

PROFESSIONAL STAFF EMPLOYMENT STATUS**Nonrenewal of a Probationary Teacher**

Written notice of school board action of nonrenewal must be given prior to April 15. See SDCL 13-43-6.3. No further process nor reasons for nonrenewal of probationary teachers need be given. Once the board has acted and the notice has been given, no further board action is required. When contracts are issued, none are issued to probationary teachers who have been given notice.

Nonrenewal of a Continuing Contract Teacher

Written notice of the school board action of nonrenewal must be given by the superintendent or the school board by April 15. The notice must identify one of the reasons set out in SDCL 13-43-6.1 as the basis for the action. A reasonable time should be given for the teacher to respond to this notice prior to the board meeting.

NOTICE – FAILURE OF THE BOARD TO MEET APRIL 15 DATE MAY RESULT IN REEMPLOYMENT.

Note: Due Process – The second paragraph of SDCL 13-43-6.3 may be construed to imply that after a teacher has received his or her fourth consecutive contract, there is a reasonable expectation of continued employment unless termination for one of the reasons set forth in SDCL 13-43-6.1 has occurred.

Reduction in Force – A Reduction in Force Policy is not statutorily required. Staff reduction procedure for probationary and non-probationary teachers is the same. Written notice of nonrenewal due to RIF must be provided by the school board by April 15. No other action is required.

Adoption: February 12, 2001

Revised: January 11, 2012

LEGAL REFS.: SDCL 13-43-6.1 through 13-43-6.6 and 13-46-1