

1973 S.C. Op. Atty. Gen. 196 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3556, 1973 WL 21013

Office of the Attorney General

State of South Carolina

Opinion No. 3556

June 29, 1973

**\*1 The regulation of the York School District Board of Trustees which requires administrative personnel to reside within the boundaries of the district is a legal and valid rule.**

County Superintendent of Education  
York County, York, S. C.

You have requested an opinion of this office on the legality of the York School District Board of Trustees' ruling which requires administrative personnel to reside within the boundaries of the district. Any rule or regulation made by a school district board of trustees may not conflict with any state law nor may it be unreasonable. While the issue of the reasonableness of such a rule has never been presented to the South Carolina Supreme Court, other states have ruled on the question. In *Jones v. School District of Borough of Kulpmont*, the Pennsylvania Court held that ' . . . because of the nature of a teacher's work and the necessity to be near pupils and parents, a board regulation requiring teachers to be residents would be a reasonable requirement.' California in *Stuart v. Board of Education*, 161 Col. 210, 118 P. 712 also supported a regulation such as the one here in question. In my opinion the South Carolina Court, if faced with issue, would reach a similar conclusion as to reasonableness.

The validity of the School Board's rule will depend on whether or not it conflicts with any state statutes. Section 21–356 *S. C. Code Ann.* provides in part: 'It shall be unlawful for any trustee of any public school or any superintendent or other official thereof to require any teacher to board or live at any *teacherage or specified place*. Each individual teacher shall have the right to choose his or her boarding place . . .' [Emphasis added]. If the words 'teacherage or specified place' and 'boarding place' refer to 'residency within a school district,' then the Board's rule would be in conflict with this statute.

It is a well established rule of statutory interpretation that when general words follow words of a specific nature the general words are construed to embrace only objects similar in nature to those enumerated by the preceding specific words. *U.S. v. Stever*, 222 U.S. 167, 56 L. Ed. 145, *Sutherland Statutory Construction*, Vol. 2, § 4909. The word 'teacherage' is of a specific nature and describes a building or dormitory in which teachers, usually female teachers, were required to live. The words 'specified place' are of a general nature and could have a variety of different meanings. Applying the above rule of statutory construction the specific word teacherage indicates a particular class, in this case, buildings; and the general words, 'specified place,' extend the provisions of the statute only to everything embraced in that class. This results in the statute's prohibition extending only to certain required buildings, not to a physical locale or residency.

The phrase 'boarding place' is also of a general nature and it also follows 'teacherage' in the statute. The same conclusion is reached as above when applying the rules of statutory construction. In addition, the terms 'board,' 'boarder' and 'boarding' refer to one's presence at a particular building, boarding house, inn, or hotel rather than a geographic location or residency. It appears that the intent of the legislature in this statute is to make it unlawful for a trustee or superintendent to require a teacher to live in a specified apartment house, dormitory, or particular building; and not to include in the statute a prohibition against a requirement of residency within a given school district.

**\*2** It is, therefore, the opinion of this office that the regulation of the York School District Board of Trustees which requires administrative personnel to reside within the boundaries of the district is a legal and valid rule. (It should be noted that a person may seek a declaratory judgment based on § 10–2001 *S. C. Code Ann.* to determine the rights and status of the parties involved if he disagrees with this opinion, which is advisory. Furthermore, it would avoid any further pointed confusion if the Board

would clarify in its rule what are administrative positions for the purpose of this rule. Needless to say, the rule will have to be applied uniformly and without exception in order to avoid any question of lack of equal protection).

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