**South Carolina General Assembly**

125th Session, 2023-2024

**S. 124**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hembree, Turner and Malloy

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Introduced in the Senate on January 10, 2023

Introduced in the House on March 2, 2023

Last Amended on May 2, 2024

Currently residing in the Senate

Summary: Noncertified Teacher Pilot Program

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Education**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 69)

 1/10/2023 Senate Referred to Committee on **Education** (Senate Journal‑page 69)

 2/22/2023 Senate Committee report: Favorable **Education** (Senate Journal‑page 7)

 2/27/2023 Scrivener's error corrected

 2/28/2023 Senate Amended (Senate Journal‑page 18)

 2/28/2023 Senate Read second time (Senate Journal‑page 118)

 3/1/2023 Senate Read third time and sent to House (Senate Journal‑page 7)

 3/1/2023 Senate Roll call Ayes-39 Nays-1 (Senate Journal‑page 7)

 3/2/2023 House Introduced and read first time (House Journal‑page 4)

 3/2/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 4)

 4/30/2024 House Committee report: Favorable with amendment **Education and Public Works** (House Journal‑page 4)

 5/1/2024 Scrivener's error corrected

 5/2/2024 House Amended (House Journal‑page 41)

 5/2/2024 House Read second time (House Journal‑page 41)

 5/2/2024 House Roll call Yeas-99 Nays-0 (House Journal‑page 45)

 5/2/2024 House Unanimous consent for third reading on next legislative day (House Journal‑page 46)

 5/3/2024 House Read third time and returned to Senate with amendments (House Journal‑page 3)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=124&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/124_20221201.docx)

[02/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/124_20230222.docx)

[02/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/124_20230227.docx)

[02/28/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/124_20230228.docx)

[04/30/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/124_20240430.docx)

[05/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/124_20240501.docx)

[05/02/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/124_20240502.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

May 02, 2024

S. 124

Introduced by Senators Hembree, Turner and Malloy

S. Printed 05/02/24--H.

Read the first time March 02, 2023

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A bill

to amend the South Carolina Code of Laws by adding Section 59‑18‑1115 so as to ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION, AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

 Amend Title To Conform

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

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

 Section 59‑18‑1115. (A) The Department of Education is directed to establish a pilot program by May 1, 2025, that will permit a school located in a critical geographic area or critical need teacher certification area as defined in Section 59-26-20(j), to hire noncertified teachers in a ratio of up to twenty-five percent of its entire teaching staff. This pilot does not apply to individuals seeking employment as work-based, career and technical education teachers. To affect the establishment of the pilot program and to ensure the program participants are prepared, the State Board of Education, through the Department of Education, shall approve guidelines that at a minimum include the following:

 (1) a noncertified teacher must possess a suitable baccalaureate or graduate degree for the position he is hired to teach and must have at least five years of relevant workplace experience;

 (2) procedures are provided for requiring noncertified teachers to participate in the evaluation process pursuant to Section 59-26-30(B)(4) and (5);

 (3) initial and ongoing training and support requirements; and

 (4) a noncertified teacher must demonstrate enrollment in a state-approved alternative or traditional route certification program within three years of employment.

 (B) Participation in the pilot program is optional, and the decision to participate rests solely with the Department of Education and the school principal, upon approval of the district superintendent. Participating schools and districts are encouraged to collaborate on recruitment, training, and implementation of the pilot program and to assist the Department of Education with establishing best practices.

 (C) The Department of Education shall establish a separate code in the professional coding system to capture noncertified teachers and shall continue to report this information on school report cards.

 (D) Beginning November 1, 2026, the Department of Education shall submit an annual report that includes recommendations for improving, expanding, or continuing the pilot program to the General Assembly. At the end of the five-year pilot program, the annual status report shall include a recommendation regarding continuance of the program. The pilot program shall be considered reauthorized for additional five-year periods unless ended by the General Assembly.

 (E)(1) The Department of Education shall establish procedures for the registration, clearance, and approval of all noncertified teachers working in any public school pursuant to this section. Teachers shall submit the required documentation and fees to the Department of Education, which shall include, but are not limited to:

 (a) a completed registration form;

 (b) any associated fee; and

 (c) transcripts, which shall be subject to review.

 (2) An individual applying for registration as a noncertified teacher must undergo a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the Department of Education. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain the fingerprints for identification and certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The State Department of Education shall keep information received pursuant to this section confidential, except that such information may be disclosed to the State Board of Education as may be necessary. The results of these criminal record checks must not be shared outside the department.

 (3) An individual whose South Carolina educator certificate has been suspended or revoked shall not be employed as a noncertified teacher during the term of suspension or revocation. If a noncertified teacher is dismissed, resigns, or is otherwise separated from employment with a district following allegations of misconduct, the district superintendent shall report the educator’s name and registration information to the Chair of the State Board of Education and the State Superintendent of Education. Upon a finding of just cause as defined in Section 59-25-160, the State Board of Education is authorized to revoke the noncertified teacher’s registration.

SECTION 2. Section 59-1-425(A) of the S.C. Code is amended to read:

 (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, beginning with the 2007-2008 school year, the opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar. ThreeFour days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used forAt least two days must be designated as staff workdays for the preparation of opening of schools. On these days, teachers and instructional assistants must be afforded time that is self-directed and free from assigned meetings or training in order to evaluate student academic data and to plan and prepare instructional materials and classroom spaces for the start of the school year. and The remaining fivefour days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.

SECTION 3. Nothing contained in this act may be construed to replace or preclude application of any other statute.

SECTION 4. This act may be cited as the “Educator Assistance Act”.

SECTION 5. Article 3, Chapter 25, Title 59 of the S.C. Code is amended by adding:

 Section 59‑25‑112. A professional certificate issued by the State Board of Education is permanent unless revoked or suspended and is not subject to renewal. No teacher may be required to renew a professional certificate issued by the board.

SECTION 6. Article 1, Chapter 101, Title 59 of the S.C. Code is amended by adding:

 Section 59‑101‑145. The State Department of Education, in collaboration with the Education Oversight Committee, is authorized to use data that is already being collected through current processes to report on the in‑state and out‑of‑state college enrollment, college persistence, and postsecondary completion of South Carolina’s high school graduates. The department shall work to streamline data collection timelines and processes to reduce the burden and increase the efficiency of such data collection and reporting.

SECTION 7. Section 59‑25‑420 of the S.C. Code is amended by adding:

 (C) Teachers who submit their contract prior to May eleventh pursuant to subsection (A) have ten days after publication of the employing district’s salary schedule for the coming school year to notify the district’s board of trustees in writing that the teacher wishes to withdraw his acceptance of his contract. If a teacher submits his request within ten days, the district is prohibited from reporting the withdrawal of prior acceptance as a breach of contract pursuant to Section 59‑25‑530.

SECTION 8. Section 59‑25‑530 of the S.C. Code is amended to read:

 Section 59‑25‑530. Any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be or as provided in Section 59‑25‑420 is deemed guilty of unprofessional conduct. A breach of contract resulting from the execution of an employment contract with another board within the State without the consent of the board first employing the teacher makes void any subsequent contract with any other school district in South Carolina for the same employment period. Upon the formal complaint of the school board, substantiated by conclusive evidence, the State Board shall may suspend or revoke the teacher's certificate, for a period not to exceed one calendar year. The State Board shall not hear a complaint from a school board pursuant to this section unless it is received within thirty days of the breach. The period for educator certificate suspension due to breach of contract must begin on the date such contract is breached with the district and run for a period of time deemed appropriate by the State Board of Education, not to exceed six months from the date of breach, if the educator is not employed in a certified position by another public school district or public school. If the educator is employed in a certified position by another public school district or public school, the period of suspension may not exceed six months, effective the date of the board’s determination. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificateThe department shall provide notification of the suspension to other state educator licensing authorities.

SECTION 9. Sections 59-101-130 and 59-101-140 of the S.C. Code are repealed.

SECTION 10. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 11. This act takes effect July 1, 2024.

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