

1979 WL 43114 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 16, 1979

*1 Honorable James N. Ashe, Sr.
Member
House of Representatives
Box 129
Lockhart, South Carolina 29364

Dear Mr. Ashe:

You have requested an opinion concerning the National Teacher Examinations test scores of a college student in this state who will graduate in December 1979. This student took the NTE in July 1979, and scored more than what was required for certification at that time. On August 2, 1979, Act No. 187, Acts and Joint Resolutions, 1979, became effective and set forth new requirements for certification. The student's scores on the area portion of the NTE were lower than those required for certification under the new Act. You have asked whether this student is eligible for certification at this time.

The student in question was not eligible to be certified under existing certification requirements when she took the NTE because she had not completed an approved teacher education program.¹ See Requirements for Teacher Education and Certification of the South Carolina Department of Education, p. ii. Thus, because she was not certified at the time Act No. 187 became effective, she became subject to its requirements.

Section 3(f) of Act No. 187 states that the State Board ' . . . shall award a teaching certificate to any person who successfully completes the scholastic requirements for teaching at an approved college or university and the examination he is required to take for certification purposes.' Section 3(i), in part, sets forth the following requirements for the examinations: From the effective date of this act, use the specific teaching area examinations of the National Teacher Examinations for certification purposes. The qualifying scores on the area examinations shall be set at the same level at which they are now set. The qualifying scores may be adjusted if new legal requirements or validity studies indicate such adjustments are necessary.

In an unpublished Opinion of the Attorney General, September 6, 1979, from Paul S. League to State Superintendent of Education, Charlie G. Williams, Act No. 187 § 3(i) was interpreted to mean that a prospective school teacher would not be required to retake a teaching area examination of the NTE taken prior to August 2, 1979, as a qualification for certification if that individual attained the minimum score established by the State Board for that examination when the Act became effective. In accordance with that interpretation, the student in question who did not achieve the minimum score for a teaching area examination taken prior to August 2, 1979, would have to retake the examination. Unless the § 3(i) score is achieved, the student would not have successfully completed the examination so as to meet the requirements for certification under § 3(f) of Act No. 187. No other provisions of this Act appear to affect this conclusion.

If I can be of any assistance to you, please do not hesitate to contact me.

Yours very truly,

*2 J. Emory Smith, Jr.
State Attorney

Footnotes

- 1 Under § 19-25-110 of the Code of Laws of South Carolina (1976), the State Board of Education, by rules and regulations, formulates and administers a system for the examination and certification of teachers.

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