

1979 WL 43592 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 18, 1979

\*1 Honorable John D. Long, III  
State Senator  
Post Office Box 266  
Union, South Carolina 29379

Dear Senator Long:

This letter follows up our telephone conversation of September 13, 1979, concerning a newspaper article which stated that a member of the Union County Board of School Trustees had obtained an Opinion from this Office to the effect that she could also teach as a substitute teacher in Union County Schools. An attorney in the Education Section of this Office did talk to the trustee in question; however, consistent with the policy of this Office, the trustee was informed that no informal opinion could be rendered over the telephone. Further, the trustee was informed that this Office could not render any opinion to a county school district until the question had been presented to the school district's attorney; moreover, any request for an Attorney General's Opinion should come from the attorney for the school district.

At your request, I have reviewed the relevant statutes and conclude that a member of the Union County Board of School Trustees is barred from teaching in any of the public schools in Union County. [Section 59-15-10, Code of Laws of South Carolina](#), 1976, provides for the appointment, term and qualifications of members of a county board of education. The final sentence of the Code section 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.' Consistent with this Code section, previous Opinions of this Office have stated that public policy prohibits an employee of a county school system from serving both as an employee and member of the county board of education from the same school system. In accordance with this view, I have enclosed herewith a copy of an Opinion authored by Nathan Kaminski, Jr., Assistant Attorney General, dated September 26, 1977.

The entire area of Union County presently constitutes a single school district, denominated the School District of Union County. The School District of Union County is governed by a central authority known as the Union County Board of School Trustees. See Act No. 124, Acts and Joint Resolutions of South Carolina, 1969. Therefore, the school system of Union County is controlled by a single County Board of Education, and the aforementioned prohibition in [Section 59-15-10](#) is applicable to Union County. The Opinion of this Office is that a current member of the Union County Board of School Trustees may not also contemporaneously accept employment as a teacher with the School District of Union County.

This Opinion is equally applicable to a member of the Union County Board of School Trustees, whether the prospective employment be on a full-time or substitute basis. Section 59-1-130 defines the term teacher and states, "teacher' means any person who is employed either full-time or part-time by any school district either to teach or to supervise teaching.' I am aware of no separate definition of a substitute teacher which would remove substitute teachers from the prohibition stated in [Section 59-15-10](#).

\*2 With best wishes,  
Very truly yours,

Daniel R. McLeod

Attorney General

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