



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MEMORANDUM

TO: Superintendents
District Personnel Administrators
Chief Financial Officers

FROM: Matthew Ferguson, Ed.D., Esq.
Deputy Superintendent
Division of College, Career, and Military Readiness

DATE: April 9, 2024

RE: Guidance on Elementary and Secondary School Emergency Relief (ESSER) Positions

This memorandum provides guidance to districts regarding the elimination of positions previously funded through the ESSER program. Districts must navigate this process in compliance with state laws and district policies while ensuring minimal disruption to student learning.

Legal Considerations: As per S.C. Code Ann. §59-25-410, any decision not to renew an employment contract must be communicated in writing before May 1. Additionally, districts should consider the provisions outlined in S.C. Code Ann. §59-25-415 regarding rehiring priorities for certified personnel affected by economic reasons, including the expiration of ESSER funding. Districts should seek guidance from local legal counsel and review relevant board policies, such as Policy GCQA, Professional Personnel Reduction in Force, for further clarification.

Evaluation of Positions: Districts have the authority to make decisions regarding employment and staffing allocations. Some districts have utilized ESSER funding to create additional coaching and support positions, which have reportedly had a significant impact on student growth. As ESSER funding reaches expiration, districts are encouraged to carefully consider the continuation of positions that have demonstrated effectiveness in supporting student learning outcomes.

Exploring Alternatives: Districts may explore alternative staffing options, such as transitioning certified educators from non-classroom positions funded by ESSER to classroom-based teaching roles. This approach not only ensures continuity of instruction but also utilizes the expertise of qualified staff members. Although some districts employ cultural exchange teachers and previously retired individuals to ensure students have access to qualified and effective classroom teachers, certified educators working in non-classroom positions previously funded by ESSER may provide an additional pool of qualified candidates for classroom-based teaching positions.

As districts navigate the complexities of staffing adjustments related to ESSER funding, it is imperative to approach the process thoughtfully and strategically. By adhering to legal requirements, consulting relevant policies, and carefully evaluating the effectiveness of funded positions, districts can minimize disruption to student learning while maximizing available resources. As districts proceed, we encourage open communication, collaboration, and proactive decision-making to ensure the best outcomes for students and staff.