**South Carolina General Assembly**

120th Session, 2013-2014

**S. 1057**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Thurmond and Davis

Document Path: l:\s-jud\bills\thurmond\jud0091.pb.docx

Introduced in the Senate on February 26, 2014

Currently residing in the Senate Committee on **Education**

Summary: Employment and dismissal of teachers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/26/2014 Senate Introduced and read first time ([Senate Journal‑page 5](file:///H:\SJ%20Archive\2014\02-26-14.docx))

2/26/2014 Senate Referred to Committee on **Education** ([Senate Journal‑page 5](file:///H:\SJ%20Archive\2014\02-26-14.docx))

**VERSIONS OF THIS BILL**

[2/26/2014](file:///p:\pprever\2013-14\1057_20140226.docx)

**A** **BILL**

TO AMEND SECTION 59‑25‑410, THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMPLOYMENT AND DISMISSAL OF TEACHERS, SO AS TO PROVIDE THAT IF A TEACHER IS DISMISSED OR RECEIVES NO NOTICE OF HAVING A CONTRACT RENEWED THAT TEACHER IS TERMINATED AND HAS NO RIGHTS TO APPEAL OR PROTEST THE TERMINATION EXCEPT AS PROVIDED FOR DISCRIMINATION BY ARTICLE 7, CHAPTER 25, TITLE 59; AND TO REPEAL SECTION 59‑25‑420.

Whereas, in order for the General Assembly to responsibly and adequately meet its obligation under the South Carolina Constitution, Article XI, Section 3, to provide the support and maintenance for a free public school system, it must ensure that the teachers in the classrooms offer the instruction needed by the students served in the schools and districts; and

Whereas, the quality of education must be established at its most basic level, in the classroom between teachers and students; and

Whereas, decisions concerning the needs for a particular school and for a school system must be coordinated by the superintendent, administrators, and principals to meet the changing requirements of the student populations; and

Whereas, teachers are employed for annual instructional period contracts based on the needs of the schools and the districts; and

Whereas, being employed for an annual instructional period means the teacher’s presence in the school and district is necessary to meet the needs of the students served by that school and district; and

Whereas, being employed as a teacher for an annual instructional period does not confer upon a teacher tenure or rights to continue to be employed by the school or the district. Now, therefore,

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

SECTION 1. Section 59-25-410 of the 1976 Code is amended to read:

**“**Section 59‑25‑410. (A) For purposes of this article, ‘teacher’ means all employees possessing a professional certificate issued by the State Department of Education, except those employees working pursuant to multi‑year contracts.

(B) On or before April fifteenth of each year, the boards of trustees of the several school districts shall decide and notify, in writing, the teachers, as defined in Section 59‑1‑130, in their employ concerning their employment for the ensuing year.

(C) If the board, or the person designated by it, fails to notify a teacher ~~who has been employed by a school district for a majority of the current school year of his status for the ensuing year~~ whether the teacher’s contract is renewed, the teacher ~~shall be~~ ~~deemed~~ is considered to be ~~reemployed for the ensuing year and the board shall issue a contract to such teacher as though the board had reemployed such teacher in the usual manner~~ terminated by the district and to have no right to appeal or protest such termination except as provided in Article 7 of this chapter, concerning the remedy for discrimination against teachers. Notices of intent not to renew an employment contract ~~shall~~ must be given in writing no later than April fifteenth of each year.

(D) Any teacher who is reemployed by written notification pursuant to this section shall by April twenty‑fifth first notify the board of trustees in writing of his acceptance of the contract. Failure on the part of the teacher to notify the board of acceptance within the specified time limit is conclusive evidence that the teacher rejects the contract.

(E) Any teacher receiving a notice that he will not be reemployed for the ensuing year is terminated and has no right to appeal or protest such termination except as provided in Article 7 of this chapter, concerning the remedy for discrimination against teachers.

(F) On or before August fifteenth the superintendent, principal, where applicable, or supervisor shall notify the teacher of his tentative assignment for the ensuing school year.

(G) This section shall not apply to any teacher whose contract of employment or dismissal is under appeal under Section 59‑25‑450.

~~For purposes of this article, "teacher" means all employees possessing a professional certificate issued by the State Department of Education, except those employees working pursuant to multi‑year contracts.~~”

SECTION 2. Section 59-25-420 of the 1976 Code is repealed.

SECTION 3. This act takes effect upon approval by the Governor and applies to contracts issued or not renewed on or after April 1, 2014.

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