

The State of South Carolina



Opinion 1588-14  
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Office of the Attorney General

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February 5, 1988

Dr. Vance O. Johnson  
District Superintendent  
Newberry County Public Schools  
Post Office Box 718  
Newberry, South Carolina 29108

Dear Dr. Johnson:

By your letter of December 29, 1987, you have asked for the opinion of this Office as to whether School Improvement Councils would be considered "public bodies" under the South Carolina Freedom of Information Act.

The definition of "public body" for purposes of the Freedom of Information Act is found in Section 30-4-20(a) of the Code of Laws of South Carolina (1987 Cum. Supp.), as follows:

"Public body" means any department of the State, any state board, commission, agency, and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, bodies such as the South Carolina Public Service Authority and the South Carolina State Ports Authority. Committees of health care facilities, which are subject to this chapter, for medical staff disciplinary proceedings, quality assurance, peer review, including the medical staff credentialing process, specific medical case review, and self-evaluation, are not public bodies for the purpose of this chapter.

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It is necessary to examine the entity known as a School Improvement Council to determine whether it falls within this definition.

Section 59-20-60(3) of the Code requires each school board of trustees to establish an improvement council in each school in the district. Each council is to

assist in the preparation of the annual school improvement report required in this section, shall assist with the development and monitoring of school improvements, shall provide advice on the use of school incentive grant awards, and shall provide such assistance as the principal may request as well as carrying out any other duties prescribed by the local school board.

Composition of the school improvement council must include parents, teachers, students (in schools with grades nine and above), representatives of the community, and those persons appointed by the school principal; Section 59-20-60(3) provides specific details as to council membership.

From the definition of "public body" it is apparent that the General Assembly intended the Freedom of Information Act to apply to a broad range of bodies or entities, including advisory committees "and the like of any such body by whatever name known." In Op. Atty. Gen. No. 78-77 dated May 3, 1978, school improvement councils were deemed to be advisory committees or councils. It thus appears that a school improvement council would fall specifically within the definition of "public body." Such a conclusion is in accord with previous opinions of this Office, rendered prior to the inclusion of advisory and such committees within the definition of "public body," that advisory committees or task forces would be considered public bodies for purposes of the Freedom of Information Act. Ops. Atty. Gen. Nos. 84-125 and 85-145; see also Op. Atty. Gen. dated January 14, 1988 (copies enclosed).

In conclusion, it is the opinion of this Office that a school improvement council would be considered a "public body" as that term is defined in the Freedom of Information Act; as such, a school improvement council would thus be subject to the requirements of the Act.

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With kindest regards, I am

Sincerely,

*Patricia D. Petway*

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Assistant Attorney General

PDP/rhm

Enclosures

REVIEWED AND APPROVED BY:

*Robert D. Cook*

Robert D. Cook  
Executive Assistant for Opinions