

1979 WL 43619 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 26, 1979

*1 Honorable Danny M. Bruce
Member
House of Representatives
Box 242
Campobello, South Carolina 29322

Dear Mr. Bruce:

You have requested an opinion of this office as to whether a teacher in School District No. 6 in Spartanburg County may serve on the School Board of School District No. 1 of that county and whether he may also serve on the Board of Directors of the 'State School Boards Association.'

As to whether a teacher may serve on the Board of Trustees of a school district different from the one in which he teaches, I am enclosing an Opinion of this Office, dated January 10, 1979, written by Treva Ashworth, Senior Assistant Attorney General, which concludes that such a teacher is not prohibited from serving on the Board by [§ 59-19-300 of the CODE OF LAWS OF SOUTH CAROLINA \(1976\)](#), as amended. See also as Opinion of Attorney General McLeod dated February 7, 1975, which concludes that a teacher is not an officer within the meaning of the dual office holding provisions.

The teacher in question also desires to be nominated for the Board of Directors of the 'State School Boards Association.' [Section 59-19-280 of the CODE](#) authorizes school board members to become members of the 'South Carolina School Boards Association' and I assume that you are referring to this organization. The information that I have concerning this body is that it is a voluntary information sharing organization which assists and counsels school boards. It has no supervisory authority and exercises no sovereign power of the State. Because, no sovereign power is exercised by a board member of the South Carolina School Boards Association, the position would not be an 'office' under the dual office holding provisions.

See an Opinion of this Office dated April 4, 1978, written by C. Tolbert Goolsby, Jr., Deputy Attorney General, and [Sanders v. Belue, 78 S.C. 171, 58 S.E. 762 \(1907\)](#). Thus, a teacher and a member of the Board of Trustees of a school district could serve on the Board of the South Carolina School Boards Association.

In conclusion, the person in question may teach in District 6, serve on the School Board in District 1 and serve on the Board of the South Carolina School Boards Association.

If you have any questions or if I can be of further assistance, please let me know.

Yours very truly,

J. Emory Smith Jr.
State Attorney

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