

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

724J0594

HOUSE BILL NO. 1198

Introduced by: Representatives Craddock, Cutler, Elliott, Kraus, Kroger, LaRue, Madsen, McCaulley, and Wick and Senators de Hueck, Albers, Earley, Knudson, Koetzle, McCracken, Moore, Olson (Ed), Schoenbeck, Sutton (Dan), and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding teacher contract
2 termination and nonrenewal.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-43-6.2 be amended to read as follows:

5 13-43-6.2. ~~The superintendent or the school board shall give written notice of the~~
6 ~~termination to the teacher; a written statement of the reasons for the termination; access to the~~
7 ~~employment records of the teacher; the opportunity to the teacher for a hearing before the school~~
8 ~~board to present reasons in person or in writing why the termination should not occur; and the~~
9 ~~opportunity to be represented. The hearing provided by this section shall be requested within~~
10 ~~fifteen days after receipt of the notice. Prior to termination of a teacher for cause pursuant to~~
11 ~~§ 13-43-6.1, the superintendent, chief executive officer, or a member of the school board shall~~
12 ~~present to the school board a written recommendation for termination. The recommendation~~
13 ~~shall state the specific ground or grounds delineated in § 13-43-6.1 upon which the~~
14 ~~recommendation is based. Upon receipt of the recommendation for termination, the school~~



1 board shall notify the teacher of the recommendation for termination and of the teacher's right
2 to a hearing on the recommendation. The notification shall be delivered by certified mail or
3 personal delivery for which a signed release is obtained. The notification shall include a copy
4 of the written recommendation stating the ground or grounds supporting the recommendation
5 and providing notice of the following rights:

- 6 (1) Right of access to the teacher's employment records;
7 (2) Right to a hearing before the school board to present reasons in person or in writing
8 why the termination should not occur; and
9 (3) Right to be represented at the hearing.

10 A written request for a hearing provided by this section shall be delivered to the school
11 board by the teacher within fifteen days after receipt of the notice. The school board shall
12 conduct the hearing not sooner than fourteen days, nor later than forty-five days, after receipt
13 of the teacher's request for hearing. The parties may waive the time limitations provided for in
14 this section.

15 Section 2. That § 13-43-6.3 be amended to read as follows:

16 13-43-6.3. Until a teacher is in or beyond the fourth consecutive term of employment as a
17 teacher with the school district, a school board may or may not renew the teacher's contract. The
18 superintendent or school board shall give written notice of nonrenewal by April fifteenth but is
19 not required to give further process or a reason for nonrenewal.

20 After a teacher is in or beyond the fourth consecutive term of employment as a teacher with
21 the school district, §§ 13-43-6.1 and 13-43-6.2 apply to any nonrenewal of the teacher's contract.
22 On or before April fifteenth, the school board shall notify the teacher in writing of ~~its intention~~
23 ~~to not renew~~ any written recommendation for nonrenewal of the teacher's contract.

24 Acceptance by the teacher of an offer from the district to enter into a new contract with the

1 teacher shall be in the manner specified in the offer. Failure of the teacher to accept the offer in
2 the manner specified shall result in the termination of the existing contract between the teacher
3 and the district at the end of its term.