Discussion of Proposed Policy for Unencumbered Time

Policy Reference:
SCSBA's Model Policy GCLE



Unencumbered Time for Teachers

As of January 17, 2023 the local board should adopt a policy at a regularly scheduled meeting within three months. In accordance with S.C. Code Ann. § 59-5-63, the policy must direct:

- The principals of elementary schools to provide at least 30 minutes of unencumbered time on each regular school day to all full-time teachers teaching in grades kindergarten through fifth grade, and
- A principal of any elementary, middle, or high school to provide at least 30 minutes of unencumbered time on each regular school day to any teacher who is responsible for instructing a special education class for more than twenty percent of the school day with students who are removed from the general education setting.

Unencumbered time may only be withheld or reduced when it is reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff. Such circumstances could include, but are not limited to, an emergency drill or an insufficient number of staff and substitute teachers to maintain instruction in the school.

The provisions of this statue must be completely implemented before July 1, 2023.

Unencumbered Time for Teachers

Unencumbered time must be defined as 30 minutes during the regular workday where teachers are afforded time that is self-directed without assigned duties or responsibilities.

This unencumbered time must not include:

- Direct instruction
- Supervision of students
- Parent/Teacher conferences
- Bus duty
- IEP and 504 meetings
- Team meetings
- Professional development activities that are not self-directed
- Managing or supervising the transition of students to and from activities, classes, lunch, recess, or any other activities

Unencumbered Time for Teachers

To assist with the implementation with this new law, the State Board of Education and the South Carolina School Boards Association have provided model policies.

- Principals must establish procedures and a schedule for unencumbered time.
- The principal is responsible for coordinating a plan for the supervision of students by staff not eligible for unencumbered time.
- The placement of unencumbered time within the instructional day may vary as determined by the principal based on the staffing and scheduling needs of each school and need not be uniform among schools in the district.
- Providing unencumbered time must not be achieved by expanding the expected work hours for instructional staff before or after the school day.
- Penalties may be enforced if a school principal or local school board intentionally fails to comply with this law.


District Five
OF LEXINGTON & RICHLAND COUNTIES