

1978 WL 34849 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 11, 1978

*1 Mr. John W. Dodge
Superintendent
Hampton County Department of Education
Hampton, South Carolina

Dear Mr. Dodge:

You have asked whether the Hampton County Board of Education has the legal authority to hear an appeal initiated by certain parents concerning a decision by the District Board of Trustees to return a teacher to an administrative position with the district schools. Your letter indicates that both the district superintendent and the parents in question opposed the decision of the district.

To the extent that the position involved is an administrative position, as opposed to a teaching position, S.C. Ann. § 59-19-510 (1976) controls. See 1975-76 Ops.Att'y.Gen., No. 4536, p. 400. Section 59-19-510 states in part:

[A]ny parent or persons standing in loco parentis to any child of school age, the representative of any school or any person aggrieved by any decision of the board of trustees of any school district in any matter of local controversy in reference to the construction or administration of the school laws or the placement of any pupil in any school within the district, shall have the right to appeal the matter in controversy to the County Board of Education. . .

The placement, transfer, or dismissal of an administrator in the school system by the district board of trustees would constitute a 'matter of local controversy', and the decision by the board in such a matter would be appealable to the county board by a parent, representative of school, or any person aggrieved by the decision of the district.

Please note that a teacher, as opposed to an administrator, cannot be dismissed or suspended from her teaching position except in accordance with the provisions of the Teacher Employment and Dismissal Act, S.C. Code Ann. §§ 59-25-410, et seq. (1976) as amended. Under S.C. Code Ann. § 59-25-480 (1976) as amended, the decision of the District Board of Trustees with regard to a suspension or dismissal of a teacher is final unless within thirty days after the decision there is an appeal made to the Court of Common Pleas. Therefore, it is the opinion of this Office that the Hampton County Board of Education can hear an appeal brought by parents concerning a decision of a district board of trustees in a matter of local controversy concerning the placement of an administrator in a position in the school system. The County Board of Education, after conducting a hearing in accordance with S.C. Code Ann. § 59-19-540 (1976), may issue an order pursuant to § 59-19-550 disposing of the matter in controversy, either approving or disapproving the district board's actions in this matter,

I hope this provides sufficient information. With kind regards, I remain
Very truly yours,

Nathan Kaminski, Jr.
Assistant Attorney General

1978 WL 34849 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.