



## **Personnel Files**

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South Carolina requires that every school district superintendent maintain a personnel file for each teacher. School principals and assistant principals also maintain personnel files for their teachers. There is no way to determine or control how many separate files exist within a school district for the same teacher.

The ability, within a district, to create numerous personnel files with no oversight or regulation creates confusion.

Here are some examples:

Although the personnel file that is maintained by the superintendent is considered to be the official file, there is nothing that prevents material from being moved from an offsite school file to the district file without the teacher's knowledge.

When a teacher receives something in writing from her principal, with a notation that the document is being copied to her personnel file, she may or may not clearly understand which personnel file the document will go to.

A teacher may choose to not appeal something that was placed in her school personnel file simply because it's not her permanent personnel file. However, if she learns weeks or months later that the document was sent to the district office, it may be too late for her to file an appeal or address the issue.

Material in a teacher's personnel file is a consideration when a district considers disciplinary action against a teacher, when the district is investigating a situation, or when a teacher is being considered for a honorary position. Because there is no oversight or regulation governing personnel files located at individual schools, a teacher may have no knowledge of what is placed in those files and the principal is not required to give notice. As previously observed, when a teacher is unaware of material placed in his or her personnel file, there is no fair and reasonable opportunity to address it.

Of equal concern is the seeking and soliciting of old and outdated material to add to the personnel file, in an effort to further damage a teacher. This is an unfair maneuver by the district.

**The SCEA supports state legislation and local school district policies that provide employees with access to his or her personnel files and rules to govern personnel files. Legislation should provide the following:**

Personnel Files

(A) A school district shall maintain one and only one personnel file for each employee. This file shall be maintained in the Human Resources Department in the school district office.

No material shall be placed in a teacher's personnel file, unless the employee has had an opportunity to read such material. The teacher shall acknowledge that he or she has read such material by affixing his or her signature on the copy to be filed.

(B) Any material that has not been reduced to writing, submitted to and discussed with the teacher, and signed by the teacher within fifteen (15) days following the event or occurrence may not be added to the file. Any materials not contained in the teacher's personnel file, may not be used to evaluate or discipline the teacher in any manner.

(C) A teacher shall have the right to respond to any material, which is placed into his or her file and such response shall be attached to the file or the disputed document in the file.

(D) A teacher shall have the right to examine his or her personnel file within twenty-four (24) hours of request and to designate a representative to be present and participate in such review. Upon a teacher's request, the school district shall reproduce any materials in that teacher's personnel file.

(E) A school district shall not divulge any of the contents of a teacher's personnel file; including; a disciplinary report, letter of reprimand or other disciplinary action to any person or party other than the teacher except as follows:

- 1) A school district administrator within the line of supervision of the employee.
- 2) The employee has specifically waived written notice as part of a written, signed employment application with another employer.
- 3) The disclosure is ordered to a party in a legal action or arbitration proceeding.
- 4) The information is subpoenaed by a government agency as a result of a claim or complaint, or as a result of a criminal investigation.

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