**A** **BILL**

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 UNENCUMBERED TIME FOR ELEMENTARY SCHOOL TEACHERS AND TEACHERS WHO INSTRUCT CERTAIN STUDENTS REMOVED FROM THE GENERAL EDUCATION SETTING, AND TO PROVIDE RELATED REQUIREMENTS OF STATE BOARD OF EDUCATION POLICIES AND 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:

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 ~~promulgate regulations directing~~ 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 having ~~grades one~~ kindergarten through ~~six to develop and implement a plan which shall equitably apportion lunchroom duty among the teachers so that each teacher has as many duty free lunch periods as may be reasonable in order to insure the safety and welfare of students and staff. The implementation of the plan shall not impose additional costs on the school districts. The regulations shall direct that the plan be in effect for the 1984‑85 school year~~ fifth grade to provide at least thirty minutes of unencumbered time on each regular school day to all full‑time teachers who are assigned to a classroom. 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 student who is removed from the general education setting for more than forty percent of the day.

(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) 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;

(c) that additional compensation may not be offered in place of unencumbered time;

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

(e) 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.”

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

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

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