

The State of South Carolina



Opinion No 88-48

Office of the Attorney General

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Representative Fred L. Day
South Carolina House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Representative Day:

You have requested advice of this Office as to whether a student who meets the eligibility requirements for attending the public schools of a school district free of charge under §59-63-30(c) of the Code of Laws of South Carolina, 1976, as amended, by owning real estate in the district having an assessed value of \$300.00 or more, has a right to attend any school in that district. Section 59-63-30 does not expressly address the question, but §59-19-90(9) empowers Boards of Trustees to "...determine the school within [the] district in which any pupil shall enroll...." Giving §59-19-90(9) its plain meaning (South Carolina Department of Highways and Public Transportation vs. Dickinson, 341 S.E.2d 134 (S.C. 1986)) requires the conclusion that the power of school districts to determine pupil assignments is not altered by the provisions of school attendance based upon property ownership under §59-63-30. Sutherland Statutory Construction, Vol. 2A §51.02; See also Lewis v. Gaddy, 254 S.C. 66, 173 S.E.2d 376 (1970). Therefore, property ownership within a district does not, itself, entitle a student to demand attendance at a particular school within that district.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

JESjr/jps

REVIEWED AND APPROVED BY:

ROBERT D. COOK
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