CHAPTER 15

County Boards of Education

**SECTION 59‑15‑10.** Appointment, term and qualifications of members of county board of education.

 There shall be a county board of education in each county which, except as otherwise expressly provided, shall be composed of seven members, six of whom shall be appointed by the Governor upon the recommendation of the Senator and at least one half of the members of the House of Representatives from the county, who shall serve terms of four years each commencing on May first in each year preceding the year of a presidential election. Any vacancies on the county boards of education shall be filled in the same manner for the unexpired terms. The county superintendents of education shall be ex officio members of the county boards of education in those counties in which the county superintendent of education is elected by the people and in counties in which the county superintendent of education is not elected by the people the seventh member shall be appointed in the same manner and for the same term as the other six members. No employee of a public school system other than the county superintendent of education shall be eligible to serve as a member of a county board of education.

HISTORY: 1962 Code Section 21‑101; 1952 Code Section 21‑101; 1951 (47) 546; 1953 (48) 3.

CROSS REFERENCES

Compensation of members of boards of education, see Section 59‑1‑350.

LIBRARY REFERENCES

Schools 48(1)‑48(3).

Westlaw Key Number Searches: 345k48(1) to 345k48(3).

C.J.S. Schools and School Districts Sections 94 to 97.

Attorney General’s Opinions

Discussion of whether there is a conflict of interest if a person is both a school board trustee and a temporary employee of the district. S.C. Op.Atty.Gen. (August 13, 2014) 2014 WL 4253410.

The Colleton County school election district reapportionment provided by 2014 R. 186 (S.1284), will not affect the upcoming 2014 school board elections, nor will it require special elections to be held for incumbents. S.C. Op.Atty.Gen. (July 22, 2014) 2014 WL 3886694.

State law does not appear to authorize school board to call for referendum concerning method of election of its members or to request county election commission to put such question on ballot of next general election. A court would likely conclude that such referendum would be of no effect. In any event, referendum could not be used to change law enacted by General Assembly absent express authorization from legislature. 1991 Op Atty Gen, No. 91‑12 p 46.

A person residing in one county, but employed by a school system of another county, is eligible to serve as a member of the county board of education in the county in which he resides, provided that the county board of education exercises no control over the school system by which the person is employed. 1976‑77 Op Atty Gen, No 77‑302, p 231.

An ex officio member of a Board has all of the rights, powers and duties of other members of the Board unless otherwise restricted by statute. 1975‑76 Op Atty Gen, No 4282, p 96.

County school boards may enter into multi‑year contracts with District Superintendents or other Chief Administrative Officers, but such contracts cannot bind succeeding boards. 1974‑75 Op Atty Gen, No 4091, p 168.

Under “Home Rule” legislation, the office of County Superintendent and the Board of Education may be abolished by the General Assembly until January 1, 1980 (Section 3 of Act No. 283 of 1975). 1976‑77 Op Atty Gen, No 77‑400, p 325.

NOTES OF DECISIONS

In general 1

1. In general

Cited in Powers v. State Educational Finance Commission (S.C. 1952) 222 S.C. 433, 73 S.E.2d 456.

Constitutionality. The method of appointment of public officers provided in this section [Code 1962 Section 21‑101] is a common one, and does not constitute an illegal delegation of legislative power. State ex rel. Roddey v. Byrnes (S.C. 1951) 219 S.C. 485, 66 S.E.2d 33.

**SECTION 59‑15‑20.** Board constitutes advisory body to county superintendent.

 The county board of education shall constitute an advisory body with whom the county superintendent of education shall have the right to consult when he is in doubt as to his official duty.

HISTORY: 1962 Code Section 21‑102; 1952 Code Section 21‑102; 1942 Code Section 5317; 1932 Code Section 5348; Civ. C. ‘22 Section 2597; Civ. C. ‘12 Section 1736; Civ. C. ‘02 Section 1203; 1896 (22) 161.

LIBRARY REFERENCES

Schools 48(.5).

Westlaw Key Number Search: 345k48(.5).

C.J.S. Schools and School Districts Section 93.

Attorney General’s Opinions

Discussion of the authority of the Trustees of the Charleston County School District with respect to the various constituent school districts of Charleston County and issues relating to magnet schools, school bus transportation, and student discipline. S.C. Op.Atty.Gen. (April 12, 2016) 2016 WL 1711847.

**SECTION 59‑15‑30.** Quorum of board.

 A majority of the members of the county board of education shall constitute a quorum for the transaction of the business of the board.

HISTORY: 1962 Code Section 21‑103; 1952 Code Section 21‑101.1; 1951 (47) 546.

LIBRARY REFERENCES

Schools 48(.5).

Westlaw Key Number Search: 345k48(.5).

C.J.S. Schools and School Districts Section 93.

**SECTION 59‑15‑40.** Rule‑making power of board.

 County boards of education may prescribe such rules and regulations not inconsistent with the statute law of this State as they may deem necessary or advisable to the proper disposition of matters brought before them. This rule‑making power shall specifically include the right, at the discretion of the board, to designate one or more of its members to conduct any hearing in connection with any responsibility of the board and to make a report on this hearing to the board for its determination.

HISTORY: 1962 Code Section 21‑105; 1956 (49) 1670.

CROSS REFERENCES

General powers and duties of school trustees, see Section 59‑19‑90.

General qualifications of school teachers, see Section 59‑25‑20.

LIBRARY REFERENCES

Schools 48(6).

Westlaw Key Number Search: 345k48(6).

C.J.S. Schools and School Districts Sections 100 to 101, 103 to 106.

Attorney General’s Opinions

Discussion of the authority of the Trustees of the Charleston County School District with respect to the various constituent school districts of Charleston County and issues relating to magnet schools, school bus transportation, and student discipline. S.C. Op.Atty.Gen. (April 12, 2016) 2016 WL 1711847.

**SECTION 59‑15‑50.** Oath of board members and trustees.

 Each member of a county board of education or board of trustees shall take the oath prescribed in the Constitution of South Carolina.

HISTORY: 1962 Code Section 21‑106; 1973 (58) 635.

LIBRARY REFERENCES

Schools 48(2).

Westlaw Key Number Search: 345k48(2).

C.J.S. Schools and School Districts Sections 95 to 96.