



Senate Education Subcommittee on on S.712 and Unencumbered time
S.946 – Unencumbered Time – Proponent Testimony
January 12, 2022

Chair Setzler and members of the Senate Education Subcommittee,

Thank you for this opportunity to provide testimony in favor of legislation to guarantee daily unencumbered time for South Carolina educators. I believe this proposed legislation is a great step forward, and with some changes, could be a measure that begins to address the educator shortage crisis.

A lack of daily unencumbered time is a topic that consistently comes up in discussions with educators considering leaving the profession in our state.

Unencumbered time relates to the heavy workload on our educators. In order to meet the workload, teachers report they can only do so if they come in early, stay late, and work on weekends and unpaid holidays—often missing important time with their own family. They need time during the day to address these aspects of their work such as calling parents, grading, collaborating, etc.

A lack of unencumbered time creates unhealthy working conditions for our teachers. Unlike many surrounding and competing states South Carolina educators often have no break during the day; some are not even able to use the restroom. Educators often have to call or text the office just to go to the restroom. Also, the teaching workforce is largely comprised of women who have health and hygiene issues they need to address on a monthly basis or as new mothers.

There are changes we believe could make the bill even stronger. We would like every teacher—not just elementary teachers (K-5 in bill)—to have protected time during the day. We would also like more information about what sorts of penalties will result if districts don't comply and what constitutes non-compliance. We hope any penalties are strong enough to deter districts from taking unencumbered time.

In addition, sometimes there are cases where it could be beneficial for an employee to be compensated for losing unencumbered time, as long as the employee agrees without pressure or reprisal and the practice isn't used consistently in a building as a loophole for offering protected time.

In addition to 30 minutes of unencumbered time free from duty like S.946, The SCEA is in favor of dedicated planning time for teachers to accomplish instructional planning, grading, calling parents, collaborating with fellow educators on their team or in their department, etc. The House passed H.3465, and we would like to see the Senate Education Committee bring this bill for discussion.

Thank you again for your consideration of this legislation for daily unencumbered time. We look forward to working with you further on this issue. I am available for any questions you may have.



Daily Unencumbered Time

The South Carolina Education Association (The SCEA) strongly supports legislation to adopt daily unencumbered time for South Carolina's educators.

Daily unencumbered time is necessary to address the teacher shortage. Days without breaks impact teachers' wellbeing and factor into their decision to teach in another state or leave teaching.

You may recall from the listening tours during the 123rd Session that teachers told stories of being unable to even use the restroom and mothers unable to breastfeed because there is no time for them to pump breastmilk during the day. Teachers also shared how they are forced to sacrifice time— including special moments and events with their families—to grade, contact parents, and complete paperwork because they had no planning time. This burden is especially heavy on the teachers of students with special needs.

Daily unencumbered time also relates to competition and retention: Many neighboring and competing states have daily unencumbered time either for duty-free lunch or instructional planning (table follows).

<i>Sample of States with Daily Unencumbered Time</i>			
State	Duty-Free Lunch?	Unencumbered Planning Time?	Planning Time Length
AR	Yes	Yes	>40 minutes/day or >200 minutes/week
FL	Yes	No	N/A
GA	Yes	No	N/A
KY	Yes	Yes	Unspecified
LA	Yes	Yes	45 minutes /day or weekly equivalent
MN	Yes	Yes	5 minutes per every 25 minutes of instruction daily
MO	No	Yes	250 minutes/week
NC	Yes	Yes	150 minutes/week
OH	Yes	Yes	200 minutes/week
OK	No	Yes	225 minutes/week
TN	Yes	Yes	150 minutes/week
TX	Yes	Yes	225 minutes/week
VA	No	Yes	150 minutes/week for elementary; one class period/day for middle/high school
WV	Yes	Yes	40 minutes/day

Note: Prepared by NEA OGC February 2020. Updated to include WV and WY March 2021