



## STATE OF SOUTH CAROLINA

### DEPARTMENT OF EDUCATION

**MOLLY M. SPEARMAN**

*STATE SUPERINTENDENT OF EDUCATION*

#### MEMORANDUM

**TO:** District Superintendents  
School Business Officials  
Human Resources Directors

**FROM:** Nancy W. Williams, CPA  
Chief Financial Officer

**DATE:** March 28, 2019

**RE:** Requirements to Employ Retired Individuals for School Year 2019–20

The purpose of this memorandum is to confirm all critical need designations which may be used to determine the eligibility of retired teachers to be employed and exempt from the earnings limitations imposed by S.C. Code Ann. §9-1-1790.

S. C. Code Ann. § 9-1-1795 (Supp. 2012) states the following:

Employment of certain retired teachers without loss of retirement benefits; procedure by which retired teachers may be employed.

(A) A retired member of the system may return to employment covered by the system without affecting the monthly retirement allowance he is receiving from the system if the retired member is a certified teacher and is employed by a school district to teach in the classroom in his area of certification in a critical academic need area or geographic need area as defined by the State Board of Education.

(B) For the provisions of this section to apply, the Department of Education must review and approve, from the documentation provided by the school district, that no qualified, nonretired member is available for employment in the position, and that the member selected for employment meets the requirements of this section. However, a school district may not consider a member of the system for employment before May thirty-first of each year. After approval is received from the Department of Education, school districts must notify the State Board of Education of the engagement of a retired member as a teacher and the department must notify the State Retirement System of their exemption from the earnings limitation. If the employing district fails to notify the

department of the engagement of a retired member as a teacher, the district shall reimburse the system for all benefits wrongly paid to the retired member.

(C) A school district shall pay to the system the employer contribution for active members prescribed by law with respect to any retired member engaged to perform services for the district, regardless of whether the retired member is a full-time or part-time employee, a temporary or permanent employee. If a district which is obligated to the system pursuant to this subsection fails to pay the amount due, as determined by the system, the amount must be deducted from any funds payable to the district by the State.

(D) Beginning July 1, 2001, any retired certified school teacher or certified employee may be employed in a school or school district which is in a critical geographic need area or has received a 'below average' or 'unsatisfactory' academic performance rating pursuant to the Education Accountability Act without penalty from the South Carolina Retirement System.

Please note that based upon Proviso 1.93 of the current fiscal year, school districts may notify retired educators of employment in writing on or before May 1. For the purpose of this exemption, eligible teachers must hold a valid educator certificate for the 2019–20 school year and be employed in one of the critical need categories, as indicated below.

#### Category 1: 2019–20 Critical Need Subject Areas Approved for Teacher Loan Forgiveness

The South Carolina Department of Education (SCDE) follows federal criteria for the determination of critical need subject areas based on data collected through the annual Supply and Demand Survey administered by the Center for Educator Recruitment, Retention, and Advancement (CERRA) regarding, by subject area, the numbers of unfilled teaching positions, teaching positions filled through alternative routes, and total teaching positions hired. Additional information regarding the 2019–20 critical need subject areas may be found on the SCDE [Critical Need Subject Areas](#) webpage, and on the [South Carolina Teacher Loan](#) website.

#### Category 2: 2019–20 Critical Need Geographic Areas (Schools) Approved for Teacher Loan Forgiveness

The SCDE follows the criteria established in S.C. Code Ann. §59-26-20(j) for the identification of critical need geographic areas (schools) for teacher loan forgiveness. This statute was amended in 2004 to redefine the criteria for designating a school as a critical geographic area using the following criteria: a school that has an absolute rating of below average or unsatisfactory; has an average teacher turnover rate for the past three years that is twenty percent or higher; or meets the poverty index criteria at the seventy percent level or higher. During the development of a combined state and federal accountability system, school ratings have not been calculated since 2014. As a result, the critical need geographic area lists for 2017–18, 2018–19, and 2019–20 have been compiled using only the teacher turnover rate and poverty index. Additional information regarding the 2019–20 critical need geographic areas (schools) may be found on the SCDE [Critical Need Geographic Areas](#) webpage and on the [South Carolina Teacher Loan](#) website.

#### Category 3: Critical Need Geographic Areas (Schools) Approved for the Employment of Retired Teachers for 2019–20

On February 12, 2019, the State Board of Education (SBE) approved the designation of expanded critical need geographic areas for the employment of retired teachers without the loss of retirement benefits for the 2019–20 school year. These critical need geographic areas include:

- All career and technology centers in the state;
- Schools already identified by the SBE for teacher loan forgiveness; and
- Additionally, any school in a district in which sixty-seven percent (67%) or more of the schools have been designated as critical need geographic areas for the purpose of teacher loan forgiveness.

Additional information regarding the 2019–20 critical need geographic areas (schools) for the employment of retired teachers may be found on the SCDE [Critical Need Areas](#) webpage. Please note that the 2019–20 school year reflects the second year for which the SBE has approved an expanded critical need geographic area (school) list for the sole purpose of employing retired teachers without the loss of retirement benefits. In January 2019, the SCDE presented to the SBE for approval the 2019–20 critical need designations for teacher loan forgiveness, and the 2019–20 designations for the employment of retired teachers, subject to the earnings limitation.

Information regarding the amount that a retiree can earn upon returning to covered employment is provided in S.C. Code Ann. § 9-1-1790. The ten thousand dollar earnings limitation does not apply if the member has retired before January 2, 2013, or if the member has attained the age of sixty-two years at retirement. Teachers who do not want an exemption can be processed through your district personnel policies.

Attached is the assurance form for School Year 2019–20 for those individuals who desire to be employed and exempted from the earnings limitation. Please also note that without this exemption, the ten thousand dollar earnings limitation applies to individuals who retired after January 1, 2013, and retired before the individual reached the age of sixty-two. If applicable, an individual's first day in the TERI program is considered the date of retirement.

If you have any questions, please contact Nancy Williams at 803-734-8122, or [nwilliams@ed.sc.gov](mailto:nwilliams@ed.sc.gov).

Attachment