

1975 WL 29804 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 13, 1975

***1 RE: Schools—General (Interscholastic Athletics)**

Mr. Lawrence B. Graves
Executive Secretary
S. C. High School League
University of South Carolina
Columbia, SC 29208

Dear Mr. Graves:

Attorney General McLeod referred to me your request for an opinion regarding school membership in the South Carolina High School League. You specifically asked: (1) Does a local school board have implied authority in South Carolina to allow or disallow schools to seek membership? (2) Does the League have the authority to discipline schools which violate the League rules or cancel games of schools with terminate membership?

A local school board in South Carolina does have the implied authority to provide for membership in the League. 68 Am. Jur. 2d, Schools, Sections 243 and 244. I, however, question any implied authority for a principal or superintendent to join on behalf of a school or schools without school board authorization, especially in light of the penalties provided for under Article VIII of the League handbook, ranging from \$25 to \$500 per violation.

As for the authority of the League to impose sanctions in member schools who violate the rules or terminate membership, the League rules would govern as long as not in conflict with specific school board rules or the law generally. A school board and its agents cannot contract beyond their capacity or authority, and persons or entities contracting with public agencies are held to know their contractual limits. Even though the League is a private, voluntary association, membership does not allow governmental agencies to escape the requirement that their actions must not be arbitrary or unreasonable. In other words, the privilege of interscholastic athletics cannot be arbitrarily or unreasonably limited once granted. [Bruce v. South Carolina High School League](#), 189 S.E.2d 817 (1972). See [Buchas v. Illinois High School Association](#), D.C. Ill., reported at 41 LW 2277 (11/15/72), but see also [Brendon v. Independent School District 742](#), 8th Cir. (Minn.), reported at 41 LW 2590 (4/18/73).

Contact me if I can provide any further assistance.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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