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OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

April 6, 1998

The Honorable J. Alex Stanton, IV, Chair
South Carolina State Board of Education
1006 Rutledge Building
Columbia, SC 29201
(Also by fax 734-4384)

Dear Mr. Stanton:

You have requested the advice of this Office as to whether the term license is synonymous with the term certificate so as to be a substitute for the latter term in the teacher certification process. See S.C. Code Ann. § 59-26-30 (7) (Supp. 1997). The Office of General Counsel at the Department of Education has advised you that the terms appear to be interchangeable for this purpose. I concur in that conclusion assuming that, for consistency, you are contemplating proposing changes in the statutory provisions for the teaching credentials rather than changing only the related regulations. See Hahn v. State, 322 P. 2d 896, 899 (WY 1958); Wilkie v. City of Chicago, 58 N. E. 1004, 1007 (IL 1900); Black's Law Dictionary, "certificate" and "license"; §1-23-310 (3) (Supp. 1997). In making any such changes, the extent of the authority conferred by the "license" should be set forth in the statute at least to the extent that it is now for certificates. If you do not intend to change the authority conferred by the former "certificate", I also suggest that you make that statement in the proposed statutory changes.

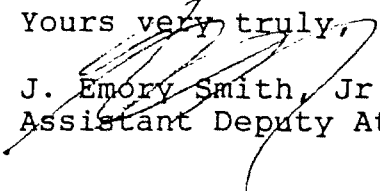
This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

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If you have further questions, please let me know.

Yours very truly,


J. Emory Smith, Jr.
Assistant Deputy Attorney General

JESjr

CC: George C. Leventis, General Counsel