

1973 WL 27030 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 5, 1973

*1 J. McBride Croute
Superintendent
Lexington County School District No. 3
707 E. Columbia Avenue
Batesburg, South Carolina 29006

Dear Mr. Crout,

Your inquiry to this office of March 2, 1972, concerning the acceptability of your District's proposed policy on maternity leave in light of the recent en banc decision of the Fourth Circuit Court of Appeals in Cohen v. Chesterfield County School Board, et al has been referred to me for response.

The proposed policy attached to your letter of inquiry reflects that the District has not only revised its maternity leave policy to conform with the policy upheld by the Court in Cohen, but has also included provisions to meet the expressed concern of the Court over the absence of built-in protection against arbitrary application of the policy in particular cases. The itemization of the type criteria to be used by the District granting an extension of a termination date in a square response to this concern of the Court's.

Therefore, it is my opinion that an adoption and evenhanded enforcement of this proposed policy would be in complete and clear compliance with the law in the Fourth Circuit on this matter.

I would make are suggestion for change in Item ?? of the proposed policy. The bracketed portion of (6) reads (for which the teacher is certified to teach). I would that this be altered to read (for which the teacher is certified or qualifies for certification to teach).

Sincerely,

Bruce E. ??
Assistant Attorney General

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