**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3196**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson, G.M. Smith, B. Newton, Wooten, Mitchell and Pope

Document Path: LC-0129WAB25.docx

Prefiled in the House on December 5, 2024

Currently residing in the House Committee on **Education and Public Works**

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**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3196_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “EDUCATOR ASSISTANCE ACT” BY ADDING SECTION 59‑25‑112 SO AS TO PROVIDE PROFESSIONAL CERTIFICATES ISSUED BY THE STATE BOARD OF EDUCATION ARE PERMANENT UNLESS REVOKED OR SUSPENDED AND ARE NOT SUBJECT TO RENEWAL, TO PROVIDE NO TEACHER MAY BE REQUIRED TO RENEW A PROFESSIONAL CERTIFICATE ISSUED BY THE BOARD, AND TO PROVIDE A TEACHER WITH A PROFESSIONAL CERTIFICATE SHALL CONTINUE TO COMPLETE ONGOING PROFESSIONAL LEARNING AND DEVELOPMENT; 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 59‑25‑420, RELATING TO NOTICES CONCERNING ANNUAL TEACHER EMPLOYMENT CONTRACTS, SO AS TO PROVIDE CONTRACT ACCEPTANCES SUBMITTED BEFORE THE STATUTORY NOTIFICATION DEADLINE MAY BE WITHDRAWN BY SUBMISSION OF WRITTEN NOTICE TO THE SCHOOL DISTRICT WITHIN TEN DAYS AFTER PUBLICATION OF THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE UPCOMING SCHOOL YEAR, AND TO PROVIDE SCHOOL DISTRICTS MAY NOT REPORT SUCH WITHDRAWALS AS A BREACH OF CONTRACT; 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 PREPARATION AND OPENING OF SCHOOLS; 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, AMONG OTHER THINGS; BY REPEALING SECTION 59‑101‑130 RELATING TO HIGH SCHOOLS REPORTING TO THE SUPERINTENDENT OF EDUCATION; 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:

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

SECTION 2. Article 3, Chapter 25, Title 59 of the S.C. Code is amended by adding:

 Section 59‑25‑112. A professional certificate issued by the State Board of Education is permanent unless revoked or suspended and is not subject to renewal. No teacher may be required to renew a professional certificate issued by the board. A teacher with a professional certificate shall continue to complete ongoing professional learning and development as provided for in Section 59‑1‑425(A).

SECTION 3. 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.

SECTION 4. 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 media specialists, certified guidance 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 certified and noncertified 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.

 (B)(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 are more restrictive than any incentives provided in subsection (A).

SECTION 5. 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, a teacher, as defined in Section 59‑1‑130, whom the district employs concerning his reemployment for the ensuing year. If the superintendent 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. Notice of the superintendent’s recommendation not to renew an employment contract must be given in writing before May first.

 (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 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.

 (B)(C) On or before August fifteenthNo later than fourteen calendar days prior to 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 due to extreme and unavoidable circumstances. Such reassignment must be approved by a majority vote of the board of trustees, and the teacher must be afforded written notice at least five school days in advance of the reassignment.

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

 (D)(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.

SECTION 6. Section 59‑25‑420 of the S.C. Code is amended by adding:

 (C) Teachers who submit their contract prior to May eleventh pursuant to subsection (A) have ten days after publication of the employing district’s salary schedule for the coming school year to notify the district’s board of trustees in writing that the teacher wishes to withdraw his acceptance of his contract. If a teacher submits his request within ten days, the district is prohibited from reporting the withdrawal of prior acceptance as a breach of contract pursuant to Section 59‑25‑530.

SECTION 7. 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. ThreeFour 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. No more than two days may be used for preparation of opening of schools and theThe remaining five 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.

SECTION 8. Section 59‑25‑530 of the S.C. Code is amended to read:

 Section 59‑25‑530. Any teachereducator who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conductor as provided in Section 59‑25‑420 is considered to be in breach of contract. 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 teachereducator makes void any subsequent contract with any other school district in South Carolina for the same employment period. Upon the formal complaint of the school board, substantiated by conclusive evidence, the State board shallmay suspend or revoke the teacher'seducator’s certificate, for a period not to exceed one calendar year. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificate. The State Board shall not hear a complaint from a school board pursuant to this section unless it is received within thirty 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.

SECTION 9. Sections 59‑101‑130 and 59‑101‑140 of the S.C. Code are repealed.

SECTION 10. 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.

SECTION 11. This act takes effect July 1, 2025.

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