have no expenditure impact since the agency can adhere to provisions of the bill within its current budget. The Governor’s School for Agriculture at John de la Howe indicates that the school currently has no noncertified teachers. Further, the agency indicates that if the need arises to hire noncertified teachers for up to twenty-five percent of its teaching staff, or two teachers, any expenses for the two noncertified teachers could be managed within existing appropriations. The Wil Lou Gray Opportunity School indicates that this bill will have no expenditure impact on the agency since it only hires certified teachers.

**Local Expenditure**

This bill allows a school district to hire noncertified teachers in a ratio of up to twenty-five percent of a school or career center’s teaching staff if the school or career center has vacant teaching positions five business days before the beginning of the school year. The noncertified teachers must possess a baccalaureate or graduate degree in the subject area and must have at least five years of relevant workplace experience as determined by the local school board. Further, the bill requires districts to individually register each noncertified teacher with SDE. A district that terminates a registered noncertified teacher from employment must notify SDE of the reason for termination within thirty days after the termination.

SDE indicates that the overall expenditure impact on local school districts is undetermined. Since districts will not generate teacher salary funding for noncertified teachers, the impact will vary by district and depends upon the number of noncertified teachers by district. SDE further indicates that while the number of noncertified teachers fluctuates, there are 1,024 noncertified teachers. This includes the following position codes: special education, prekindergarten, kindergarten, classroom teachers, and retired teachers.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑18‑1115 SO AS TO PROVIDE PUBLIC SCHOOL DISTRICTS MAY HIRE NONCERTIFIED TEACHERS FOR ANY SCHOOLS AND CAREER AND TECHNOLOGY CENTERS THAT HAVE VACANT TEACHING POSITIONS FIVE BUSINESS DAYS BEFORE THE BEGINNING OF THE SCHOOL YEAR, TO PROVIDE THESE NONCERTIFIED TEACHERS MAY COMPRISE NO MORE THAN TWENTY‑FIVE PERCENT OF THE ENTIRE TEACHING STAFF OF A SCHOOL OR CAREER AND TECHNOLOGY CENTER, TO PROVIDE ACADEMIC AND EXPERIENCE REQUIREMENTS FOR THESE NONCERTIFIED TEACHERS, AND TO PROVIDE RELATED REQUIREMENTS CONCERNING THE REGISTRATION AND TERMINATION OF THESE NONCERTIFIED TEACHERS.

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

SECTION 1. Article 11, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑1115. (A) A school district may hire noncertified teachers in a ratio of up to twenty-five percent of a school or career center’s teaching staff if the school or career center has vacant teaching positions five business days before the beginning of the school year, provided such noncertified teachers must possess baccalaureate degrees or graduate degrees in the subject they are hired to teach and must have at least five years of relevant workplace experience as determined by the local school board.

(B) The State Board of Education shall require districts employing noncertified teachers pursuant to this section to individually register each such noncertified teacher with the State Department of Education. A district that terminates a registered noncertified teacher from employment shall notify the department of the termination and the reason for termination within thirty days after the termination.”

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

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