

South Carolina Code of Laws  
Title 59 – Education  
Chapter 25  
Article 3  
Examinations and Teacher's Certificates

Please be aware that the below information is an annotated listing of the South Carolina Code of Laws, Title 59, Article 3 with relevancy to Professional Practices and the revocation or suspension of a South Carolina educator certificate. A complete, [Unannotated Version](#) is available.

**SECTION 59-25-110.**

System for examination and certification of teachers.

The State Board of Education, by rules and regulations, shall formulate and administer a system for the examination and certification of teachers.

**HISTORY:** 1962 Code Section 21-371; 1952 Code Section 21-371; 1942 Code Section 5380; 1932 Code Section 5292; Civ. C. '22 Section 2550; Civ. C. '12 Section 1730; Civ. C. '02 Section 1200; 1897 (22) 516; 1903 (24) 1084; 1906 (25) 37; 1908 (25) 1151; 1909 (26) 73; 1910 (26) 740; 1911 (27) 116; 1912 (27) 575; 1913 (28) 21; 1914 (28) 500; 1917 (30) 390; 1920 (31) 965; 1974 (58) 1928.

**SECTION 59-25-115.**

Notice to enrollee in teacher education program regarding effect of prior criminal record; criminal records check and fingerprinting requirements.

- (A) A person enrolled in a teacher education program in South Carolina must be advised by the college or university that his prior criminal record could prevent certification as a teacher in this State in accordance with State Board of Education guidelines.
- (B) Before beginning full-time clinical teaching experience in this State, a teacher education candidate shall undergo a state criminal records check by the South Carolina Law Enforcement Division and a national criminal records check supported by fingerprints by the Federal Bureau of Investigation. The cost associated with the FBI background checks are those of the applicant. Information reported relative to prior arrests or convictions will be reviewed by the State Department of Education, and the State Board of Education when warranted, according to board guidelines. A teacher education candidate with prior arrests or convictions of a serious nature that could affect his fitness to teach in the public schools of South Carolina may be denied the opportunity to complete the clinical teaching experience and qualify for initial teacher certification. An individual who is denied this opportunity as a result of prior arrests or convictions,

after one year, may request reconsideration under guidelines established by the State Board of Education.

- (C) A graduate of a teacher education program applying for initial teacher certification must have completed the FBI fingerprint process within eighteen months of formally applying for initial teacher certification or the fingerprint process must be repeated.

HISTORY: 1990 Act No. 387, Section 1; 2004 Act No. 195, Section 1, eff January 1, 2005.

#### Effect of Amendment

The 2004 amendment deleted the first paragraph relating to state and FBI fingerprint review, deleted the second paragraph relating to the fee for fingerprint review, and replaced the two deleted paragraphs with new subsections (A) through (C).

### **SECTION 59-25-120.**

Examination on United States Constitution and loyalty thereto.

All persons applying for certificates authorizing them to become teachers in the public schools of this State shall, in addition to other requirements and before receiving such certificate, be required to pass a satisfactory examination upon the provisions and principles of the Constitution of the United States and shall also satisfy the examining power of their loyalty thereto.

HISTORY: 1962 Code Section 21-372; 1952 Code Section 21-372; 1942 Code Section 5324; 1932 Code Section 5342; 1924 (33) 1186.

### **SECTION 59-25-130.**

Record of teachers' certificates.

A full record of all teachers' certificates shall be kept in the State Department of Education showing the name, age, sex, color and date of certificate of each person and such other information as may be desired.

HISTORY: 1962 Code Section 21-373; 1952 Code Section 21-373; 1942 Code Section 5381; 1932 Code Section 5295; Civ. C. '22 Section 2553; 1920 (31) 965; 1933 (38) 323.

### **SECTION 59-25-140.**

Fee for duplicate certificate; use of resulting fund.

The board of examiners for teachers may charge a fee of fifty cents for every duplicate certificate. The proceeds from such fees shall be deposited with the State Treasurer to be used by the board of examiners to cover the expense and labor of issuing duplicate certificates promptly and to pay the traveling expenses of the director of the board of examiners while in the discharge of his official duties. All disbursements of such fees shall be made only on vouchers approved by the State Superintendent of Education. An itemized statement of such expenditures shall be kept and published in the annual report of the State Superintendent of Education.

HISTORY: 1962 Code Section 21-374; 1952 Code Section 21-374; 1942 Code Section 5381; 1932 Code Section 5295; Civ. C. '22 Section 2553; 1920 (31) 965; 1933 (38) 323.

### **SECTION 59-25-150.**

Revocation or suspension of certificate.

The State Board of Education may, for just cause, either revoke or suspend the certificate of any person.

HISTORY: 1962 Code Section 21-375; 1974 (58) 1928.

### **SECTION 59-25-160.**

Revocation or suspension of certificate; "just cause" defined.

"Just cause" may consist of any one or more of the following:

- (1) Incompetence;
- (2) Wilful neglect of duty;
- (3) Wilful violation of the rules and regulations of the State Board of Education;
- (4) Unprofessional conduct;
- (5) Drunkenness;
- (6) Cruelty;
- (7) Crime against the law of this State or the United States;
- (8) Immorality;
- (9) Any conduct involving moral turpitude;
- (10) Dishonesty;
- (11) Evident unfitness for position for which employed; or
- (12) Sale or possession of narcotics.

HISTORY: 1962 Code Section 21-375.1; 1974 (58) 1928.

### **SECTION 59-25-170.**

Revocation or suspension of certificate; notice to teacher and opportunity for hearing.

No person's certificate may be either revoked or suspended unless written notice specifying the cause for either the revocation or suspension has been given to the person by the State Board of Education and a hearing has been afforded such person.

HISTORY: 1962 Code Section 21-375.2; 1974 (58) 1928.

### **SECTION 59-25-180.**

Revocation or suspension of certificate; notice to district board of trustees.

Whenever the State Board of Education either revokes or suspends a certificate of any person it shall immediately notify the chairman of the district board of trustees that employs such person of the revocation or suspension

HISTORY: 1962 Code Section 21-375.3; 1974 (58) 1928.

## **SECTION 59-25-190.**

Revocation or suspension of certificate; effect; payment of salary.

The revocation or suspension of the certificate of any person shall terminate the employment of such person until such time as a decision is reached concerning the charge against such person; however, such person shall be paid until the final disposition of the case by the State Board of Education.

HISTORY: 1962 Code Section 21-375.4; 1974 (58) 1928.

## **SECTION 59-25-200.**

Revocation or suspension of certificate; request for hearing; conduct of hearing; determination by board.

Within fifteen days after receipt of notice of revocation or suspension, such person may serve upon the chairman of the State Board of Education or the State Superintendent of Education a written request for either a public or private hearing before the board. The hearing shall be held by the board not less than ten days nor more than twenty days after the request is served, and a notice of the time and place of the hearing shall be given the person not less than four days prior to the date of the hearing. At the hearing, which shall be as summary and as simple as reasonably may be, the parties may appear in person and by counsel, if desired, and may present any testimony, under oath, or other evidence as may be pertinent. Within fifteen days following the hearing, the board shall determine whether there existed just cause for the notice of revocation or suspension and shall render its written order accordingly either affirming, withdrawing, or modifying the notice of revocation or suspension.

HISTORY: 1962 Code Section 21-375.5; 1974 (58) 1928.

## **SECTION 59-25-210.**

Revocation or suspension of certificate; power of board to issue subpoenas, administer oaths and examine witnesses.

The State Board of Education, for the purposes of this article, shall have the power to subpoena witnesses, to administer oaths, and to examine witnesses and such parts of any books and records as relate to the issue or issues involved.

HISTORY: 1962 Code Section 21-375.6; 1974 (58) 1928.

## **SECTION 59-25-220.**

Revocation or suspension of certificate; depositions.

Any party to such proceedings may cause to be taken the deposition of witnesses within or without the State and either by commission or de bene esse. Such depositions shall be taken in accordance with and subject to the same provisions, conditions, and restrictions as apply to the taking of like depositions in civil actions at law in the court of common pleas, and the same rules with respect to the giving of notice to the opposite party, the taking and transcribing of testimony, the transmission and certification thereof and matters of practice relating thereto shall apply.

HISTORY: 1962 Code Section 21-375.7; 1974 (58) 1928.

### **SECTION 59-25-230.**

Revocation or suspension of certificate; service of notices.

Notices to be given by a party shall be served upon the opposite party prior to the filing thereof. All notices shall be served in person or by registered mail.

HISTORY: 1962 Code Section 21-375.8; 1974 (58) 1928.

### **SECTION 59-25-240.**

Revocation or suspension of certificate; service of subpoenas; witness fees.

The county sheriffs and their respective deputies shall serve all subpoenas of the State Board of Education and shall receive the same fees as are now provided by law for like service. Each witness who appears in obedience to such subpoena shall receive for attendance the fees and mileage of witnesses in civil cases in the courts of the county in which the hearing is held.

HISTORY: 1962 Code Section 21-375.9; 1974 (58) 1928.

### **SECTION 59-25-250.**

Revocation or suspension of certificate; powers and duties of court of common pleas; warrant for production of witnesses.

- (A) Upon application by the State Board of Education, the court of common pleas shall enforce by proper proceedings the attendance and testimony of witnesses and the production of books, papers, and records. The unexcused failure or refusal to attend and give testimony or produce books, papers, and records as may have been required in any subpoena issued by the State Board of Education is a misdemeanor. A person who engages in this conduct, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.
- (B) The State Board of Education may issue to the sheriff of the county in which a hearing is held a warrant requiring him to produce at the hearing a witness who has ignored or failed to comply with any subpoena issued by the State Board of Education and properly served upon the witness. The warrant authorizes the sheriff to arrest and produce at the hearing the witness, and it is his duty to do so. The failure of a witness to appear in response to a subpoena may be excused on the same grounds as provided by law for the attendance of witnesses in the courts of this State.

HISTORY: 1962 Code Section 21-375.10; 1974 (58) 1928; 1993 Act No. 184, Section 255.

### **SECTION 59-25-260.**

Revocation or suspension of certificate; appeals.

The findings of fact by the State Board of Education are final and conclusive. A person aggrieved by the order of the State Board of Education, within thirty days, may appeal to the Administrative Law Court as provided in Sections 1-23-380(B) and 1-23-600(D), to review

errors of law only, by filing with the Administrative Law Court and the State Board of Education notice of appeal. The State Board of Education shall file a certified copy of the record with the Administrative Law Court in accordance with its rules of procedure. An appeal from the order of the Administrative Law Court must be taken in the manner provided by the South Carolina Appellate Court Rules.

HISTORY: 1962 Code Section 21-375.11; 1974 (58) 1928; 1999 Act No. 55, Section 52; 2006 Act No. 387, Section 43, eff July 1, 2006.

#### Editor's Note

- 2006 Act No. 387, Section 53, provides as follows: "This act is intended to provide a uniform procedure for contested cases and appeals from administrative agencies and to the extent that a provision of this act conflicts with an existing statute or regulation, the provisions of this act are controlling."
- 2006 Act No. 387, Section 57, provides as follows: "This act takes effect on July 1, 2006, and applies to any actions pending on or after the effective date of the act. No pending or vested right, civil action, special proceeding, or appeal of a final administrative decision exists under the former law as of the effective date of this act, except for appeals of Department of Health and Environmental Control Ocean and Coastal Resource Management and Environmental Quality Control permits that are before the Administrative Law Court on the effective date of this act and petitions for judicial review that are pending before the circuit court. For those actions only, the department shall hear appeals from the administrative law judges and the circuit court shall hear pending petitions for judicial review in accordance with the former law. Thereafter, any appeal of those actions shall proceed as provided in this act for review. For all other actions pending on the effective date of this act, the action proceeds as provided in this act for review."

#### Effect of Amendment

The 2006 amendment rewrote this section to provide for appeals to the Administrative Law Court and judicial review of the administrative law judge's decision.

### **SECTION 59-25-270.**

#### Revocation or suspension of certificate; reinstatement.

If either the State Board of Education, the court of common pleas, the court of appeals, or the Supreme Court of South Carolina reverses the order of revocation or suspension, the person whose certificate had been either revoked or suspended by the state board shall be fully reinstated and shall receive all salary lost as a result of such revocation or suspension of his certificate; provided, however, that where the State Board of Education, within the time prescribed by law, appeals from an order of the court of common pleas reversing an order of revocation or suspension rendered by the State Board of Education, the person whose certificate had either been revoked or suspended by the state board shall not be entitled to be reinstated and to receive all salary lost as a result of his certificate's revocation or suspension by the state board unless and until the Supreme Court or court of appeals affirms the order of the court of common pleas.

HISTORY: 1962 Code Section 21-375.13; 1974 (58) 1928; 1999 Act No. 55, Section 53.

## **SECTION 59-25-280.**

Crimes warranting revocation, refusal to issue or nonrenewal of certificate.

- (A) The State Board of Education permanently shall revoke, refuse to issue, or renew a certificate without a hearing, if the holder of or applicant for the certificate pleads guilty, pleads nolo contendere, or is found guilty of the following crimes, whether or not a sentence is imposed and regardless of where the matter was tried:
  - (1) a violent crime as defined in Section 16-1-60;
  - (2) certain offenses related to obscenity, material harmful to minors, child exploitation, and child prostitution, including Sections 16-15-305, 16-15-335, 16-15-345, 16-15-355, 16-15-365, 16-15-385, 16-15-387, 16-15-395, 16-15-405, 16-15-410, 16-15-415, and 16-15-425; or
  - (3) a criminal offense similar in nature to the crimes listed in items (1) and (2) committed in other jurisdictions or pursuant to federal law.
- (B) A school district may not employ an educator in any capacity whose South Carolina certificate is revoked pursuant to subsection (A).

HISTORY: 2004 Act No. 307, Section 4, eff September 8, 2004.