

1974 WL 27476 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 10, 1974

*1 Mr. John W. Chappel
Messrs. Nash and Chappell
Attorneys at Law
Post Office Drawer 819
Sumter, South Carolina

Dear Mr. Chappell:

Your letter dated 7 October, 1974, has been referred to me for a response. You raised two specific questions (1) Does the Board of Trustees of School District 17 have authority to declare open campus during lunch periods at the Senior High School? Additionally, you ask whether the school principal, teachers, and administrators are liable for any injury which a student may sustain while off campus during lunch time with parental consent.

The answer to your first question is yes. Section 21-4069 of the South Carolina Code of Laws enumerates the duties and powers of the Board. Specifically, Subsection 4 of that section provides that the Board may make such rules and regulations for the government of the schools and their employees as the board may determine. This leads me to the conclusion that if the Board of Trustees for School District 17 desired to allow 'open campus' at any school in the district they are empowered to do so.

Question two, is answered definitely by the Supreme Court in the case of [Brooks v. One Motor Bus](#), 190 S.C. 379, when the Court held that neither the State nor any of its political subdivisions are liable in tort to an individual for injuries which may be sustained by such person while off campus. [Sherbert v. School Listrict No. 85](#), Spartanburg County.

We can dispose of the second part of question two relating to the granting of parental permission for the child to leave campus by simply saying that it has no bearing, one way or another.

I, therefore, advise that you may safely assume that the school district i.e. teachers, principal, administrators or other sponsoring school authority is immune from tort liability except as changed by statute. There is no such statute with respect to schools or school districts. [McKenzie v. City of Florence](#) 34 S.C. 428, 108 S.E.2d 925.

However this does not preclude an individual from suing a teacher as anyone else if that teacher is found wanton, reckless or negligent in his or her duties with respect to students.

Sincerely,

J. Melvin Screan
Legal Assistant

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