



Transfers, Reassignments and Vacancies

August 9, 2011

South Carolina Code of Laws, Title 59, Chapter 25, Article 5, SECTION 59-25-410 states the following: “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.”

The affect of 59-25-410 is that a teacher may not know his or her assignment prior to the start of school. Last minute notice of a change in assignment may cause the loss or delay of valuable instructional time with students.

Teachers started the 2010-2011 school year on or about August 11 and students arrived about three days later. Here are examples that illustrate the need for a chance in this legislation:

1. A teacher has been teaching 5th grade for 15 years. She has never taught grades K-4, although she is certified. She is notified on August 13 that she is being moved to Kindergarten. She has 2 days to become familiar with the curriculum, prepare lesson plans, decorate her classroom, locate supplies and materials, contact parents, and so forth. Additionally, the leap from 5th grade to Kindergarten is significant. It may be very difficult for this teacher to adjust her style of teaching enough to make this transition.
2. A teacher arrives at school on August 11 for the first of three in-service days that occur prior to the start of school. Upon her arrival, she finds that her assignment has changed and this change requires that she move her entire classroom to another area of the school. This requires moving furniture, and securing the assistance of custodians to box up and move materials. She has 2 days to move and get her room ready. Since there is required professional development on those days, she will have to work in the evenings to complete the move. She will greet her new students stressed and minimally prepared.

The SCEA supports state legislation and local school district policies that provide teachers with the right to appropriate notice of transfer, reassignment and vacancies. This legislation should include the following provisions:

For the purposes of this proposed legislation, a “transfer” is the movement of a teacher from one school to another school or from one program to another program. A “reassignment” is the change of a teacher from one subject area to another subject area, one grade level to another grade level, or from one configuration to another; such as team teacher, restructuring, or other reconfiguration within the same worksite.

Notice of Transfers or Reassignment

1. A school district shall provide a teacher with written notice of any change of assignment for the forthcoming school year no later than ninety (90) calendar days preceding the first day of the new school term. Such notice shall include the location, name of supervisor, and job description; including grade and subject area. In no event shall changes in a teacher's assignment be made later than seventy-five (75) calendar days preceding the commencement of the next school term unless an emergency situation requires the same.
2. A teacher may submit a request for transfer or reassignment to the District at any time, whether or not a vacancy exists.
3. A teacher may request confidentiality of his or her request for transfer, in which case the District must comply, keeping all correspondence and activities concerning the request for transfer confidential.
4. A transfer or reassignment request shall not be denied arbitrarily, capriciously, or without basis in fact. If a teacher's request for a voluntary transfer or reassignment is denied, the teacher, upon request, shall be granted a meeting with the person who denied the request to discuss the reasons for such denial. Following the meeting, the teacher may request and shall receive written reasons for the denial.
5. Teachers returning from leave shall be afforded all rights provided under this section.

Vacancy Procedure

1. Within 30 days of receiving notice of a vacancy, each superintendent shall post such vacancy on the district's publicly accessible website.
2. Teachers who desire a reassignment or transfer may file a written request with the office of the superintendent. The request shall include the grade and subject to which the teacher desires to be assigned or the school or schools to which the teacher desires to be transferred, in order of preference.
3. As soon as practicable, the superintendent shall post in each school the names of all transferred or reassigned teachers and the nature of such reassignment or transfer.
4. In considering requests for reassignment and transfer, the district shall consider the following objective criteria: (a) conflicts between the teacher and current school administration, (b) individual qualifications, and (c) seniority.
5. Teachers shall be notified of their assignment for the following term no later than six weeks prior to the beginning of the next term.

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