

1973 WL 27623 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 8, 1973

*1 Mr. Fred P. Hamilton
Superintendent of Education
School District of Oconee County
Administrative Office
Walhalla, South Carolina

Dear Mr. Hamilton:

I regret very much that I have not had an opportunity until now to answer your letter of September 24, 1973. You inquire:

1. What legal authority does an individual board member have? Can one board member direct any employee of a school system as to how to run his job?

It is my view that the individual members of boards of trustees have no authority in such single capacity, but that the board must exercise its powers in the usual manner that administrative boards and agencies function. This is accomplished by majority action of the board as a composite body.

2. What legal authority does a local area advisory board of trustees (appointed by individual county board member) have?

Section 21-3677, amended by an Act approved June 18, 1969, provides that local area advisory trustees may be appointed, if deemed necessary, upon the recommendation of the local area trustees and approved by a majority of the board of trustees. The board of trustees shall determine the duties, authority, composition and term of office.

Under the foregoing powers, the advisory boards, if created, have such powers and duties as the board of trustees may vest them with. I have no information as to what action the boards of trustees have taken in this respect. Normally, such advisory boards act only in a recommendatory status, serving as advisors to the boards of trustees with the power only of making suggestions.

3. Are personnel records, such as teacher and principal evaluation forms, public information?

It is my opinion that under the Freedom of Information Act, such personnel matters, relating generally as stated in your letter to strengths and weaknesses of employees, are excluded from public inspection.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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