

SCHOOL BOARD LEGAL STATUS

Code **BB** Issued **11/12**

Purpose: To establish the legal foundation for board operations.

The legally constituted governing body of the school district is the board of trustees of Spartanburg County School District Four. The board is composed of nine members, each of whom is elected for a four-year term. State law has provided that each school district will be under the management and control of its board of trustees.

The board's powers are derived from the state constitution and acts of the general assembly. Consequently, the board may perform only those acts for which some authority exists. This authority may be expressly stated or implied either in state law or in rules and regulations of the state board of education. The board's authority to exercise permissive powers within the framework of state laws and regulations allows for freedom of action.

While the board is responsible to the state board of education, it is, by law and tradition, responsible to the community it serves and represents. It is, therefore, the duty of the board to carry out the will of the community in matters of public education, within the boundaries set by the laws and regulations of the state of South Carolina and Spartanburg County.

All powers of the board lie in its action as a body. Board members acting as individuals have no authority over personnel or school affairs.

Adopted 6/2/80; Revised 6/2/97, 11/5/12

Legal references:

- A. S.C. Constitution
 1. Article II. Sections 3 & 4 – definition of qualified electors
 2. Article XVII. Sections 1 & 1A – Qualifications for office and prohibition against dual office holding.
- B. S.C. Code, 1976, as amended:
 1. Section 7-5-120 – Qualifications for voter registration.
 2. Title – Deals with rights and responsibilities of public officers.
 3. Section 59-15-50 – Oath of board members.
 4. Section 59-17-10 through 59-17-90 – School district organization, consolidation, etc.
 5. Section 59-19-110 – Each school district will be under the management and control of the board of trustees.
 6. Section 59-19-315 – Commencement of trustee's term of office.
- C. Attorney General's Opinion:
 1. 1960-61, No. 1092, p. 164 – any action by board of trustees of school must be taken at a regularly called and assembled meeting with a quorum present.

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D. S.C. Acts and Joint Resolutions:

1. 1952 [47] 1707 – Relating to number of board members and terms.
2. 1984 Act 612, p. 3260 –Provides for method of election of trustees and terms of members.
3. 1994 Act 610, p. 6078 – Abolishes county board and devolves powers and duties on district boards.
4. 1995 Act 189, p. 1561 – Provides for fiscal autonomy of local districts in Spartanburg County; repeals Act 610 of 1994 relating to abolition of county board of education and limits powers of county board.
5. 2006 Act 388 – Provides exemption of owner-occupied residential property from school operating millage, distribution of revenue, and millage limitations.