

1975 WL 29419 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 23, 1975

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P. O. Box 10084
Greenville, South Carolina 29603

Dear Mr. Riley:

Mr. Coleman has referred your letters of January 2 and 14, to me for reply. You have inquired whether or not South Carolina Code of Laws, 1962, § 21-351 would prohibit employing a person related to a member of the board of trustees of any school district in a position other than that of a teacher. Section 21-351 states:

No teacher who is related to a member of the board of trustees of any school district by consanguinity or affinity within the second degree, shall be employed by the board without the written approval of the board of education of the county, or unless a majority of the parents or guardians of the children attending the school for which such teacher is employed requests such employment in writing. (emphasis added)

The prohibition in this statute is expressly related to employment of teachers, therefore, nothing in this statute would prohibit someone related to a member of the board of trustees from holding some employment other than the position of teacher.

In your letter of January 14, you raise the additional question of whether or not the 1974 Act (Act No. 1099) which states that if the board of trustees fails to notify a teacher of his status for the ensuing year the teacher shall be deemed reemployed for the ensuing year, would mean that a teacher employed as a matter of law would be ineligible to teach if her husband was a member of the board of trustees. Assuming the teacher meets the requirements of Section 21-351 for exceptions to the prohibition of employing a teacher related to a board member, there would be no reason why the provisions for notification or re-employment would not apply in this situation.

Sincerely,

Treva G. Ashworth
Assistant Attorney General

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