**A** **BILL**

TO AMEND SECTION 59‑25‑460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED NOTICE AND HEARINGS FOR DISMISSAL OF A TEACHER, SO AS TO PROVIDE THAT THE BOARD MAY DESIGNATE A HEARING OFFICER TO CONDUCT A DISMISSAL HEARING AND ISSUE A REPORT WITH RECOMMENDATIONS, TO PROVIDE RELATED REQUIREMENTS OF A HEARING OFFICER, TO PROVIDE A HEARING MUST BE PRIVATE UNLESS THE TEACHER REQUESTS IN WRITING THAT THE HEARING BE PUBLIC, TO PROVIDE THAT A NOTICE OF DISMISSAL MUST BE GIVEN BY THE SUPERINTENDENT OR HIS DESIGNEE INSTEAD OF THE SCHOOL BOARD, TO SPECIFY USE OF A COURT REPORTER TO RECORD THE PROCEEDINGS, AND TO PROVIDE AN APPEALS PROCESS.

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

SECTION 1. Section 59-25-460 of the 1976 Code is amended to read:

“Section 59-25-460. (A) ~~No~~ A teacher ~~shall~~ may not be dismissed unless written notice specifying the cause of dismissal is first given the teacher by the ~~District Board of Trustees~~ superintendent or his designee and an opportunity for a hearing has been afforded the teacher. ~~Such~~ The written notice ~~shall~~ must include the fact that a hearing before the board or its designee is available to the teacher upon request ~~provided, such~~ if the request is made in writing within fifteen days ~~as prescribed by~~ pursuant to Section 59‑25‑470.

(B) The board may authorize a hearing officer to conduct a hearing on the matter and make a report of its recommendations to the board. A hearing officer may not be a member of the board or an employee of the district. ~~Any such~~ A hearing ~~shall~~ must be ~~public~~ private unless the teacher requests in writing that it be ~~private~~ public. The ~~District Board of Trustees~~ board may issue subpoenas requiring the attendance of witnesses at ~~any~~ a hearing and, at the request of the teacher ~~against whom a charge is made~~, shall issue ~~such~~ the subpoenas, but it may limit the number of witnesses to be subpoenaed ~~in~~ on behalf of the teacher to not more than ten. ~~All~~ Testimony taken at ~~any~~ a hearing ~~shall~~ must be ~~taken~~ given under oath. ~~Any member of the board may administer oaths to witnesses. The board shall cause a~~ A record of the proceedings ~~to~~ must be kept, and the board shall employ a competent court reporter to ~~take stenographic or stenotype notes~~ make a verbatim record of all ~~of the~~ testimony.

(C) If the board designates a hearing officer, the report and recommendations of the hearing officer must be presented to the board in the form of a written order. In considering the report and recommendations, the board must have available to it the exhibits presented at the hearing and shall permit limited oral argument on behalf of the district and the teacher, allowing each party thirty minutes to present its respective argument.

(D) The board shall uphold the decision of the hearing officer if the evidence shows good and just cause for dismissal. The decision of the board may be appealed to the circuit court pursuant to Section 59-25-480. If the board’s decision is favorable to the teacher, the board shall pay the cost of the court reporter’s attendance and services at the hearing. If the decision is unfavorable to the teacher, one‑half of the cost of the court reporter’s attendance and services ~~shall~~ must be borne by the teacher. ~~Either~~ A party desiring a transcript of the hearing shall pay for the costs ~~thereof~~ of the transcript.”

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

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