

1975 S.C. Op. Atty. Gen. 243 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4193, 1975 WL 22490

Office of the Attorney General

State of South Carolina

Opinion No. 4193

November 21, 1975

\*1 Proposed amendment to Act No. 1099 of 1974, which would require two years teaching in a school district and the signing of a contract for a third year before the rights created by Act No. 1099 would apply, would be constitutional.

TO: Director of Research  
House Education and Public  
Works Committee

QUESTION PRESENTED:

Would a proposed amendment to Act No. 1099 of 1974, which would require two years teaching in a school district and the signing of a contract for a third year before the rights created by Act No. 1099 would apply be constitutional?

AUTHORITIES INVOLVED:

[Board of Regents v. Roth, 408 U.S. 564 \(1972\)](#)

DISCUSSION:

Act No. 1099 of 1974 provides for various procedural rights in connection with the employment and discharge of public school teachers. Among the rights created are rights to written notice of dismissal, a hearing upon request, etc. The proposed amendment would require that a teacher be employed for two years and sign a contract with the same school district for third year before these rights would attach.

In [Board of Regents v. Roth, 408 U.S. 564 \(1972\)](#) the United States Supreme Court approved a Wisconsin statute by which similar rights did not attach until the teacher had been employed for four consecutive years. It thus appears that the proposed amendment to Act No. 1099 would present no constitutional problem.

Kenneth P. Woodington  
Assistant Attorney General

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