

1973 S.C. Op. Atty. Gen. 186 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3549, 1973 WL 21006

Office of the Attorney General

State of South Carolina

Opinion No. 3549

June 22, 1973

**\*1 A principal or his designate is not vested with the authority to remove a student to the doctor to confirm suspicions of drug or alcohol consumption by the student. However, as an alternative, the student may be directed to see the school's guidance counselor or the teacher may choose to talk privately with the student. The confidentiality of such counseling is protected by law.**

Superintendent

Saluda County School District One

You asked whether a school principal or designate has the authority to carry a student, suspected of being under the influence of drugs or alcohol during the school day to a medical doctor without parental permission to confirm suspicions.

First of all a school teacher stands in the place of a parent to pupils, and may exercise such powers of control, restraint and correction as may be reasonably necessary to enable him to perform his duties as a teacher and accomplish the purpose of education.

The teacher's power and duty extend beyond the teaching and preservation of order and discipline to matters affecting the morals, health and safety of his pupils, and he may and should do everything he deems necessary to these ends, when they are not in conflict with the primary purposes of the school or opposed to law or rule of the school board, but, under a statute conferring delegated parental authority on teachers, it has been held that a teacher has no authority to exercise his lay judgment in the treatment of injury or disease suffered by a pupil. 79 C.J.S. Section 493 In General.

Under the theory of 'loco parentis' a teacher assumes the role of a parent for sake of training and discipline as long as such training and discipline is administered orderly and reasonably.

However the status granted a teacher within the 'locoparentis' teacher-pupil relationship ordinarily does not extend beyond matters of conduct and discipline. Insofar as medical or surgical aid is concerned the teacher may not remove the pupil to a doctor unless exceptional circumstances or an emergency exist. 59 Am. Jur. 2d Section 15 Medical Care.

It is my opinion that a principal or his designate is not vested with the authority to remove a student to the doctor to confirm suspicions of drug or alcohol consumption by the student. However, as an alternative the student may be directed to see the school's guidance counselor or the teacher may choose to talk privately with the student. The confidentiality of such counseling is protected by law. (See Act R. 424 enclosed herein.)

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