

## The State of South Carolina



## Office of the Attorney General

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February 23, 1987

Frank A. Lyles, Esquire  
P. O. Box 5726  
Spartanburg, South Carolina 29304

Dear Mr. Lyles:

As attorney for Spartanburg County School District Seven, you have requested the advice of this Office as to whether a member of the Board of Trustees of that district may be paid for substitute teaching in that district's school system. Attached are copies of several previous opinions of this Office which clearly support the conclusion that a teacher may not substitute teach in the same district in which he or she serves on the Board of Trustees. Ops. Atty. Gen., (March 21, 1980, March 19, 1980, October 25, 1979 and September 18, 1979). In particular, please note that the October 25, 1979 opinion refers to the consistent opinion of this Office that substitute teachers are included within the definition of teacher contained in §59-1-130 of the Code of Laws of South Carolina, 1976.


These conclusions do not appear to be altered by the recent amendments to §59-69-260. The amendments do not prohibit a school trustee "...or a business with which he is associated for providing services or selling products to the district of which he is a ...trustee...as long as all these transactions..." are in accordance with State ethics laws. The references in this statute to "business" and "contracts" indicate that this statute was not intended to modify the more specific prohibitions on employment contained in §59-19-300. See Lewis v. Gaddy, 254 S.C. 66, 173 S.E.2d 376 (1970); Sutherland Statutory Construction, Vol. 2A, §§51.02 and 51.05.

In conclusion, a substitute teacher is prohibited from teaching in the same school district in which he or she serves as a member of

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a board of trustees. If you have any questions or desire additional information, please let me know.

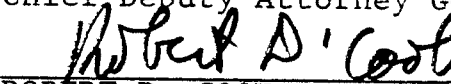
Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Attorney General

JESjr/srcj  
Enclosures

REVIEWED AND APPROVED BY:

  
FRANK K. SLOAN  
Chief Deputy Attorney General

  
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