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The State of South Carolina

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*Opinion No 88-69
P 201*

September 19, 1988

Mr. James H. Salley
Director of Institutional Advancement
South Carolina State College
P. O. Box 1556
300 College Street, N.E.
Orangeburg, South Carolina 29117-1556

Dear Mr. *JH* Salley:

The fiscal year 1988-89 State Appropriations Act at proviso 30.64 provides that \$75,000.00 of the \$3,000,000.00 appropriated to the State Department of Education at line item X.C.5. STUDENT LOANS, may be utilized by South Carolina State College to attract minority students to the teaching profession. The Commission on Higher Education is charged with monitoring the use of these funds and reporting to the Senate and House Education Committees on the effectiveness of the recruitment program.

South Carolina State College has asked this Office whether there are any restrictions prohibiting the College from using a part of the \$75,000.00 to provide academic scholarships to minority students committed to pursuing teaching careers.

As there are no Appellate Court decisions or Attorney General's opinions interpreting this portion of the Appropriations Act, my analysis of this issue will necessarily be limited to a construction of the language of the proviso.

The only restriction on the use of the \$75,000.00 by State College is that it be used to attract minority students to the teaching profession. Provided a purpose of attracting minority students to the teaching profession is advanced, South Carolina State College, the agency responsible for spending the money, is free to determine the manner in which the money is spent. It would, of course, be a factual determination by appropriate authorities at South Carolina State College as to whether the proposed use would, in fact, attract minority students to the teaching profes-

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sion. Assuming that South Carolina State College makes a factual determination that the awarding of academic scholarships to minority students committed to pursuing teaching careers will attract minority students to the teaching profession, there is no restriction or prohibition of such a use. The effectiveness of the uses to which the money is put is, of course, subject to review by the Senate and House Education Committees based on information provided them by the Commission on Higher Education in performing its monitoring and reporting functions.

I hope this information has been helpful to you. If I can provide further assistance or clarification, please feel free to contact me.

Yours very truly,



T. Travis Medlock
Attorney General

TTM/srcj