

1978 WL 34978 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 11, 1978

*1 Mr. R. James Roquemore
Dillon School Dist. No. 2
West Washington Street
Dillon, SC 29536

Dear Mr. Roquemore:

You have requested an opinion from this office concerning the meaning of the deadlines for notifying teachers of employment and their assignment imposed by [§ 59-25-410 of the 1976 Code of Laws of South Carolina](#), as amended. [§ 59-25-410](#) provides:

On or before April fifteenth of each year, the boards of trustees of the several school districts shall decide and notify, in writing, the teachers, as defined in [§ 59-1-130 of the 1976 Code](#), in their employ concerning their employment for the ensuing year. If the board, or the person designated by it, fails to notify a teacher who has been employed by a school district for a majority of the current school year of his status for the ensuing year, the teacher shall be deemed to be reemployed for the ensuing year and the board shall issue a contract to such teacher as though the board had reemployed such teacher in the usual manner. Notices of intent not to renew an employment contract shall be given in writing no later than April fifteenth of each year.

On or before August fifteenth the superintendent, principal, where applicable, or supervisor shall notify the teacher of his tentative assignment for the ensuing school year.

This section shall not apply to any teacher whose contract of employment or dismissal is under appeal under § 59-25-450.

The act is clear and unambiguous in its terms and should be accorded its literal meaning. [McMillan Feed Mills, Inc. of SC v Mayer](#), 220 S.E. 2d 221, 265 S.C. 500. The first paragraph of the act requires the board of trustees, or other designated person, to decide the future status of each teacher employed by it for a majority of the school year and notify each teacher of such decision in writing by April 15. Failure to notify a teacher of such status will result in the teacher automatically being reemployed for the next school year.

In the second paragraph, the act states the teacher shall be notified of his/her tentative assignment by August 15. It is the opinion of this office that the provision regarding notification of teachers of their tentative assignment refers to all teachers who have been reemployed for the ensuing year, by the board's formal actions in renewing the contract or by the board's failure to notify the teacher in writing of her employment status for the ensuing year by April 15 as required by the act.

If you have any further questions, please feel free to contact me.

Very truly yours,

Frank H. DuRant
Assistant Attorney General

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