

1976 S.C. Op. Atty. Gen. 282 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4425, 1976 WL 23042

Office of the Attorney General

State of South Carolina

Opinion No. 4425

August 17, 1976

*1 Public school teachers have inherent authority to establish reasonable rules for their classes and extracurricular activities consistent with school regulations and the law.

TO: Representative J. D. Duncan
Representative
Spartanburg County

QUESTION:

Can a teacher remove a student from band for failing to attend band camp?

AUTHORITIES:

68 Am.Jur. 2d Schools §§ 53–55, Rules and Regulations.

[Corley v. Daunhauer](#), 312 F.Supp. 811 (E.D. Ark. 1970).

§§ 21–772, 21–773, South Carolina Code of Laws, as amended.

DISCUSSION:

Generally, public school teachers have the inherent authority to establish rules for their classes and activities so long as such rules are not inconsistent with school or district policy and not in conflict with the law. 68 Am.Jur. 2d Schools §§ 53–54. Courts will not intercede where rules are reasonable, rationally related to legitimate educational objectives, and uniformly applied. 68 Am.Jur. 2d § 55; Corley v. Daunhauer, *supra*. A teacher, therefore, may remove a student from band as an extracurricular activity for failing to attend band camp; provided, his rule is reasonable, serves a legitimate educational objective, is uniformly applied, and does not conflict with the law or school policy. A teacher, however, does not have authority to remove a student from band, if it is a course offered for credit as distinguished from an extracurricular activity. §§ 21–772 and 21–773, *supra*.

CONCLUSION:

Public school teachers may make rules governing their classes and activities, provided the rules are reasonable and do not violate the law or conflict with school or district policy.

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