

1973 WL 26689 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1973

***1 Re: No. 256—Schools—General**

Dr. Claud E. Kitchens
Superintendent
Richland County School District One
1616 Richland Street
Columbia, South Carolina 29201

Dear Superintendent Kitchens:

You requested an opinion relating to the issues raised in a letter from a Mr. John A. Mitchell. In effect Mr. Mitchell asked: (1) Are school officials responsible for the safety of students while they are under the jurisdiction of the school? (2) If the duty or authority to discipline students is limited by school board rules and regulations, who is responsible for injury resulting from violence caused by other students?

While superintendents, principals, and teachers are not insurers of the safety of students under the jurisdiction of the school district, they are responsible by common law, if not by rule and regulation or statute, to provide adequate supervision for the safety of students under their care. (See [38 A.L.R. 3rd 830](#), Public Schools—Torts—Supervision.) If a school official fails to provide adequate supervision or reasonable care and this failure is the effective approximate cause of injury to a student, the negligent individual is personally liable for such injury. Of course, the superintendent and principal, in most cases, will not be liable unless they actively participate in or approve of conduct causing the injury or fail to provide adequate supervision of the teachers. A school district itself is not liable, but it is not clear in South Carolina whether or not this immunity extends to the board members as individuals where their action is clearly arbitrary, malicious, or unreasonable. (See [32 A.L.R. 2nd 1163](#), School Officials—Negligence—Liability, Section 3.)

Even though the authority or duty of school personnel to discipline students is limited by school district rules and regulations, this in no way limits the authority or duty to supervise, which is not synonymous with discipline. If discipline problems are known or reasonably should be known, these, of course, would warrant a greater degree of supervision and care. (See [38 A.L.R. 3rd 830](#), Sections 8B, 11A, and 13B, relating to injury caused by fight.

I realize this opinion is both general and brief, so feel free to contact me when you have a specific problem requiring a more detailed reply.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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