

CRITERIA FOR REVIEW OF APPLICANTS FOR THE NONCERTIFIED TEACHER PILOT PROGRAM

CODE: BBCDC

ISSUED: 3/3/26

Constitutional and Statutory Provisions:

S. C. Code Ann. Sections:

59-18-1115 (2025) Noncertified Teacher Pilot Program

59-25-280 (2004) Crimes warranting revocation, refusal to issue or nonrenewal of certificate

24 S.C. Code Ann. Regulations:

R. 43-58 Disciplinary Action on Educator Certificates

State Board Rule:

A. Policy/Procedure:

When evidence of prior criminal activity of an applicant for the noncertified teacher pilot program is reported by the State Law Enforcement Division (SLED) and/or the Federal Bureau of Investigation (FBI) as a result of a fingerprint examination, the South Carolina Department of Education (SCDE) Certification Review Committee (CRC) will be convened by the Office of General Counsel. The CRC shall also examine an applicant's background history, including out-of-state educator disciplinary actions and actions against other professional credentials. The CRC will apply the criteria in Section B of this rule to determine whether a prospective noncertified teacher can be cleared for registration and participation in the pilot.

If the prospective noncertified teacher cannot be cleared by the CRC, the candidate will be referred to the State Board of Education (Board). Except in the case where there is a felony conviction, the Board may delegate to a committee of the Board the authority to approve or deny a prospective participant a registration as a noncertified teacher. The applicant may appear before the Board or the committee, if delegated, when that individual's application is considered and will be given three minutes to make a personal statement to the Board or committee, if delegated. Additionally, the applicant may submit documents for the Board or committee, if delegated, to consider. Documents must be received by the SCDE 30 days prior to the meeting in order to be included in the materials that will be considered by the Board or committee. The Board or committee will apply the factors in Section C of this rule when considering whether the applicant will receive or be denied registration as a noncertified teacher. If the committee does not approve the application, the applicant has the right to file an exception to the decision of the committee to the full Board. Notice of exception and any briefs must be sent in writing within thirty days of the committee action. An applicant who appears before the Board on appeal may

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make a five minute personal statement. The Board will consider the same documents reviewed by the committee, in addition to a brief filed by the educator. No new evidence will be submitted on appeal. In cases where the Board did not delegate the matter to a committee and denied the application, an applicant who files an exception to the Board's decision may request reconsideration of the Board's action and appear a second time before the full board. If an applicant does not file an exception within 30 days, the committee's decision is final.

B. Criteria for Clearance of Prior Criminal Activity by the CRC:

The Board delegates the authority to the CRC to determine whether to approve the application for registration as a noncertified teacher in the pilot program for an applicant whose fingerprint review reveals the following:

1. Arrests, where criminal charges were dropped or dismissed (as evidenced by an expungement order or an entry of nolle prosequi by a solicitor).
2. Up to two DUI incidents, three years or older.
3. Single misdemeanor.
4. Multiple misdemeanors, *all* three years or older (excluding cases involving violence, drugs, sexual misconduct, breach of public trust, and minors).
5. Convictions for which a full pardon has been granted.

C. The Board will consider the following factors when reviewing a candidate's application that was not cleared by the CRC:

1. Failure to report or attempt to conceal misconduct.
2. Age of the applicant at the time of arrest.
3. A clear relationship between the offense and the duties and responsibilities of the education profession.
4. Deliberate or willful nature of the misconduct.
5. A pattern of misconduct.
6. Indicators of a likelihood of present harm or potential for continuing harm to students, parents of students, school personnel, or school district officials.
7. Indicators of a likelihood of future misconduct of a similar or related nature.
8. Successful completion or discharge of any sentence, incarceration, fine, parole, mandatory supervision, probation, community supervision, community service, restitution, or other requirement or condition judicially imposed in connection with a criminal offense.
9. Offers of employment in the education profession.
10. Involvement in public service activities in the community.
11. Failure to disclose any prior criminal conduct or professional licensure actions on the application for certification.
12. Any other factors the Board deems appropriate to a particular situation.

D. The Board shall refuse to issue a registration to any prospective educator who has pled guilty, pled nolo contendere, or is found guilty of any crime specified in S.C. Code Ann. § 59-25-280 (2005) and the individual shall not be entitled to a hearing.

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- E. Pursuant to S.C. Code Ann 59-18-1115, the Board shall refuse to issue a registration to any noncertified teacher applicant whose South Carolina educator certificate has been suspended or revoked during the term of the disciplinary action. A noncertified teacher candidate whose application for educator certification has been denied by the Board shall not be issued a registration as a noncertified teacher during the term of the denial.
- F. The Board shall issue a written notice following the denial of a candidate's application for participation in the noncertified teacher pilot. The South Carolina Department of Education will send notification to the South Carolina school district seeking to employ the candidate as a noncertified teacher in the pilot program.
- G. The applicant has the right to reapply for registration as a noncertified teacher in the pilot program after a period of one year from the date of the registration denial by the Board or committee, if delegated.