

1982 WL 189349 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 28, 1982

**\*1 RE: Abusive Treatment of Students by Teachers in School Setting**

Dorothy S. Trotter  
Detective  
Pickens County Sheriff's Department  
Post Office Box 491  
Pickens, South Carolina 29671

Dear Ms. Trotter:

Your letter of May 26, 1982 has been received by our office. You state in your letter that until recently reports of student abuse perpetrated by teachers in the schools have been investigated by the Pickens County Department of Social Services, but that the agency now indicates an intention to discontinue this practice. You have requested our assistance in determining whether the local DSS office or local law enforcement should be responsible for investigating this type situation.

In response to your letter, I contacted Mr. Stanley Kohn who is legal counsel for the State Department of Social Services. Mr. Kohn informs me that it is the policy of the State Department of Social Services not to become involved in situations concerning abusive treatment of students by teachers. The action to the contrary by Pickens County DSS was in contravention of the state policy. In the opinion of the Department of Social Services the preservation and stabilization of family life, which is the designated purpose for establishing child protective services, is not served by intervention in school situations. [Section 20-7-480, Code of Laws of South Carolina](#), 1976, as amended. Furthermore, there is no specific provision which makes unfair or excessive punishment by teachers child abuse.

It is the opinion of this office that the policy and position of the Department of Social Services is defensible. Section 20-7-670 makes reference to institutional abuse; however, [Section 20-7-490, Code of Laws of South Carolina](#), 1976, as amended, defines 'institutional child abuse and neglect' as applying to situations 'where the person responsible for the child's welfare is the employee of a public or private residential home, institution or agency.'

The average school situation does not involve a residential type setting which is a prerequisite to come within the definition of 'institutional abuse'. Since the situation to which you refer in your letter is not encompassed by the child abuse statutes, the local Department of Social Services has no legal responsibility to investigate situations of abusive treatment of students by teachers.

It is the opinion of this office that law enforcement is the proper authority to investigate allegations of abusive treatment of students perpetrated by teachers. If, however, upon preliminary investigation it is determined that the incident is not criminal in nature, it should be referred by law enforcement to the school principal for administrative action.

I hope this information will be beneficial to you. If you have further questions regarding this problem, may I suggest that you call Stanley Kohn at 758-5852, or write him at the South Carolina Department of Social Services, Post Office Box 1520, Columbia, South Carolina, 29202-9988.

Sincerely,

**\*2 B. J. Willoughby**  
Assistant Attorney General

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