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Indicates New Matter

COMMITTEE REPORT

April 13, 2011

**H. 3028**

Introduced by Reps. Clemmons, Taylor, Clyburn and Long

S. Printed 4/13/11--H.

Read the first time January 11, 2011.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3028) to amend Section 59‑26‑40, as amended, Code of Laws of South Carolina, 1976, relating to induction, annual, and continuing contracts for 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. Section 59‑26‑40(C) of the 1976 Code, as last amended by Act 283 of 2004, is further amended to read:

“(C) At the end of each of the first two years of the three‑year induction period, the district may employ the teacher under another induction contract or may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the induction contract level. At the end of the ~~one‑year~~ three‑year induction contract period, a teacher shall become eligible for employment at the annual contract level. At the discretion of the local school district in which the induction teacher was employed, the district may employ the teacher under an annual contract or the district may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level. A person must not be employed as an induction teacher for more than ~~one year~~ three years. This subsection does not preclude his employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education. During the induction contract period, the employment dismissal provisions of Article 3, Chapter 19 and Article 5, Chapter 25 of this title do not apply.”

SECTION 2. Section 59‑26‑40(J) of the 1976 Code, as last amended by Act 283 of 2004, is further amended to read:

“(J) After successfully completing ~~an~~ a three‑year induction contract ~~year~~ period and an annual contract period, a teacher shall become eligible for employment at the continuing contract level. This contract status is transferable to any district in this State. A continuing contract ~~teachers~~ teacher shall have full procedural rights that currently exist under law relating to employment and dismissal. ~~Teachers~~ A teacher employed under a continuing ~~contracts~~ contract must be evaluated on a continuous basis. At the discretion of the local district and based on an individual teacher’s needs and past performance, the evaluation may be formal or informal. Formal evaluations must be conducted with a process developed or adopted by the local district in accordance with State Board of Education regulations. The formal process also must include an individualized professional growth plan established by the school or district. Professional growth plans must be supportive of district strategic plans and school renewal plans. Informal evaluations which should be conducted for accomplished teachers who have consistently performed at levels required by state standards, must be conducted with a goals‑based process in accordance with State Board of Education regulations. The professional development goals must be established by the teacher in consultation with a building administrator and must be supportive of district strategic plans and school renewal plans.”

SECTION 3. Section 59‑26‑40(L) of the 1976 Code, as last amended by Act 283 of 2004, is further amended to read:

“(L) ~~Teachers~~ A teacher certified under the career and technology education work‑based certification process ~~are~~ is exempt from the provisions of the South Carolina Education Improvement Act of 1984 which require the completion of scholastic requirements for teaching at an approved college or university. After completing ~~an~~ the induction contract three‑year period, the ~~teachers~~ teacher may be employed for a maximum of four years under an annual ~~contracts~~ contract to establish ~~their~~ his eligibility for employment as a continuing contract ~~teachers~~ teacher. Before being eligible for a continuing contract, ~~these teachers~~ a teacher shall pass a basic skills examination developed in accordance with Section 59‑26‑30, a state approved skill assessment in ~~their~~ his area, and ~~the~~ performance evaluations as required for teachers who are employed under annual contracts. Certification renewal requirements for ~~these~~ teachers are those promulgated by the State Board of Education.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Department of Education (SDE) indicates that enactment of this bill will result in the need for an additional 2.50 FTEs with an annual recurring fiscal impact of $171,000 for salary and fringe benefits. Under current provisions, SDE conducts approximately 4,000 formal evaluations a year. The change to a five-year induction period would increase the number of formal evaluation to approximately 15,000.

**LOCAL GOVERNMENT IMPACT:**

The State Department of Education (SDE) estimates recurring costs to the districts of $3.25 million to hire additional staff to handle the increase number of formal evaluations.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 59‑26‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUCTION, ANNUAL, AND CONTINUING CONTRACTS FOR TEACHERS, SO AS TO INCREASE THE INDUCTION CONTRACT PERIOD FROM ONE YEAR TO FIVE YEARS.

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

SECTION 1. Section 59‑26‑40(C) of the 1976 Code, as last amended by Act 283 of 2004, is further amended to read:

“(C) At the end of each of the first four years of the five-year induction period, the district may employ the teacher under another induction contract or may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the induction contract level. At the end of the ~~one‑year~~ five‑year induction contract period, a teacher shall become eligible for employment at the annual contract level. At the discretion of the local school district in which the induction teacher was employed, the district may employ the teacher under an annual contract or the district may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level. A person must not be employed as an induction teacher for more than ~~one year~~ five years. This subsection does not preclude his employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education. During the induction contract period, the employment dismissal provisions of Article 3, Chapter 19 and Article 5, Chapter 25 of this title do not apply.”

SECTION 2. Section 59‑26‑40(J) of the 1976 Code, as last amended by Act 283 of 2004, is further amended to read:

“(J) After successfully completing ~~an~~ a five‑year induction contract ~~year~~ period and an annual contract period, a teacher shall become eligible for employment at the continuing contract level. This contract status is transferable to any district in this State. A continuing contract ~~teachers~~ teacher shall have full procedural rights that currently exist under law relating to employment and dismissal. ~~Teachers~~ A teacher employed under a continuing ~~contracts~~ contract must be evaluated on a continuous basis. At the discretion of the local district and based on an individual teacher’s needs and past performance, the evaluation may be formal or informal. Formal evaluations must be conducted with a process developed or adopted by the local district in accordance with State Board of Education regulations. The formal process also must include an individualized professional growth plan established by the school or district. Professional growth plans must be supportive of district strategic plans and school renewal plans. Informal evaluations which should be conducted for accomplished teachers who have consistently performed at levels required by state standards, must be conducted with a goals‑based process in accordance with State Board of Education regulations. The professional development goals must be established by the teacher in consultation with a building administrator and must be supportive of district strategic plans and school renewal plans.”

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SECTION 4. This act takes effect upon approval by the Governor.

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