

ADEPT

Statute

Amended June 18, 2012

CHAPTER 26.

TRAINING, CERTIFICATION AND EVALUATION OF PUBLIC EDUCATORS

SECTION 59-26-40. Induction, annual and continuing contracts; evaluations; termination of employment for annual contract teacher; hearing.

(A) A person who receives a teaching certificate as provided in Section 59-26-30 may be employed by a school district under a nonrenewable induction contract. School districts shall comply with procedures and requirements promulgated by the State Board of Education relating to aid, supervision, and evaluation of persons teaching under an induction contract. Teachers working under an induction contract must be paid at least the beginning salary on the state minimum salary schedule.

(B) Each school district shall provide teachers employed under induction contracts with a formalized induction program developed or adopted in accordance with State Board of Education regulations.

(C) At the end of each year of the three-year induction period, the district may employ the teacher under another induction contract, an annual contract, or may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the induction contract level. At the end of the three-year induction contract period, a teacher shall become eligible for employment at the annual contract level. At the discretion of the local school district in which the induction teacher was employed, the district may employ the teacher under an annual contract or the district may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level. A person must not be employed as an induction teacher for more than three years. This subsection does not preclude his employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education. During the induction contract period, the employment dismissal provisions of Article 3, Chapter 19 and Article 5, Chapter 25 of this title do not apply.

(D) Annual contract teachers must be evaluated or assisted with procedures developed or adopted by the local school district in accordance with State Board of Education regulations. Teachers employed under an annual contract also must complete an individualized professional growth plan established by the school or district. Professional growth plans must be supportive of district strategic plans and school renewal plans. Teachers must not be employed under an annual contract for more than four years, in accordance with State Board of Education regulations.

(E) During the first annual contract year, at the discretion of the school district in which the teacher is employed, the annual contract teacher either must complete the formal evaluation process or be provided diagnostic assistance. During subsequent annual contract years, teachers must be evaluated or assisted in accordance with State Board of Education regulations. Teachers are eligible to receive diagnostic assistance during only one annual contract year.

(F) Once an annual contract teacher has successfully completed the formal evaluation process, met the criteria set by the local board of trustees, and satisfied requirements established by the State Board of Education for the professional teaching certificate, the teacher becomes eligible for employment at the continuing contract level. At the discretion of the school district in which the teacher is employed, the district may employ the teacher under a continuing contract or terminate the teacher's employment. If employment is terminated, the teacher may seek employment in another school district. At the discretion of the next hiring district, the teacher may be employed at the annual or continuing contract level. An annual contract teacher who has completed successfully the evaluation process and met the criteria set by the local board of trustees, but who has not yet satisfied all requirements established by the State Board of Education for the professional teaching certificate, is eligible for employment under a subsequent annual contract, with evaluation being either formal or informal, at the discretion of the local school district. At the discretion of the school district in which the teacher is employed, the district may employ the teacher under an annual contract or terminate the teacher's employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level. If at the end of an annual contract year a teacher did not complete successfully the formal evaluation process or if it is the opinion of the school district that the teacher's performance was not sufficiently high based on criteria established by the local board of trustees, the teacher is eligible for employment under a subsequent annual contract. Formal evaluation or assistance must be provided consistent with State Board of Education regulations. At the discretion of the school district, the district may employ the teacher under a subsequent annual contract or terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level.

(G) An annual contract teacher who has not completed successfully the formal evaluation process or the professional growth plan for the second time must not be employed as a classroom teacher in a public school in this State for a minimum of two years. Before reentry as an annual contract teacher, he must complete a state-approved remediation plan in areas of identified deficiencies. Upon completion of this requirement, the teacher is eligible for employment under an annual contract for one additional year to continue toward the next contract level. The provisions of this subsection granting an opportunity for reentry into the profession are available to a teacher only once. This subsection does not preclude the teacher's employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education.

(H) During the annual contract period the employment dismissal provisions of Article 3, Chapter 19 and Article 5, Chapter 25 of this title do not apply. Teachers working under a one-year annual contract who are not recommended for reemployment at the end of the year, within fifteen days after receipt of notice of the recommendation, may request an informal hearing before the district superintendent. The superintendent shall schedule the hearing not sooner than seven and not later than thirty working days after he receives a request from the teacher for a hearing. At the hearing the evidence must be reviewed by the superintendent. The teacher may provide information, testimony, or witnesses that the teacher considers necessary. The decision by the superintendent must be given in writing within twenty days of the hearing. The teacher may appeal the superintendent's decision to the school district board of trustees.

An appeal must include:

- (1) a brief statement of the questions to be presented to the board; and

(2) a brief statement in which the teacher states his belief about how the superintendent erred in his judgment.

Failure to file an appeal with the board within ten days of the receipt of the superintendent's decision causes the decision of the superintendent to become the final judgment in the matter. The board of trustees shall review the materials presented at the earlier hearing, and after examining these materials, the board may or may not grant the request for a board hearing of the matter. Written notice of the board's decision on whether or not to grant the request must be rendered within thirty-five calendar days of the receipt of the request. If the board determines that a hearing by the board is warranted, the teacher must be given written notice of the time and place of the hearing which must be set not sooner than seven and not later than fifteen days from the time of the board's determination to hear the matter. The decision of the board is final.

(I) A person who receives a conditional teaching certificate as provided in Section 59-26-30 may be employed by a school district under an induction contract or an annual contract in accordance with the provisions of this section. The holder of a conditional teaching certificate must be employed to teach at least a majority of his instructional time in the subject area for which he has received conditional certification.

(J) After successfully completing an induction contract period, not to exceed three years, and an annual contract period, a teacher shall become eligible for employment at the continuing contract level. This contract status is transferable to any district in this State. A continuing contract teacher shall have full procedural rights that currently exist under law relating to employment and dismissal. A teacher employed under a continuing contract must be evaluated on a continuous basis. At the discretion of the local district and based on an individual teacher's needs and past performance, the evaluation may be formal or informal. Formal evaluations must be conducted with a process developed or adopted by the local district in accordance with State Board of Education regulations. The formal process also must include an individualized professional growth plan established by the school or district. Professional growth plans must be supportive of district strategic plans and school renewal plans. Informal evaluations which should be conducted for accomplished teachers who have consistently performed at levels required by state standards, must be conducted with a goals-based process in accordance with State Board of Education regulations. The professional development goals must be established by the teacher in consultation with a building administrator and must be supportive of district strategic plans and school renewal plans.

(K) If a person has completed an approved teacher training program at a college or university outside this State, has met the requirements for certification in this State, and has less than one year of teaching experience, he may be employed by a school district under an induction contract. If he has one or more years of teaching experience, he may be employed by a district under an annual contract.

(L) A teacher certified under the career and technology education work-based certification process is exempt from the provisions of the South Carolina Education Improvement Act of 1984 which require the completion of scholastic requirements for teaching at an approved college or university. After completing the induction contract period, not to exceed three years, the teacher may be employed for a maximum of four years under an annual contract to establish his eligibility for employment as a continuing contract teacher. Before being eligible for a continuing contract, a teacher shall pass a basic skills examination developed in accordance with

Section 59-26-30, a state approved skill assessment in his area, and performance evaluations as required for teachers who are employed under annual contracts. Certification renewal requirements for teachers are those promulgated by the State Board of Education.

(M) Before the initial employment of a teacher, the local school district shall request a criminal record history from the South Carolina Law Enforcement Division for past convictions of a crime.

(N) The State Department of Education shall ensure that colleges, universities, school districts, and schools comply with the provisions established in this chapter.

HISTORY: 1979 Act No. 187 Section 4; 1981 Act No. 43; 1982 Act No. 391; 1984 Act No. 512, Part II, Section 9, Division II, Subdivision C, SubPart 1, Section 5, and SubPart 4, Section 5; 1984 Act No. 512, Part II, Section 57A; 1997 Act No. 72, Section 4; 2004 Act No. 283, Section 2, eff July 22, 2004; 2012 Act No. 231, Sections 1, 2, 3, eff June 18, 2012.