

South Carolina General Assembly
124th Session, 2021-2022

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A102, R33, S704

STATUS INFORMATION

Joint Resolution

Sponsors: Senators Hembree, Massey and Malloy

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Introduced in the Senate on March 25, 2021

Introduced in the House on April 6, 2021

Last Amended on April 20, 2021

Passed by the General Assembly on April 21, 2021

Governor's Action: April 23, 2021, Signed

Summary: SCRS, earning limitations

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
3/25/2021	Senate	Introduced, read first time, placed on calendar without reference (Senate Journal-page 3)
3/30/2021	Senate	Read second time (Senate Journal-page 23)
3/31/2021	Senate	Amended (Senate Journal-page 37)
3/31/2021	Senate	Read third time and sent to House (Senate Journal-page 37)
3/31/2021	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 37)
4/6/2021	House	Introduced and read first time (House Journal-page 132)
4/6/2021	House	Referred to Committee on Education and Public Works (House Journal-page 132)
4/13/2021	House	Recalled from Committee on Education and Public Works (House Journal-page 18)
4/14/2021	House	Amended (House Journal-page 20)
4/14/2021	House	Read second time (House Journal-page 20)
4/14/2021	House	Roll call Yeas-106 Nays-7 (House Journal-page 21)
4/15/2021	House	Read third time and returned to Senate with amendments (House Journal-page 5)
4/20/2021	Senate	House amendment amended (Senate Journal-page 10)
4/20/2021	Senate	Roll call Ayes-42 Nays-0 (Senate Journal-page 10)
4/20/2021	Senate	Returned to House with amendments (Senate Journal-page 10)
4/21/2021	House	Concurred in Senate amendment and enrolled (House Journal-page 7)
4/21/2021	House	Roll call Yeas-110 Nays-0
4/22/2021		Ratified R 33
4/23/2021		Signed By Governor
4/26/2021		Effective date 04/22/21
7/2/2021		Act No. 102

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VERSIONS OF THIS BILL

[3/25/2021](#)

[3/25/2021-A](#)

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A102, R33, S704)

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

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

Five-day, in-person classroom instruction mandate

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 26, 2021. For the 2021-2022 School Year, every school district in the State must offer five-day, in-person classroom instruction to students.

Limited earnings cap suspension for teachers

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.

(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 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.

Dual-modality instruction requirements, limitations

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.

Time effective

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

Ratified the 22nd day of April, 2021.

Approved the 22nd day of April, 2021.

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