

January 26, 2007

The Honorable Glenn F. McConnell  
Chairman, Charleston County Legislative Delegation  
4 Courthouse Square  
Charleston, South Carolina 29401

Dear Senator McConnell:

In a letter to this office you questioned whether an interim high school principal is qualified to serve on the Regional Education Center Advisory Board in the position as a “high school principal” as set forth in S.C. Code Ann. § 59-59-180. Such statute provides for the designation by the Education and Economic Development Council of regional education centers “...to coordinate and facilitate the delivery of information, resources, and services to students, educators, employers, and the community.” Subsection (E)(1) of such provision states that

...[e]ach regional center shall have an advisory board comprised of a school district superintendent, high school principal, local workforce investment board chairperson, technical college president, four-year college or university representative, career center director or school district career and technology education coordinator, parent-teacher organization representative, and business and civic leaders....

As specified by such provision, among the members of the advisory board is a “high school principal”. As to the qualification of an interim high school principal to serve in such position, the term “interim” is defined by Black’s Law Dictionary, rev’d 4<sup>th</sup> ed. as “in the meantime; meanwhile”. I assume that the individual serving as an interim principal at a high school is serving pending the formal appointment of a regular principal to serve that high school.

It appears that an individual serving as an interim high school principal would be qualified to serve on the referenced advisory board of a regional education center. The authority of an individual serving in an interim capacity is generally recognized. This office in an opinion dated November 17, 1988 stated that

...actions taken by an interim appointee, as a de facto officer, with respect to the public and third parties, would be as valid and effectual as those of a de jure officer, unless and until a court should declare otherwise.

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An interim appointee functions much as an individual who serves in a holdover capacity. This office in an opinion dated November 8, 1993 recognized that a holdover serves as "...a de facto officer with the authority to discharge the duties of that office until a successor is elected and qualified." Consistent with such, in the opinion of this office, an individual serving as an interim high school principal is qualified to serve on the advisory board of a regional education center.

If there are any questions, please advise.

Sincerely,

Henry McMaster  
Attorney General

By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

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Robert D. Cook  
Assistant Deputy Attorney General