

Hearing Procedures for Teacher Termination and Nonrenewals

Under South Dakota law, all teachers are entitled to a hearing before the school board prior to termination during the contract year, and teachers who are in or beyond their fourth consecutive contract are further entitled to a hearing prior to the nonrenewal of their contract. This termination or nonrenewal can only occur by a vote of the Teachwell board after a hearing occurs or is waived by the teacher. This policy describes the procedures that these hearings will employ.

Timing of Hearing. The hearing must occur in accordance with state statutory deadlines, no sooner than 14 days and no longer than 45 days after the notice of nonrenewal or termination is received by the teacher. The parties can waive these requirements.

Presentations of Teacher and Director. The teacher is entitled to give a presentation to the board as to why they should not follow the recommendation of the Director. As required by South Dakota law, the teacher is entitled to representation at his or her expense during this presentation. Following the teacher's presentation, the Director will then present a rebuttal to the board as to why he or she made the recommendation for termination or nonrenewal. The Director and teacher may refer to documents during their allotted time and are entitled to submit those documents to the Board for its consideration after the parties' presentations are complete. The teacher's representation may also speak during this time, as may Teachwell's legal counsel. Both the teacher and Director will be limited to 30 minutes each.

Informal Procedures. These hearings are intended to be informal while still ensuring the opportunity for the teacher to present his or her side of the story as required by law. Unless the Director and teacher agree otherwise, there is no entitlement to present and cross-examine witnesses. The board is not obligated to appoint a hearing officer, though it may choose to do so. No rules of evidence apply to these proceedings.

Adopted on: 7/22/25