CHAPTER 13

County Superintendents of Education

**SECTION 59‑13‑10.** Election, term, oath and bond of county superintendent of education.

 Except as otherwise expressly provided, there shall be elected by the qualified electors of the county a county superintendent of education for each county, who shall, except as otherwise expressly provided, hold his office for a term of four years and until his successor is elected and qualified. He shall, before being commissioned and entering upon the duties of his office, give bond to the State for the use of the county in which he is elected, for educational purposes, in the penal sum of one thousand dollars, except as otherwise provided, with good and sufficient sureties, to be approved by the governing body of the county, conditioned for the faithful and impartial discharge of the duties of his office, and he shall take and subscribe the oath of office prescribed in Section 26, article III of the Constitution of this State, which he shall file in the office of the Secretary of State. When commissioned he shall immediately enter upon the discharge of his duties. His failure to qualify within thirty days after notice of his election shall create a vacancy.

HISTORY: 1962 Code Section 21‑61; 1952 Code Section 21‑61; 1942 Code Section 5301; 1932 Code Sections 4398, 5308; Civ. C. ‘22 Section 2566; Civ. C. ‘12 Section 1717; Civ. C. ‘02 Section 1186; 1896 (22) 150; 1903 (23) 58; 1907 (25) 652; 1908 (25) 1350; 1909 (26) 124, 180; 1910 (26) 698, 699, 700; 1911 (27) 62; 1912 (27) 683, 684; 1914 (28) 494, 497, 647; 1915 (29) 185, 515; 1919 (31) 75; 1920 (31) 1068; 1921 (32) 104, 130; 1923 (33) 41; 1924 (33) 1157; 1925 (34) 121, 144; 1927 (35) 254; 1928 (35) 1291; 1929 (36) 1, 7, 33, 227, 267; 1931 (37) 40, 77, 389.

LIBRARY REFERENCES

Schools 63(1).

Westlaw Key Number Search: 345k63(1).

C.J.S. Schools and School Districts Sections 114, 116, 129, 173 to 175, 183 to 190, 194 to 195, 218, 244, 248, 259, 264 to 265, 725.

Attorney General’s Opinions

School board would be required to interview candidates for position of superintendent in open or public meeting unless board voted to do so in executive session. 1991 Op Atty Gen, No. 91‑14 p 52.

Applications or resumes of candidates for position of superintendent of education are considered public records. However, school board must examine each application or resume and determine what information is or is not subject to disclosure under Freedom of Information Act. 1991 Op Atty Gen, No. 91‑52 p 52.

When the State Legislature has established a term of office, it may change the term or postpone the election in the interest of public policy. 1976‑77 Op Atty Gen, No 77‑121, p 104.

**SECTION 59‑13‑20.** Qualifications of superintendents and administrative officers of county boards of education.

 The person appointed as administrative officer to the board of education and the person appointed superintendent of any school district shall meet the qualifications required and possess the superintendent certificate issued by the State Board of Education.

 The board of education of any county and the board of trustees of any school district, however, may impose any additional qualifications which it may deem proper. This section shall not affect any person presently serving as county or district superintendent of education.

HISTORY: 1962 Code Section 21‑61.5; 1973 (58) 416.

LIBRARY REFERENCES

Schools 63(1).

Westlaw Key Number Search: 345k63(1).

C.J.S. Schools and School Districts Sections 114, 116, 129, 173 to 175, 183 to 190, 194 to 195, 218, 244, 248, 259, 264 to 265, 725.

**SECTION 59‑13‑30.** Commencement of term of office.

 The term of office of the county superintendent of education shall run from July first throughout four consecutive scholastic years in each county.

HISTORY: 1962 Code Section 21‑66; 1952 Code Section 21‑66; 1942 Code Section 5301; 1932 Code Sections 4398, 5308; Civ. C. ‘22 Section 2566; Civ. C. ‘12 Section 1717; Civ. C. ‘02 Section 1186; 1896 (22) 150; 1903 (23) 58; 1907 (25) 652; 1908 (25) 1350; 1909 (26) 124, 180; 1910 (26) 698, 699, 700; 1911 (27) 62; 1912 (27) 683, 684; 1914 (28) 494, 497, 647; 1915 (29) 185, 515; 1919 (31) 75; 1920 (31) 1068; 1921 (32) 104, 130; 1923 (33) 41; 1924 (33) 1157; 1925 (34) 121, 144; 1927 (35) 254; 1928 (35) 1291; 1929 (36) 1, 7, 33, 227, 267; 1931 (37) 40, 77, 389.

LIBRARY REFERENCES

Schools 63(1).

Westlaw Key Number Search: 345k63(1).

C.J.S. Schools and School Districts Sections 114, 116, 129, 173 to 175, 183 to 190, 194 to 195, 218, 244, 248, 259, 264 to 265, 725.

**SECTION 59‑13‑40.** Vacancies in office.

 The State Board of Education shall, except as otherwise expressly provided, fill all vacancies in the office of county superintendent of education for the unexpired term.

HISTORY: 1962 Code Section 21‑67; 1952 Code Section 21‑67; 1942 Code Section 5302; 1932 Code Section 5309; Civ. C. ‘22 Section 2567; Civ. C. ‘12 Section 1718; Civ. C. ‘02 Section 1187; 1896 (22) 150; 1932 (37) 1364; 1935 (39) 439, 456.

LIBRARY REFERENCES

Schools 63(1).

Westlaw Key Number Search: 345k63(1).

C.J.S. Schools and School Districts Sections 114, 116, 129, 173 to 175, 183 to 190, 194 to 195, 218, 244, 248, 259, 264 to 265, 725.

Attorney General’s Opinions

Appointment is for full unexpired term. State Board of Education will appoint county superintendent of education, when vacancy arises in such office, for full unexpired term of vacating superintendent. 1969‑70 Op Atty Gen, No 2959, p 219.

**SECTION 59‑13‑50.** Office; supplies and equipment.

 The governing body of each county shall furnish to the county board of education for the use of the county superintendent of education a comfortable and convenient office and suitable office furniture and shall supply such office with fuel, lights, stationery, postage and such other incidentals as are necessary to the proper transaction of the legitimate business of such office.

HISTORY: 1962 Code Section 21‑69; 1952 Code Section 21‑69; 1942 Code Section 5308; 1932 Code Section 5322; Civ. C. ‘22 Section 2572; Civ. C. ‘12 Section 1723; Civ. C. ‘02 Section 1192; 1896 (22) 158.

NOTES OF DECISIONS

In general 1

1. In general

Applied in Aiken County v. Murray (S.C. 1892) 35 S.C. 508, 14 S.E. 954.

**SECTION 59‑13‑60.** General duties of county and district superintendents.

 Each county and district superintendent of education shall assume such responsibilities and perform such duties as may be prescribed by law or by rules and regulations of the State Board of Education or as may be assigned or prescribed by the county board of education or the district board of trustees.

HISTORY: 1962 Code Section 21‑70; 1952 Code Section 21‑70; 1942 Code Section 5303; 1932 Code Section 5310; Civ. C. ‘22 Section 2568; Civ. C. ‘12 Section 1719; Civ. C. ‘02 Section 1188; 1896 (22) 150; 1974 (58) 1927.

LIBRARY REFERENCES

Schools 63(3).

Westlaw Key Number Search: 345k63(3).

C.J.S. Schools and School Districts Sections 142, 172 to 173, 176, 191.

**SECTION 59‑13‑70.** Superintendent shall keep record of school district bonds.

 All county superintendents of education shall keep a complete and full record in a suitable book of all bonds issued by the respective school districts in the respective counties of this State. The book shall contain the following data: Date of issue of bonds; amount of bonds; maturity of bonds; date of interest of bonds; interest due periods of bonds; and sale price of bonds. The book required to be kept by the county superintendents of education in this State shall be paid for by the respective counties of this State upon order of the county superintendent of education. The county superintendent of education shall keep the book herein required of him on file in the office of the clerk of court or register of deeds. Whenever the bonds have been paid, the superintendent of education shall enter in the book herein provided to be kept by him the date of payment. Any violation of the provisions of this section shall be punishable by a fine of not more than one hundred dollars or by imprisonment in the county jail or upon the public works of the county for a period of not more than thirty days, in the discretion of the court.

HISTORY: 1962 Code Section 21‑76; 1952 Code Section 21‑76; 1942 Code Section 5304; 1932 Code Section 5311; 1924 (33) 998; 1997 Act No. 34, Section 1.

LIBRARY REFERENCES

Schools 92(3).

Westlaw Key Number Search: 345k92(3).

C.J.S. Schools and School Districts Sections 502, 511.

**SECTION 59‑13‑80.** Superintendent shall keep register of claims and other matters.

 The county superintendent of education shall keep a register of all claims approved by him and of such other matters as the State Superintendent of Education shall require of him, in the form prescribed by the State Superintendent.

HISTORY: 1962 Code Section 21‑77; 1952 Code Section 21‑77; 1942 Code Section 5310; 1932 Code Section 5324; Civ. C. ‘22 Section 2574; Civ. C. ‘12 Section 1725; Civ. C. ‘02 Section 1194; 1896 (22) 158.

LIBRARY REFERENCES

Schools 112.

Westlaw Key Number Search: 345k112.

C.J.S. Schools and School Districts Sections 669 to 673, 679 to 681.

**SECTION 59‑13‑90.** Annual report to county treasurer of claims approved.

 The county superintendent of education shall, on or before the fifteenth day of July in each year, report to the county treasurer, by school districts, all school claims approved by him for the school year last preceding, and the county treasurer shall thereupon close the school accounts for that year, carrying over any balance to the credit of each school district to the then current fiscal year.

HISTORY: 1962 Code Section 21‑78; 1952 Code Section 21‑78; 1942 Code Section 5309; 1932 Code Section 5323; Civ. C. ‘22 Section 2573; Civ. C. ‘12 Section 1724; Civ. C. ‘02 Section 1193; 1896 (22) 158.

**SECTION 59‑13‑100.** Expenses of superintendents.

 Unless otherwise provided by law, each county superintendent of education shall receive annually, in addition to his salary, such sums as may be necessary to pay the actual expenses incurred by him in attending meetings called for the purpose of advancing educational interests and in visiting schools in other counties in order to become familiar with their management and mode of teaching.

HISTORY: 1962 Code Section 21‑81; 1952 Code Section 21‑81; 1942 Code Section 5313; 1932 Code Section 5328; Civ. C. ‘22 Section 2578; Civ. C. ‘12 Section 1728; Civ. C. ‘02 Section 1198; 1883 (18) 535; 1891 (20) 1114, 1268, 1391; 1893 (21) 492; 1899 (21) 1057; 1905 (24) 836; 1917 (30) 125; 1927 (35) 32; 1929 (36) 8, 63; 1932 (37) 1307; 1940 (41) 1664.

LIBRARY REFERENCES

Schools 63(5).

Westlaw Key Number Search: 345k63(5).

C.J.S. Schools and School Districts Sections 141, 177 to 182, 321 to 322, 341 to 342, 346.

**SECTION 59‑13‑110.** Procedure for payment of expenses.

 Such expenses shall be paid on the warrant of the county board of education. The superintendent’s claim for services and expenses shall be presented in the form of an itemized account against the county board of education, verified by affidavit to the effect that said account is just and true, that the service therein named was honestly and faithfully rendered and that the sum therein claimed is rightfully due and remains unpaid. When such account shall have been duly audited and approved by the county board of education, it shall be filed with the county treasurer, who shall pay the same ratably out of the funds apportioned to the several school districts in proportion to the average number of children attending the free public schools in each school district.

HISTORY: 1962 Code Section 21‑82; 1952 Code Section 21‑82; 1942 Code Section 5313; 1932 Code Section 5328; Civ. C. ‘22 Section 2578; Civ. C. ‘12 Section 1728; Civ. C. ‘02 Section 1198; 1883 (18) 535; 1891 (20) 1114, 1268, 1391; 1893 (21) 492; 1899 (21) 1057; 1905 (24) 836; 1917 (30) 125; 1927 (35) 32; 1929 (36) 8, 63; 1932 (37) 1307; 1940 (41) 1664.

LIBRARY REFERENCES

Schools 63(5).

Westlaw Key Number Search: 345k63(5).

C.J.S. Schools and School Districts Sections 141, 177 to 182, 321 to 322, 341 to 342, 346.

**SECTION 59‑13‑120.** Annual reports to superintendent.

 Any teacher, principal or superintendent employed in the schools of this State, supported in whole or in part at public expense, shall file within two weeks after the close of the session of such school a full and accurate report as required by law. Any person neglecting, refusing or omitting to file such report when requested by the county superintendent of education shall be liable to the cancellation of his certificate to teach by the State Board of Education and to a fine of not more than twenty‑five dollars to be imposed at the discretion of the county board of education.

HISTORY: 1962 Code Section 21‑87; 1952 Code Section 21‑87; 1942 Code Section 350; 1932 Code Sections 159, 5376; Civ. C. ‘22 Section 2622; Cr. C. ‘22 Section 507; 1913 (28) 191.

**SECTION 59‑13‑130.** Private schools required to report to superintendents.

 All private schools shall report to the county superintendent of education, upon request therefor of the county wherein such school is located, the number of pupils receiving instruction, the number in regular attendance, the number of teachers employed and such other facts as will show the grade and amount of educational work actually done in such private school. The management of any private school neglecting, refusing or omitting to file such report within two weeks after the close of the regular session shall be subject to a fine of not more than twenty‑five dollars.

HISTORY: 1962 Code Section 21‑89; 1952 Code Section 21‑89; 1942 Code Section 5351; 1932 Code Sections 1560, 5377; Civ. C. ‘22 Section 2623; Cr. C. ‘22 Section 508; 1913 (28) 191.

LIBRARY REFERENCES

Schools 4.

Westlaw Key Number Search: 345k4.

C.J.S. Schools and School Districts Section 811.

Attorney General’s Opinions

A private school is one established by any agency other than the State or its subdivisions, primarily supported by other than public funds, and operated by officials neither publicly elected nor appointed. 1967‑68 Op Atty Gen, No 2513, p 200.

A parochial school is one conducted and supervised by a religious group. 1967‑68 Op Atty Gen, No 2513, p 200.

A parochial school is considered a private school under this section [Code 1962 Section 21‑89] and must submit prescribed reports to county superintendent of education. 1967‑68 Op Atty Gen, No 2513, p 200.

**SECTION 59‑13‑140.** Annual reports to State Board of Education.

 Each county superintendent of education shall file with the State Board of Education within two months after the close of the scholastic year a full and accurate report of all schools under his supervision, which report shall contain such statistics and such other information as the law and the State Board may require. In any county which does not have a county superintendent of education, the report shall be made by the district superintendent.

HISTORY: 1962 Code Section 21‑90; 1952 Code Section 21‑90; 1942 Code Sections 5352, 5354; 1932 Code Sections 1558, 5378, 5380; Civ. C. ‘22 Sections 2624, 2626; Cr. C. ‘22 Section 506; 1913 (28) 191; 1925 (34) 181; 1974 (58) 1927.

**SECTION 59‑13‑150.** Contents of annual reports.

 The annual report of the county superintendent of education shall contain the complete statistics of all schools within his county supported in whole or in part from the public funds, as may be required of him by the State Superintendent of Education.

HISTORY: 1962 Code Section 21‑91; 1952 Code Section 21‑91; 1942 Code Section 5306; 1932 Code Section 5313; Civ. C. ‘22 Section 2570; Civ. C. ‘12 Section 1721; Civ. C. ‘02 Section 1190; 1896 (22) 150.

NOTES OF DECISIONS

In general 1

1. In general

Cited in Varn v. Beattie (S.C. 1934) 171 S.C. 424, 172 S.E. 442.