



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents

FROM: Cathy Hazelwood, Esquire
Deputy Superintendent, Division of Legal Affairs

DATE: September 9, 2015

RE: Reporting Termination/Separation of a Certified Educator

Please find below Regulation 43-58.1, which provides for reporting the termination/separation of a certified educator. The district superintendent must report to the State Board of Education (SBE) and the State Superintendent the name and certificate number of a certified educator who is terminated, resigns or is otherwise separated from the district. The reason for the educator's termination of employment and all evidence in the possession of the district relating to the termination should also be provided.

Potential allegations are listed. It is not an all-inclusive list. Importantly, the district superintendent must make the report to the SBE and the State Superintendent notwithstanding any negotiated termination agreement with the certified educator. A local board of education may not negotiate away the required notice to the SBE and the State Superintendent. The intentional failure by either the school board or its superintendent to provide the required notice may lead to accreditation and certification problems, respectively. You may report pursuant to this regulation by emailing SeparationNotice@ed.sc.gov or sending a letter to the State Superintendent at the agency's address (1429 Senate Street, Columbia, S.C. 29201).

43-58.1 Reporting of Terminations of Certain School District Employees.

A district superintendent, on behalf of the local board of education, shall report to the Chair of the State Board of Education and the State Superintendent of Education, the name and certificate number of any certified educator who is dismissed, resigns, or is otherwise separated from employment with that district based on allegations of misconduct including, but not limited to, misconduct involving drugs, sexual misconduct, the commission of a crime, immorality, moral turpitude, or dishonesty, that is reasonably believed by the district superintendent to constitute grounds for revocation or suspension of the certificate issued to the educator by the State Board.

This report is required notwithstanding any termination agreement to the contrary that the district board of trustees or superintendent may enter into with the educator. The reasons for the educator's termination of employment with the district shall also be provided along with all evidence in the possession of the district relating to the termination.

The intentional failure of a district board of trustees to instruct the district superintendent to report the termination of school employees as required by this regulation shall be considered by the State Department as an accreditation deficiency pursuant to R43-130 and, upon approval of the State Board of Education, all district schools will be placed on an accreditation status of probation.

The intentional failure of a district superintendent to report the termination of employees as required by this regulation shall be considered an act of unprofessional conduct and may be sufficient cause for revocation of such person's education certificate pursuant to Section 59-25-160, Code of Laws of South Carolina, 1976.

Pending the issuance of a Final Order revoking or suspending a certificate by the State Board in a proceeding pursuant to Section 59-25-260, Code of Laws of South Carolina, 1976, no preliminary information gathered by the State Department of Education concerning misconduct reasonably believed to constitute grounds for revocation or suspension of a certificate, including the name and certificate number of the certified educator, shall be disclosed to any third party.

Should you have any questions in this regard, please contact the SCDE Office of General Counsel at (803) 734-8225.