



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MEMORANDUM

TO: District Superintendents
Human Resource Directors
District Web Access Coordinators
District Business Officials

FROM: Nancy W. Williams, CPA
Chief Financial Officer, Office of Finance

DATE: April 4, 2023

RE: Procedures for Requirements to Employ Retired Individuals for School
Year 2023–24

Pursuant to S.C. Code Ann. § 9-1-1795 (Supp. 2022), beginning in School Year (SY) 2018–19 and annually thereafter, the State Board of Education (SBE) designates areas of critical academic need and critical geographic need for the employment of retired certified teachers who will be exempt from the earnings limitations imposed by S.C. Code Ann. § 9-1-1790.

For SY 2023-24 and for the purpose of employing retired certified teachers who will be exempt from the earnings limitation, the SBE defined critical need areas as follows:

1. Critical need subject areas identified and approved by the SBE on February 14, 2023, for forgiveness of the South Carolina Teacher Loan Program.
 2. Critical need geographic areas for the employment of retired teachers include the following:
 - a. the schools identified and approved by the SBE on February 14, 2023 for forgiveness of the South Carolina Teacher Loan Program; and
 - b. additional schools in any school district in which at least 67 percent of the schools meet the criteria to qualify as a critical need geographic area for the purpose of teacher loan forgiveness; and
 - c. all career and technical education (CTE) centers statewide.
- S. C. Code Ann. § 9-1-1795 (Supp. 2022) 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 State 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.

For the salary cap exemption, eligible teachers must hold a valid educator certificate for the 2023–24 school year and teach in a subject area that they are certified in. Retired educators must either teach in a critical needs subject area or critical needs geographical area based on the approved SY 2023–2024 critical needs list. Expired teaching certificates for retired educators will not be approved until the certification is renewed or extended.

Please note that based upon Proviso 1.72 of the current fiscal year, school districts may notify retired educators of employment in writing on or before May 1.

April 4, 2023

Additional information regarding the 2023–24 critical need geographic areas (schools) for the employment of retired teachers may be found on the SCDE [Critical Need Areas](#) webpage. The expanded list of critical need geographic areas (schools) may be found under the section “Retirement Earnings Limitation Exemption for the Employment of Retired Teachers.”

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 \$10,000 earnings limitation applies to individuals who retired after January 1, 2013, and retired before the individual reached the age of 62. If applicable, an individual’s first day in the TERI program is considered the date of retirement.

The \$10,000 earnings limitation does not apply if the member has retired before January 1, 2013, or if the member has attained the age of 62 years at retirement.

Retiree Assurance Forms are submitted through the SCDE Web Application Portal. User roles are created for the Superintendent (Retiree Waiver Superintendent) and the Superintendent’s designee (Retiree Assurance Form Submitter) for the submission of these forms. Only the superintendent or the superintendent’s designee can sign and submit the assurance forms for verification. User roles can be requested through your district Web Access Coordinator (WAC) or roles can be assigned by submitting an eSupport Request on the SCDE web portal. The title for this role is identified as “Retiree Assurance Form Submitter” in the Access Management Tool (AMT) and the District and Entity Information Management (DEIM) system.

New or revised user roles need to be assigned by Friday, April 14, 2023. Once user roles are established you will receive notification when the School Year 2023 – 2024 Retiree Assurance Form has been loaded to the web portal.

Please email your questions or concerns to retireewaiver@ed.sc.gov.