

1972 WL 25303 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 1, 1972

**\*1 Re: 303—South Carolina Boards and Commissions/State Board of Education**

Richard M. Unger, Esquire  
Research Assistant on Legal Affairs  
State Department of Education  
Rutledge Building  
Columbia, South Carolina

Dear Mr. Unger:

In answer to your request for an opinion on the authority of the State Board of Education to require a uniform teacher's contract and on the validity of the proposed contract form itself, I am of the opinion that such a requirement is a valid exercise of the State Board's implied authority and that the proposed uniform contract form will be valid when properly completed.

The implied authority to require a uniform teacher's contract can be found in the broad powers granted to the State Board of Education in Section 21-45, Code of Laws of South Carolina, as amended:

(1) Adopt policies, rules and regulations not inconsistent with the laws of the State for its own government and for the government of the free public schools.

(10) Assume such other responsibilities and exercise such other powers and perform such other duties as may be assigned to it by law or as it may find necessary to aid in carrying out the purpose and objectives of the Constitution of the State.

The form, if properly completed will create a valid contract since it will meet the requirements of mutual assent, definiteness, and consideration, which all contracts must have to be binding.

Sincerely,

Hardwick Stuart, Jr.  
Assistant Attorney General

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