

## The State of South Carolina



## Office of the Attorney General

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April 20, 1987

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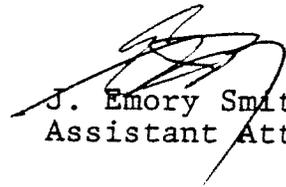
Dear Bruce:

As attorney for the Horry County Board of Education, you have requested the advice of this Office as to whether the State Legislature and the State Department of Education can mandate the implementation of programs on the school district level without providing State funds for them, thus, making necessary the use of local funds. For your information, I am enclosing an opinion of the Honorable C. Bruce Littlejohn in the case Richland County Council, et al. v. Richard W. Riley, etc., et al., (January 7, 1987, Richland County, Docket No. 86-CP-40-4002). This opinion holds that constitutional requirements for the General Assembly to provide for public education permit the legislature to require school districts to contribute to the funding of the public school system. This opinion is consistent with the advice provided in your letter to Superintendent Dawsey dated March 9, 1987. Because the Order addresses the issue that you raised and because that Order is now under appeal to the South Carolina Supreme Court, additional comment concerning this issue would not be appropriate now. Of course, reference should be made to applicable statutory and regulatory provisions for individual programs to determine how they are to be funded.

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Page 2

If you have any questions, please let me know.

Yours very truly,

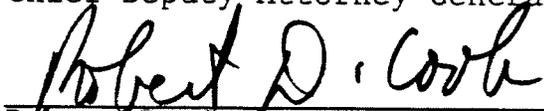
  
J. Emory Smith, Jr.  
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Enclosures

REVIEWED AND APPROVED:



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