

1980 WL 120675 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 15, 1980

***1 Re: Requested Attorney General's Opinion Concerning School Principals**

Mr. George L. Schroeder
Director
Legislative Audit Council
State of South Carolina
500 Bankers Trust Tower
Columbia, South Carolina 29201

Dear Mr. Schroeder:

You have requested the opinion of this office concerning the designation of school principals as 'department heads' for purposes of the Freedom of Information Act in a previous opinion of this office, dated September 19, 1978. Therefore, [§ 30-4-40\(6\), Code of Laws of South Carolina](#), 1976, does not exempt salaries of school principals from disclosure.

First, you ask what criteria were examined in determining that a school principal should be considered a 'department head'. There exists no statutory definition in the Code of Laws of South Carolina, defining the term 'principal'. This, then, answers your last question presented. The term 'principal' in connection with schools has been rather uniformly defined, as in 78 C.J.S. [Schools and School Districts](#), § 154(b):

A 'principal' is defined as a teacher who is entrusted with special duties of direction or management. The term is commonly applied to the head of a school, and it has been held to apply equally to elementary and high school. A school principal, or supervising principal, is the servant and agent of the school board.

In [White v. State](#), 42 Ala. App. 240, 160 So.2d 496 (1964), the court stated, 'The principal is a teacher who is the chief executive officer and head of the teaching faculty of a particular school.' Similarly, in [O'Connor v. Emmerson](#), 196 App. Div. 807, 188 N.Y.S. 236 (1921), the court held:

It is common knowledge that a teacher and a principal perform entirely different duties. The principal often does not teach at all, but supervises the work of the teachers, acts as an executive, and has charge over the management and discipline of the school.

See also [Monan v. Board of Education of City of Buffalo](#), 280 App. Div. 214, 111 N.Y.S.2d 797 (1952); [Taintor v. City of Hartford](#), 123 Conn. 515, 197A. 173 (1938); [Downey v. School Committee of Lowell](#), 305 Mass. 329, 25 N.E.2d 738 (1940); and [Houtz v. School District of Burrough of Coropolis](#), 357 Pa. 621, 55 A.2d 375 (1947). The term 'department head' as used in the Freedom of Information Act is not defined; however, the above definitions of 'principal' seem to indicate that a school principal as head of an entire school, not just any individual department, would be encompassed by the term 'department head'. Also, §30-4-60(6) merely exempts disclosure of salaries of 'employees below the level of department head'. The Code section considers employees only, so therefore, employees who are also department heads are subject to having their salary disclosed.

Secondly, you ask the meaning of the phrase '. . . requisite amount of independent authority and control . . .' as used in the opinion of September 19, 1978. The phrase is best explained with reference to paragraph 4 of the opinion; wherein, the author delineates the apparent intention of the General Assembly in using the term 'department head'. The author of that opinion determined, in the absence of a statutory definition of the term, that a 'department head' must be an employee exercising a

'minimal amount of independent authority and control.' Bearing in mind this standard for a 'department head', reference to the above cited definitions of school principal would seem to indicate that a school principal is an employee with at least a minimal amount of independent authority and control.

*2 Finally, you ask whether the term 'department head', as relates to the school principal is a generic term, in that it applies to circumstances outside the act. The term 'department head' as relates to principals would be a generic term, assuming generic is defined as relating to or characteristic of a whole group or class. See Webster's New Collegiate Dictionary, G. & C. Merriam Co. (Springfield, Mass. 1973). However, the term 'department head' as used in the Freedom of Information Act is restricted to that act, and without reference to a particular situation, subject or statute the term 'department head' may or may not relate to school principals in a generic sense. Therefore, your final question is not subject to any general answer, applicable to each and every potential situation.

Sincerely,

Paul S. League
Assistant Attorney General

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