AS PASSED BY THE SENATE

March 31, 2021

**S. 704**

Introduced by Senators Hembree, Massey and Malloy

S. Printed 3/31/21--S.

Read the first time March 25, 2021.

**A** **JOINT RESOLUTION**

TO PROVIDE FOR A RETURN TO FIVE-DAY, IN-PERSON CLASSROOM INSTRUCTION FOR THE 2020-2021 AND 2021-2022 SCHOOL YEAR, AND TO SUSPEND THE EARNINGS LIMITATION UNDER CERTAIN TERMS AND FOR CERTAIN MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM.

Amend Title To Conform

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

SECTION 1. For the 2020‑2021 School Year, every school district in the State must offer five‑day, in‑person classroom instruction to students no later than April 12, 2021. For the 2021‑2022 School Year, every school district in the State must offer five‑day, in‑person classroom instruction to students.

SECTION 2. (A) Due to the significant health threat and risks associated with the 2019 novel coronavirus, also referred to as COVID‑19, the earnings limitation imposed pursuant to Section 9‑1‑1790 does not apply to a retired member of the South Carolina Retirement System to the extent provided in subsection (B) if the member:

(1) retired on or before April 1, 2019; and

(2) returns to otherwise covered employment in the K‑12 public education system to participate in the state’s public health response to the COVID‑19 virus.

(B) A retired member who meets the qualifications of subsection (A) may be hired and return to employment covered by the system and earn up to fifty thousand dollars annually without affecting the monthly retirement allowance that the member is receiving from the system. No retired member participating under this section may be compensated more than fifty thousand dollars per academic year or for an employment period exceeding thirty‑six consecutive months. An employer shall notify the system of the engagement of a retirement member to perform services, and if an employer fails to notify the system of the engagement of a retired member to perform services, then the employer shall reimburse the system for all benefits wrongly paid to the retired member. Nothing in this joint resolution may be construed to require an employer to hire a person after that person has retired.

SECTION 3. (A) Due to the need for ongoing, high-quality instruction to address learning disruptions associated with COVID-19 for the 2021‑2022 School Year, school districts are prohibited from assigning a teacher to deliver instruction to students simultaneously in‑person and virtually, an approach often referred to as “dual-modality instruction,” unless it is reasonable and necessary due to extreme and unavoidable circumstances in order to ensure that all students have access to highly qualified instructors.

(B) In the event that a school district determines it is necessary for a teacher to deliver dual-modality instruction, the school district must provide additional compensation to the teacher.

(C) For any teacher assigned by a school district to dual-modality instruction, the school district must provide the State Department of Education with the name of the teacher, school where the teacher is employed, and subject area in which the teacher was hired to teach. The State Department of Education shall report the information to the General Assembly at the completion of the school year.

SECTION 4. This joint resolution takes effect upon approval by the Governor.

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