

1982 WL 189404 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 17, 1982

***1 RE: Trades & Industrial Education Certification Process**

The Honorable Charlie G. Williams
State Superintendent of Education
South Carolina State Department of Education
Rutledge Building
Columbia, South Carolina 29201

Dear Dr. Williams:

You have requested an opinion from this office on two (2) questions dealing with the trades and industrial education certification process. The specific questions raised by you are considered hereafter in the order they were presented in your letter.

1. Are the trades and industrial (T&I) teachers limited in the number of times they can take the Education Entrance Exam?

As pointed out in your letter, students who pursue the teacher education degree programs in the colleges or universities are restricted in the number of times they are allowed to take the Education Entrance Exam. [Section 59-26-20\(e\), South Carolina Code of Laws, 1976](#), as amended, mandates that beginning with the 1982-83 school year all colleges and universities in this State that offer undergraduate degrees in education shall require that students successfully complete the basic skills examination. (Also referred to as the Education Entrance Exam).

Subsection (1) of [§ 59-26-20\(e\)](#) restricts the number of times a student may be allowed to take the exam to no more than three (3). If T&I teachers were required to participate in and graduate from a scholastic program prior to employment as are other teachers, this type restriction would undoubtedly apply to them. However, the legislature pursuant to [§ 59-26-40, South Carolina Code of Laws, 1976](#), as amended, chose to exempt T&I teachers from the scholastic requirements imposed on 'would-be' teachers in the approved college or university setting. The provision that students pass the basic skills test in three (3) tries or less is a scholastic requirement of the education certification process from which T&I teachers are clearly exempt. Therefore, it is the opinion of this office that the only restriction on the number of times a T&I teacher may take the Education Entrance Exam is the number of times it is offered during the five (5) year period allowed T&I teachers for completion of certification requirements.

2. Is the successful completion of the [Assessments of Performance in Teaching](#) (APT) evaluation required for T&I teachers during the first year of teaching as a condition for continued employment?

[Section 59-26-40, South Carolina Code of Laws, 1976](#), as amended, requires that teachers certified under the T&I education certification process successfully complete the performance evaluations as required for all teachers who are employed under provisional contracts. Teachers employed under provisional contracts are required to be evaluated at least three (3) times a year during the period of provisional employment.

[Section 59-26-40](#) further provides an exemption for T&I teachers from the scholastic requirements imposed on all other teachers. As pointed out in your letter, T&I certified teachers do not typically complete any professional education course work until they actually begin their first year of teaching, yet the APT evaluation requires a model lesson plan and objectives for which little or no training has been received by the T&I teacher during the first year. While the letter of the law appears to require the application and usage of the APT for evaluation of T&I teachers in their first year, it does not seem to be the intent of

the legislature to exempt T&I teachers from certain scholastic requirements and at the same time penalize them through the evaluation process for the exemption.

*2 Section 59-26-30(3) states that the APT is to be used to inform a teacher of his strengths and weaknesses. Under these circumstances, in order for the APT to accurately reflect the performance of a T&I teacher, the application of the instrument and/or the scoring must be modified so that the instrument adequately evaluates the performance of the T&I teacher in his or her first year of employment based on the knowledge and training which the T&I teacher has obtained.

Therefore, it is the opinion of this office that T&I teachers must be evaluated during the first year of teaching by an instrument which accurately evaluates the performance of the T&I teacher based on the knowledge and training possessed by the T&I teacher at that time. This evaluation may be accomplished either by use of a modified application and/or scoring of the APT or by the use of a separate and distinct evaluation instrument for T&I teachers. The latter alternative will require an amendment to [§ 59-26-40, South Carolina Code of Laws, 1976](#), as amended, to provide for the use of the specific evaluation instrument other than the APT.

Sincerely,

B. J. Willoughby
Assistant Attorney General

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