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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

June 22, 1999

Mr. Jeffrey McWhorter, Director
Department of Public Safety
Berkeley County School District
P.O. Box 608
Moncks Corner, SC 29461

Dear Mr. McWhorter:

You have asked whether constables may be employed by school districts. A previous opinion of this Office which indicates that constables may be employed by school districts. *Ops. Atty. Gen. (December 7, 1994)(copy attached)*; see also *Ops. Atty. Gen. (June 1, 1984)*; *S.C. Code Ann. §59-17-10 (1990)*. Provisions for training, continuing education and certification of law enforcement officers are set forth in § 23-6-400, *et seq. (Supp. 1998)*; see also §23-1-60 (1989)(appointments of constables appointed "without compensation from the State" are at the pleasure of the Governor). I suggest that you discuss the applicability of these provisions to the situation in your district with the Department of Public Safety and SLED. I also suggest that you discuss these matters with your school district attorney.

In response to your question regarding whether a district is a subdivision, I note that *Patrick v. Maybank, 198 S.C. 262, 272, 17 S.E. 2d 530, 534 (1941)* held that a school district "constitutes one of our most important political subdivisions".

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.

If you have further questions, please let me know.

Yours very truly,

A handwritten signature in dark ink, appearing to read "J. Emory Smith, Jr.", written over the typed name.

J. Emory Smith, Jr.
Assistant Deputy Attorney General