

South Carolina General Assembly
126th Session, 2025-2026

A12, R41, H3196

STATUS INFORMATION

General Bill

Sponsors: Reps. Erickson, G.M. Smith, B. Newton, Wooten, Mitchell, Pope, Martin, Spann-Wilder, McCravy, Chumley, W. Newton, Gilliam, Collins, Vaughan, Caskey, Terribile, Kilmartin, Magnuson, Haddon, Wetmore, M.M. Smith, Schuessler, Stavrinakis, Sanders, Duncan, Teeple, Grant, Hartnett, Pedalino, Taylor, Hixon, Govan, Calhoon, Ligon, Lawson, Yow, Edgerton, Cromer, Reese, Gilliard, Alexander, Rivers, Oremus, Hartz and Anderson

Companion/Similar bill(s): 3207

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Introduced in the House on January 14, 2025

Introduced in the Senate on February 13, 2025

Last Amended on April 16, 2025

Currently residing in the House

Governor's Action: May 7, 2025, Signed

Summary: Educator Assistance Act

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/5/2024	House	Prefiled
12/5/2024	House	Referred to Committee on Education and Public Works
1/14/2025	House	Introduced and read first time (House Journal-page 123)
1/14/2025	House	Referred to Committee on Education and Public Works (House Journal-page 123)
1/15/2025	House	Member(s) request name added as sponsor: Collins, Vaughan, Caskey
1/16/2025	House	Member(s) request name added as sponsor: Terribile, Kilmartin, Magnuson, Haddon, Wetmore, M.M. Smith, Schuessler, Stavrinakis
1/28/2025	House	Member(s) request name added as sponsor: Sanders, Duncan
2/4/2025	House	Member(s) request name added as sponsor: Teeple
2/6/2025	House	Member(s) request name added as sponsor: Grant
2/6/2025	House	Committee report: Favorable with amendment Education and Public Works (House Journal-page 11)
2/11/2025	House	Member(s) request name added as sponsor: Hartnett, Pedalino, Taylor, Hixon, Govan, Calhoon, Ligon
2/11/2025		Scrivener's error corrected
2/12/2025	House	Member(s) request name added as sponsor: Lawson, Yow, Edgerton, Cromer, Reese, Gilliard, Alexander, Rivers, Oremus, Hartz, Anderson
2/12/2025	House	Amended (House Journal-page 84)
2/12/2025	House	Read second time (House Journal-page 84)
2/12/2025	House	Roll call Yeas-109 Nays-0 (House Journal-page 90)

2/13/2025 House Read third time and sent to Senate (House Journal-page 13)
2/13/2025 Senate Introduced and read first time (Senate Journal-page 10)
2/13/2025 Senate Referred to Committee on **Education** (Senate Journal-page 10)
2/13/2025 Scrivener's error corrected
4/10/2025 Senate Committee report: Favorable with amendment **Education** (Senate Journal-page 13)
4/16/2025 Senate Committee Amendment Adopted (Senate Journal-page 37)
4/16/2025 Senate Read second time (Senate Journal-page 37)
4/16/2025 Senate Roll call Ayes-39 Nays-0 (Senate Journal-page 37)
4/22/2025 Scrivener's error corrected
4/24/2025 Senate Read third time and returned to House with amendments (Senate Journal-page 13)
4/30/2025 House Concurred in Senate amendment and enrolled (House Journal-page 99)
4/30/2025 House Roll call Yeas-116 Nays-0 (House Journal-page 101)
5/6/2025 Ratified R 41
5/7/2025 Signed By Governor
5/12/2025 Effective date See Act for Effective Date
5/12/2025 Act No. 12

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VERSIONS OF THIS BILL

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(A12, R41, H3196)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “EDUCATOR ASSISTANCE ACT” BY ADDING SECTION 59-101-145 SO AS TO AUTHORIZE THE USE OF DATA BEING COLLECTED UNDER CURRENT PROCEDURES TO REPORT ON CERTAIN POSTSECONDARY MATTERS CONCERNING GRADUATES OF SOUTH CAROLINA PUBLIC SCHOOLS, AND TO REQUIRE THE STREAMLINING OF DATA COLLECTION TIMELINES AND PROCESSES; BY AMENDING SECTION 59-25-47, RELATING TO POLICIES AUTHORIZING PAYMENTS FOR UNUSED TEACHER LEAVE, SO AS TO REQUIRE ADDITIONAL POLICIES THAT ALLOW TEACHERS TO DONATE SUCH UNUSED LEAVE TO A LEAVE BANK FOR OTHER EMPLOYEES, AND TO PROVIDE REQUIREMENTS FOR THE POLICIES; BY AMENDING SECTION 59-25-410, RELATING TO ANNUAL NOTIFICATION OF SCHOOL TEACHER EMPLOYMENT AND ASSIGNMENTS, SO AS TO PROVIDE THE NOTIFICATION MUST INCLUDE CERTAIN SALARY INFORMATION REQUIREMENTS IN THE REQUIRED NOTICE, TO PROVIDE NOTICE OF TENTATIVE TEACHER ASSIGNMENTS MUST BE PROVIDED NO LATER THAN FOURTEEN CALENDAR DAYS BEFORE THE START OF THE SCHOOL YEAR, AND TO PROHIBIT LIMITATIONS ON TEACHER REASSIGNMENTS; BY AMENDING SECTION 59-1-425, RELATING TO REQUIRED DAYS FOR COLLEGIAL PROFESSIONAL DEVELOPMENT IN THE ANNUAL SCHOOL CALENDAR, SO AS TO INCREASE THE NUMBER OF DAYS TO FOUR, TO PROVIDE DISTRICTS MUST VERIFY COMPLETING OF THE REQUIRED COLLEGIAL PROFESSIONAL DEVELOPMENT IN A CERTAIN MANNER, TO PROVIDE TEACHERS AND INSTRUCTIONAL ASSISTANTS MUST BE PROVIDED SELF-DIRECTED FREE TIME TO EVALUATE STUDENT ACADEMIC DATA, INSTRUCTIONAL PLANNING, AND CLASSROOM PREPARATION, AND TO REMOVE A TWO-DAY MAXIMUM LIMITATION ON USE OF THESE COLLEGIAL PROFESSIONAL DEVELOPMENT DAYS FOR THE PREPARATION AND OPENING OF SCHOOLS; BY AMENDING SECTION 59-25-160, RELATING TO ACTIONS CONSTITUTING JUST CAUSE GROUNDS FOR TEACHER CERTIFICATE REVOCATION OR SUSPENSION PURPOSES,

SO AS TO INCLUDE BREACH OF CONTRACT; BY AMENDING SECTION 59-25-530, RELATING TO UNPROFESSIONAL CONDUCT AND BREACH OF CONTRACT BY TEACHERS, SO AS TO RECHARACTERIZE CERTAIN ACTIONS AS BEING BREACH OF CONTRACT INSTEAD OF UNPROFESSIONAL CONDUCT, TO REVISE THE PENALTIES AND CONSEQUENCES FOR SUCH BREACHES OF CONTRACT, AND TO PROVIDE AN EXEMPTION FROM BREACH OF CONTRACT FINDINGS FOR TEACHERS WHO MOVE TO BONA FIDE RESIDENCES IN NONCONTIGUOUS COUNTIES DURING THE CONTRACT TERM, AMONG OTHER THINGS; BY AMENDING SECTION 59-26-40, RELATING TO CONTINUING CONTRACT STATUS FOR TEACHERS, SO AS TO REQUIRE COMPLETION OF COLLEGIAL PROFESSIONAL DEVELOPMENT, AND TO PROVIDE EMPLOYING DISTRICTS SHALL AWARD CREDITS FOR PROFESSIONAL TEACHING CERTIFICATE RENEWAL TO CONTINUING CONTRACT TEACHERS WHO SUCCESSFULLY COMPLETE SUCH COLLEGIAL PROFESSIONAL DEVELOPMENT; BY AMENDING SECTION 59-26-45, RELATING TO RETIRED EDUCATOR TEACHING CERTIFICATES, SO AS TO MAKE SUCH CERTIFICATES LIFETIME IN DURATION INSTEAD OF RENEWABLE, TO PROVIDE SUCH TEACHERS MAY TEACH ON A FULL-TIME BASIS OR PART-TIME BASIS, AND TO EXEMPT SUCH TEACHERS FROM CERTIFICATE RENEWAL REQUIREMENTS; BY REPEALING SECTION 59-101-130 RELATING TO HIGH SCHOOLS REPORTING TO THE SUPERINTENDENT OF EDUCATION, AND INSTITUTIONS OF HIGHER LEARNING REPORTING TO HIGH SCHOOLS; AND BY REPEALING SECTION 59-101-140 RELATING TO TABULATION OF REPORTS.

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

Citation

SECTION 1. This act may be cited as the “Educator Assistance Act.”

Data collection and reporting

SECTION 2. 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.

Unused leave

SECTION 3. Section 59-25-47 of the S.C. Code is amended to read:

Section 59-25-47. (A) A local school district board of trustees or, in the case of a charter school, the governing body of a charter school, is authorized to adopt a policy consistent with the school district or, in the case of a charter school, the school budget, providing that all certified and noncertified public school teachers identified in the Professional Certified Staff listing, certified special school classroom teachers, certified school librarians, certified school counselors, and career specialists who are employed by a school district or a charter school who earn, but do not use sick and annual leave in excess of ninety days, may be eligible to receive payment at the end of each fiscal year for these earned days in excess of ninety days for each excess day at a district's or

charter school's established rate of substitute pay for their individual job classification, or another amount, subject to approval by the local school board, or, in the case of a charter school, the governing body of the charter school. This provision applies only to sick leave and annual leave in excess of ninety days that is accrued after July 1, 2018.

(B) A local school district board of trustees or, in the case of a charter school, the governing body of a charter school, must adopt a policy enabling all district or charter school employees to contribute any unused sick or annual leave in excess of sixty days to a sick leave bank that is made available to all district or charter school employees. Such policy must include criteria for employee eligibility to apply for use of the sick leave bank, procedures for review of applications for use of the sick leave bank, and criteria for the maximum number of days an employee may access from the sick leave bank during a single fiscal year.

(C) Notwithstanding any provision contained in this section, this section does not and may not be construed to amend or to repeal:

(1) the rights of a school district, charter school, or legislative delegation to set or restrict any existing teacher incentive payment programs; or

(2) any existing teacher incentive payment programs provided by current law or any existing limitation on the fiscal autonomy of a school district or charter school that is more restrictive than any incentives provided in subsection (A).

(D) A local district, prior to the effective date of this act, who has implemented a leave bank policy or a policy that advances the full annual leave balance to a new employee with the first payroll disbursement shall be exempt from the requirements of this section.

Teacher assignment notification requirements

SECTION 4. Section 59-25-410 of the S.C. Code is amended to read:

Section 59-25-410. (A) The boards of trustees of the several school districts annually before May first shall decide and notify, in writing through the superintendent, a teacher, whom the district employs concerning his employment for the ensuing year. If a board of trustees fails to provide notification as provided in this section, the Department of Education shall assess a penalty of ten thousand dollars to be deducted from a district's state allocated funding per occurrence. If the board of trustees 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, the teacher is considered to be reemployed for the ensuing year and the board shall issue a contract to him as though the board had reemployed him in the usual manner. The board of trustees must comply with the reporting requirements created by the Department of Education to ensure compliance with this section.

(B) The written notification of reemployment must include a projected minimum salary schedule for the district for the coming school year as well as an agreement to provide a final salary schedule as soon as practicable upon completion of annual state and local appropriations processes. The district upon request shall provide a teacher with the factors used to determine their pay category on the salary schedule. The written notification of employment should indicate downward adjustments to the projected minimum salary schedule only in the event of a loss or reduction in the amount of state, local, or federal funding anticipated by the district at the time of adoption of the projected minimum salary schedule.

(C) No later than fourteen calendar days before students are scheduled

to return to school at the start of the school year, the superintendent, principal, where applicable, or supervisor shall notify the teacher of his tentative assignment for the ensuing school year. Once assigned to a school, the teacher shall not be reassigned to work at another location in the district unless the superintendent can demonstrate the need for reassignment. A teacher must be afforded written notice of at least five school days in advance of the reassignment unless the superintendent demonstrates that advance notice cannot be accomplished because of a critical student need or the teacher requested the reassignment. The local board of trustees must be notified in writing of all teacher reassignments.

(D) This section does not apply to a teacher whose contract of employment or dismissal is under appeal under Section 59-25-450.

(E) For purposes of this article, “teacher” means an employee possessing a professional certificate issued by the State Department of Education, except an employee working pursuant to a multiyear contract, employed by any school district to teach students in an academic setting.

Teacher professional development and staff workdays

SECTION 5. 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 instructional days covering at least nine calendar months. A local school district board of trustees may offer the required instructional days at any time during the school year, consistent with the law. Except as may be waived in this section or accompanying regulations, a local school district shall provide

at least one thousand eighty instructional hours over the statutory school term. 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. Four 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. Districts must verify completion of the professional development required in this section annually when reporting the number of days worked by each certified employee to the Department of Education. At 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. The remaining four 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.

“Just cause” basis for teacher certificate suspension or revocation

SECTION 6. Section 59-25-160 of the S.C. Code is amended to read:

Section 59-25-160. “Just cause” may consist of any one or more of the following:

- (1) incompetence;
- (2) wilful neglect of duty;

- (3) wilful violation of the rules and regulations of the State Board of Education;
- (4) unprofessional conduct;
- (5) drunkenness;
- (6) cruelty;
- (7) crime against the law of this State or the United States;
- (8) immorality;
- (9) any conduct involving moral turpitude;
- (10) dishonesty;
- (11) evident unfitness for position for which employed;
- (12) sale or possession of narcotics; or
- (13) breach of contract.

Breach of contract, exclusions

SECTION 7. Section 59-25-530 of the S.C. Code is amended to read:

Section 59-25-530. (A) Any educator who fails to comply with the provisions of his contract without the written consent of the school board is considered to be in breach of contract. Notwithstanding Section 59-25-150, 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 educator makes void any subsequent contract with any other school district in South Carolina. Upon the formal complaint of the school board, substantiated by conclusive evidence, the state board may suspend or revoke the educator's certificate. The state board shall not hear a complaint from a school board pursuant to this section unless it is received within sixty days of the breach of contract. 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. During this suspension period, the educator may not be signed to an employment contract by any public school board in South Carolina. The department shall provide notification of the suspension to other state educator licensing authorities.

(B) An educator who has a bona fide residence change to a noncontiguous county during the term of the educator's contract is not considered to be in breach of contract as provided in this section. An educator has the burden of proving a bona fide residence change to the local school board. Factors to consider in determining a bona fide residence change shall include, but are not limited to, the following:

- (1) address on legal documents and bank accounts;
- (2) qualification for the reduced four percent property tax assessment on a primary residence;
- (3) address on driver's license or official identification cards; and
- (4) voter registration address.

Continuing contract level teachers, professional development

SECTION 8. Section 59-26-40(J) of the S.C. Code is amended to read:

(J) After successfully completing an induction contract period, not to exceed three years, 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 teacher shall have full procedural rights that currently exist under law relating to employment and dismissal. A teacher employed under a

continuing contract must be evaluated on a continuous basis and complete annual collegial professional development as required under Section 59-1-425(A). 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. The employing district must award credits toward renewal of a professional teaching certificate for a teacher employed at the continuing contract level who successfully completes the annual professional development activities required under this section and Section 59-1-425(A), consistent with State Board of Education regulations for the renewal of a professional certificate.

Lifetime retired educator certificates

SECTION 9. Section 59-26-45 of the S.C. Code is amended to read:

Section 59-26-45. (A) A retired educator certificate is a lifetime certificate established in regulation by the State Board of Education that

allows a retired South Carolina educator to be eligible to maintain certification for the purpose of returning to employment with a school district on a temporary or full-time basis. A person is initially eligible for a South Carolina retired educator certificate if he:

(1) held a valid South Carolina renewable, professional educator certificate at the time of retirement;

(2) is either a:

(i) retired member of the South Carolina Retirement System; or

(ii) current or former participant in the State Optional Retirement Program who would have met the eligibility requirements for retirement under the South Carolina Retirement System had he participated in that system rather than the State Optional Retirement Program;

(3) does not hold another valid South Carolina educator certificate and has never held a valid South Carolina educator certificate that has been suspended, revoked, or voluntarily surrendered; and

(4) meets all other qualifications to serve as a certified educator as specified in state statute, regulation, and guidelines.

(B) An individual meeting the eligibility requirements and desirous of a retired educator certificate must submit the request in the manner specified in regulation and guidelines.

(1) A retired educator certificate approved and issued is valid for five years from the date of each issuance.

(2) Once issued, a retired educator in good standing must provide written notification of their desire to continue an active certificate to the department at the end of every five-year period.

(3) Department guidelines shall include the timeline, forms, and a process for submitting a request to maintain an active retired educator certificate.

(C) Any new certificate is invalidated upon issuance of any other

South Carolina educator certificate.

(D) An educator who works under the retired certificate must work under the agreement and rate of pay established for this purpose by the hiring district. Section 59-25-150 shall apply to any retired educator certificate.

(E) A retired educator certificate is not subject to requirements for professional certificate renewal established by regulations of the State Board of Education.

(F) Nothing in this section exempts an educator from taking part in professional development that is required by a local school district.

(G) The State Board of Education shall develop regulations for, and the department shall establish guidelines and procedures for, the implementation of this section.

Repeals

SECTION 10. Sections 59-101-130 and 59-101-140 of the S.C. Code are repealed.

Severability

SECTION 11. 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.

Time effective, delayed implementation

SECTION 12. This act takes effect July 1, 2025. Section 59-25-410(A) shall have a delayed implementation date of July 1, 2026.

Ratified the 6th day of May, 2025.

Approved the 7th day of May, 2025.
