

## **BOARD POWERS AND RESPONSIBILITIES**

Code **BBA** Issued **11/12**

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**Purpose:** To establish the basic legal structure in which the board operates. The board takes a broad view of its required functions. It sees them as the following.

### **Legislative/Policy-making**

The legislative authority includes policy-making action and the review of rules and regulations established to put policies into operation. The board is responsible for the adoption of policy. The policies will be put in written form and continually re-evaluated in terms of the changing needs and functions of public education.

### **Executive**

The superintendent performs administrative duties for the board by the powers delegated to him/her. The board must hold the superintendent responsible for the proper and efficient administration of schools.

### **Quasi-judicial**

The board serves in a quasi-judicial function when it acts on appeals of parents, pupils or employees on decisions made by the superintendent or his/her designee.

### **Appraisal and approval**

The board is responsible for evaluating the effectiveness of its policies and how well they have been put into action. The superintendent recommends specific action, and it is the function of the board to appraise the value and importance of each recommendation and to act on each proposal.

### **Operational action**

The board is responsible for the machinery and process of carrying on board business, such as adopting a procedural form for meetings, election of board officers, and providing the enforcement of state laws and directives of the state department of education.

### **Provision of financial resources**

The board has the responsibility for the adoption of a budget which will provide the wherewithal in terms of buildings, staff, materials, and equipment to enable the school system to carry out its policies.

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### **Reviewing action**

The board has final authority within the law for the operation of schools. No section of these policies and procedures may be construed to limit the statutory powers of the board to exercise its own judgment on the basis of the recommendation of the superintendent.

### **Visits to schools**

Board members should make official visits to the schools only under board authorization and with the full knowledge of staff including the superintendent, principals, and other supervisors.

Board members may make informal visits to schools or classrooms after making arrangements for visitations through the superintendent or his/her designee. Such visits will be regarded as informal expressions of interest in school affairs and not as “inspections” or visits for supervisory or administrative purposes.

### **State law**

The law of the state requires district boards to discharge certain duties and confers upon them many legislative, judicial and executive powers including the following (statutory references to sections of the S. C. Code, 1976, as amended).

- Legislative (rule-making powers)
  - General: Boards...may prescribe such rules and regulations not inconsistent with the law as they deem necessary or advisable. (59-19-110)
  - Specific: The board shall promulgate rules prescribing the scholastic standards of achievement and standards of conduct and behavior that must be met by all pupils as a condition to the right of such pupils to attend the public schools. [59-19-91(3)]
- Judicial powers
  - The board may conduct hearings or delegate this power to one or more members who will report to the board. (59-19-110)
- Executive Powers

In the executive area, the board’s powers include the following:

  - managing and controlling the district, subject to legal requirements (59-19-90[7])
  - controlling the educational interests of the district, with the right to operate or not operate any school or schools (59-19-90[7])
  - suspending or dismissing pupils when the best interest of the schools makes it necessary (59-19-90[3])
  - transferring and assigning pupils (59-19-90[9])
  - prescribing conditions of attendance for children not meeting eligibility requirements, subject to certain conditions (59-19-90[10])
  - providing school-age child care programs or facilities (59-19-90[11])
  - controlling school property of the district (59-19-90[5])
  - acquiring land by condemnation (59-19-180, 59-19-200)
  - providing suitable school houses (59-19-90[1])
  - selling or leasing school property (59-19-250)

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- waiving state restrictions on attendance for any person who is less than five or more than 21 years of age to attend any of the free public schools (59-63-20[3])
- holding in trust gifts made to district on giving approved bond (59-19-160)
- employing and discharging teachers (59-19-90[2])
- establishing and controlling schools for eleemosynary institutions (59-37-20)
- insuring motor vehicles (59-19-260)
- conveying school property no longer needed for school purposes (59-23-310)
- requiring teaching of certain enumerated subjects (59-29-10)
- approving claims against school funds (59-69-210)
- charging matriculation and incidental fees when allowed by any special act of the general assembly (59-19-90[8])
- making annual reports to state superintendent (59-19-330)
- visiting schools within the district...at least once in every school term and taking care that they are conducted according to law and with the utmost efficiency (59-19-90[6])
- calling meetings of the qualified electors of the district for consultation in regard to the school interests thereof, at which meetings the chairperson or other member of the board shall preside, if present (59-19-[4])
- fixing the time of operation of schools (59-21-30)
- providing for an annual school census (59-65-240)
- providing protective eye devices to persons in certain labs and classrooms (59-1-390)
- admitting only those beginning students who produce a birth certificate and a certificate of immunization; immunization standards are those required by the South Carolina State Department of Health and Environmental Control (44-29-180)
- requiring competitive bids for buildings or additions constructed from state funds, with some exceptions (S.C. Consolidated Procurement Code, Sections 10-1-110, 11-35-1, et seq. and 59-21-410)
- providing an accelerated program for qualified high school students (59-39-110)
- developing a comprehensive five-year plan with updates (59-1-450)

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

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### Legal references:

- A. S.C. Code, 1976, as amended:
  - 1. Section 59-19-90 – General powers and duties of school trustees.
  - 2. Title 59 – Public education