



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

March 13, 2000

The Honorable McKinley Washington
Member, South Carolina Senate
Gressette Senate Office Building
By Delivery

Dear Senator Washington:

You have requested the Opinion of this Office as to whether special legislative action is necessary in order to allow a school district to relinquish its participation in a joint vocational project created pursuant to S.C. Code Ann. §59-53-1880, *et seq.* (1990) and allow the remaining school district(s) to have exclusive management of the project. In the absence of local laws addressing the school, the above statutes do not appear to prevent a school district from relinquishing its participation. The applicable statutes use discretionary language as to the affiliation (*Eg.* "...school districts serving such an area are empowered to affiliate with each other under such terms and conditions as...as they see fit..." (§59-53-1890); "Any group of two or more school districts of the state... may join to create vocational school boards..." (§59-53-1900)) (emphasis added).¹ Although this legislation does not contain a procedure or express authorization for a participating district to withdraw, that the affiliation is voluntary indicates that a district may withdraw; however, I suggest that lawyers for the school districts concerned carefully review the proposed withdrawal to ensure that any issues related to jointly held property and other matters are appropriately resolved.

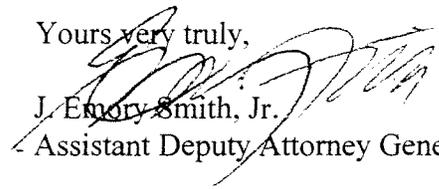
This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

¹The use of the word "may" signifies permission and generally means that the action spoken of is optional or discretionary. *State v. Wilson*, 274 S.C. 352, 264 S.E. 414, 416 (1980)

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If you have further questions, please let me know.

Yours very truly,


J. Emory Smith, Jr.
Assistant Deputy Attorney General