

1983 S.C. Op. Atty. Gen. 54 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-35, 1983 WL 142706

Office of the Attorney General

State of South Carolina

Opinion No. 83-35

July 8, 1983

*1 Honorable Olin R. Phillips
Member
House of Representatives
Post Office Box 206
Gaffney, South Carolina 29340

Dear Representative Phillips:

You have requested that this office advise you as to how a school district composed of territory from two counties may alter its lines. This matter is addressed at [Sections 59-17-20 and 59-17-40 of the Code of Laws of South Carolina \(1976\)](#). According to the first of these provisions, county boards of education may alter school district lines with the approval of their legislative delegations¹ or upon written petitions meeting statutory standards. Although the language of [Section 59-17-20](#) appears to be directed to alterations of districts whose boundaries are entirely within single counties, other provisions indicate that [Section 59-17-20](#) can be applied to districts lying in two or more counties. [Section 59-17-40](#) allows consolidation of territory embraced by two or more counties upon joint action of the county boards of education as provided in [Section 59-17-20](#). That boards can act jointly under [Section 59-17-20](#) to consolidate school districts in different counties indicates that they can also act jointly to alter district lines in multi-county situations. Finally, alteration can also be accomplished in these situations by act of the General Assembly ([Section 59-17-20\(1\)](#)); however, if the alteration is actually an incorporation of a new district rather than mere alteration of lines, constitutional problems may result. For your reference, I am enclosing previous opinions of this office which address the incorporation problem and other aspects of school district alteration. See, Ops. Atty. Gen. (November 30, 1981, by B. J. Willoughby, Assistant Attorney General; June 19, 1981 and June 8, 1981, by J. Emory Smith, Jr., Assistant Attorney General; June 8, 1981, by Paul S. League, former Assistant Attorney General).

I have not been able to reach you by telephone to find out whether your questions are directed to any school districts in particular. Therefore, I have not checked local law for any provisions addressing alteration of district lines; however, the existence of such special provisions would not appear to be likely.

If we may be of further assistance, please do not hesitate to contact us.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

Footnotes

¹ See, Ops. Atty. Gen. (June 8, 1981, by Paul S. League, former Assistant Attorney General) as to the constitutionality of this provision.
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