

1976 WL 30608 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 15, 1976

*1 A school district trustee cannot be employed by the school district as a teacher, on either a full or part-time basis.

Mrs. Wyman L. Shealy
member
Saluda County District One
School Board

QUESTION PRESENTED:

Can a school board trustee be employed by the school district as a part-time teacher?

STATUTES, CASES, ETC:

Code of Laws of South Carolina, 1962, as amended, Section 21-240.

DISCUSSION OF ISSUES:

Section 21-240 of the S. C. Code, supra, provides:

It shall be unlawful for a school trustee to receive pay as a teacher of a free public school that is located in the same county as is the school district of which such person is a trustee.

In my opinion, the clear language of the statute applies to all teachers, regardless of whether they are employed on a full or part-time basis. Any other interpretation would be at odds with the obvious legislative intent of Section 21-240.

The enclosed Opinion, Number 3488, written in 1973, supports the belief that the term 'teacher' should not be narrowly interpreted. It is also interesting to note that the 1973 amendment to Section 21-240 narrowed the restriction to only that county in which an individual serves as trustee.

CONCLUSION:

A member of the School District Board of Trustees may not be employed by the district as a teacher on a part-time basis.

George C. Beighley
Assistant Attorney General

1976 WL 30608 (S.C.A.G.)