

1975 S.C. Op. Atty. Gen. 53 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3982, 1975 WL 22280

Office of the Attorney General

State of South Carolina

Opinion No. 3982

March 3, 1975

***1 Re: No. 269—Schools**

Mr. Andrew B. Clarke
Superintendent
Springfield-Norway-Neeses
School District No. 1
P. O. Box 337
Springfield, South Carolina 29146

Dear Mr. Clarke:

You have requested that we advise you with respect to the hospitalization of sick or injured pupils when parents cannot be located to assume financial responsibility.

Regarding the tort liability of the school district, the general rule is that a school district is not, in the absence of a statute, subject to liability for injuries to pupils of public schools suffered in connection with their attendance thereat. See, [Krutile v. Board of Education](#), 99 W.Va. 466, 129 S.E. 486; cf., [McKenzie v. City of Florence](#), 234 S.C. 428, 108 S.E.2d 825. When a sick or injured pupil suffers additional injury because the school authorities fail to locate his parents, the school district itself, therefore, would not be subject to liability.

As we see the matter, a school district's responsibility towards a pupil who needs to enter a hospital is, in emergency cases, to transport or arrange for the transportation of the sick or injured pupil to a hospital and to make a good faith attempt to locate the pupil's parents, guardian, or next of kin in order that the proper authorization for the hospitalization of the pupil can be obtained. Any nurse, principal, or teacher who agrees to be personally responsible for the hospital and medical costs of a hospitalized pupil, however, will, of course, be liable therefor.

Because we are unfamiliar with the rules and regulations of the various hospitals in your area, we cannot comment upon the validity of their admission practices and procedures.

Best wishes,

C. Tolbert Goolsby, Jr.

1975 S.C. Op. Atty. Gen. 53 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3982, 1975 WL 22280