

1972 WL 25238 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 8, 1972

*1 The Honorable T. Cecil Powers
Acting Chairman
Marion County Board of Education
Post Office Box 84
Marion, South Carolina 29571

Dear Mr. Powers:

Thank you for your letter of February 22, 1972, inquiring if the Board of Education for Marion County has authority to grant a thirty-day leave of absence, with pay, to the Marion County Superintendent of Educations, the said leave to be granted because of illness.

In my view, this is dependent upon local concerns. I do not find any statute specifically relating to leaves of absence for County employees in Marion County and I do not feel that the State statute concerning sick leave is applicable to County employees, in which category the Superintendent of Education undoubtedly falls. I feel that it is a matter which rests in the discretion of the Board of Education, although there is some doubt in this respect in that there is no specific statutory authority or local regulations of which I am aware in effect. I do know that it is customary in most instances to follow the procedure of granting sick leave, with pay.

You additionally inquire whether the Board of Education has any authority over the County Superintendent of Education in any respect.

The Board is given authority to promulgate rules and regulations for the financing, operating and controlling of the various schools of the County as in the judgment of the Board will best serve the interest of such schools. This is apparently authority for the Board to undertake the matter referred to in the question above with respect to the granting of sick leave, but such procedures should be followed upon a uniform basis.

The duties of the Superintendent of Education are outlined in minimal detail, but I do not find that the County Board of Education has authority over the Superintendent by virtue of any law governing educational affairs in Harion County.

I note, moreover, that the position of Superintendent of Education for Marion County has been abolished by an act enacted at the 1971 session of the General Assembly (Act No. 53, Acts and Joint Resolutions of 1971, p. 38). Moreover, the composition of the Board has been changed by Act No. 154 (71 Acts 133) so as to provide that the Superintendent of Education shall be an ex officio member thereof. As an ex-officio member, he has all of the rights, privileges, and duties imposed upon any other member.

Very truly yours,

Daniel R. McLeod
Attorney General

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