

1972 WL 25370 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 29, 1972

***1 Re: #263—Schools—Funds, etc. #278—S. C. Boards/State Board of Education**

Mr. Ralph A. Durham
Deputy Superintendent
State Board of Education
Rutledge Building
Columbia, South Carolina

Dear Mr. Durham:

Attorney General McLeod referred to me your request for an opinion on disbursement of school funds from the State to the new Hollywood School District #4 in Saluda County, effective July 1, 1972. You specifically mentioned school building funds, as well as funds for salaries of Superintendent of Education, Attendance Teacher, and School Lunch Supervisor.

In regard to the 1972-73 school building funds, I am of the opinion that the State Board of Education has the legal authority and responsibility for determining what share, if any, the Hollywood District should receive. Such authority results from Section 21-287, Code of Laws of South Carolina, as amended, which provides that the State Board 'shall prescribe reasonable rules and regulations in order to insure . . . that the efficiency of the public school system will be increased by the expenditure of the funds' and Section 21-45(10), which authorizes the Board to '[a]ssume such other responsibilities and exercise such other powers and perform such other duties as may be assigned to it by law or as it may find necessary to aid in carrying out the purpose and objectives of the Constitution of the State'. In the absence of any statutory or case law governing this situation precipitated by the creation of this new school district, I feel the State Board should decide for itself what allocation best provides for the efficiency of the public schools.

As for the State aid for salaries of Attendance Teachers and Lunch Supervisors, the funds for such positions can be paid directly to the respective school districts since Section ?? as amended, devolves the powers and duties of the County Board on both district boards, and such funds can be pro-rated or devised between such districts under the general provisions of Section 21-45(10) referred to earlier. Concerning State aid for County Superintendent salaries, such funds are to be paid to the governing board of Saluda County, i.e., Board of Commissioners of Saluda County (Act No. 1121, 1963), assuming the 1972-73 Appropriations Act contains the same provisions as last year's.

Contact me if I can provide any further assistance.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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