

1982 WL 189447 (S.C.A.G.)

Office of the Attorney General

State of South Carolina  
September 28, 1982

\*1 The Honorable Charlie G. Williams  
State Superintendent of Education  
S. C. Department of Education  
Columbia, S. C. 29201

Dear Dr. Williams:

You have requested the opinion of this office as to provisions in the 1983 Appropriations Act and the Education Finance Act (§ 59-20-60(3)(b)) regarding the establishment of advisory councils at schools. The Finance Act, which was passed in 1977, provides that at least two of the members shall be parents elected by parents of the children attending the school and that at least two members shall be students, in schools with grades nine and above, elected by the students. You want to know whether a student may be elected to serve on the council in his last year of school and whether the parent of such a student may be elected when such candidates cannot serve a minimum of two years.

Construing the 1983 and 1977 provisions together indicates that membership on the advisory councils is limited to those persons who can serve two years. Nothing in the 1977 provisions requires that seniors in high school be eligible for election to the councils. Thus, because the 1983 proviso uses mandatory language in establishing the two year term, a student in his last year of high school would not be eligible to be elected then to the council because he or she could not serve the required two year term. The same reasoning applies to parents. A previous opinion of this office held that parents elected to the councils must have children enrolled in the school. 1978 Op. Att'y Gen. No. 78-77, page 107. Reading this requirement with reference to the two year requirement indicates that only those parents who could expect to have a child enrolled in the school for the entirety of his or her term would be eligible to be elected. The parent of a senior would be ineligible.

If we may be of further assistance, please let us know.

Yours very truly,

J. Emory Smith, Jr.  
Assistant Attorney General

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