

1979 WL 43134 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
October 25, 1979

*1 Honorable T. Moffatt Burriss
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Burriss:

You have recently asked the opinion of this Office as to whether or not a certified teacher can serve for compensation as a substitute teacher in the district where the teacher also serves as a member of the county board of education.

[Section 59-1-130 of the Code of Laws of South Carolina](#), 1976, defines teacher as ‘. . . any person who is employed either full-time or part-time by any school district either to teach or to supervise teaching.’ There is no separate definition for substitute teacher and our Office has consistently interpreted substitute teacher as one who is employed part-time and thus within the statutory definition of [§ 59-1-130](#). See Unpublished Opinion of the Attorney General February 21, 1961, by James S. Verner, Assistant Attorney General, and Unpublished Opinion of Attorney General Danied R. McLeod, dated September 18, 1979.

The final sentence of [§ 59-15-10 of the Code of Laws of South Carolina](#), 1976, which provides for the appointment, term, and qualifications of members of county boards of education, states, ‘No employee of a public school system other than the county superintendent of education shall be eligible to serve as a member of a county board of education.’ Therefore, a substitute teacher as a paid employee of a school district would be prohibited from holding office as a county board of education member and teacher-employee at the same time.

Secondly, you inquire as to whether or not there is any provision of law which would prohibit a spouse of a county school board member from teaching for compensation in the school district. [Section 59-25-10 of the Code of Laws of South Carolina](#), 1976, as amended, determines the employment of teachers related to board members or serving as board members. The board of education of the county may approve in writing the employment of a teacher related to a trustee or a majority of the parents or guardians of the children attending the school for which such teacher is employed may request such employment in writing. See 1975-76 Op. Att’y. Gen., No. 4265, p. 80.

I am also enclosing an unpublished Opinion by former Assistant Attorney General Nathan Kaminski, dated September 26, 1977, in which he considers similar education problems.

If I can be of further assistance, please let me know.

With kind regards,
Sincerely,

Paul S. League
Assistant Attorney General

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