



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

October 15, 2004

The Honorable Ronald P. Townsend
Member, House of Representatives
2328 Wright School Road
Anderson, South Carolina 29621

Dear Representative Townsend:

In a letter to this office you questioned whether the Anderson County Board of Education has the authority to operate the Anderson County Alternative School or does that authority belong to the Anderson County school districts.

Act No. 156 of 1995 states as follows:

Section 31 of Act 868 of 1950 is amended by adding at the end:

Specifically, but without limitation, the responsibility, authority, and power of the county board to finance and operate an alternative school for Anderson County and to incur debt in order to effect the purposes of this act including, but not limited to, the authority to issue tax anticipation notes similar to and consistent with the terms and provisions of paragraph four of Section 11-27-50 of the 1976 Code, are granted, ratified, and affirmed as being within the scope and intent of this act.

Section 31 of Act 868 of 1950 refers to the duties of the Anderson County Board of Education. The title to Act No. 156 states that it is

An act to amend Act 868 of 1950, as amended, relating to the designation and affirmation of the specific authority, responsibilities, and powers of the Anderson County Board of Education....(emphasis added).

Principles of statutory construction are relevant to your question. Generally, in interpreting any statute, the primary purpose is to ascertain the intent of the legislature. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). A statute as a whole must receive a practical, reasonable, and fair interpretation consonant with the purpose, design and policy of the lawmakers. Caughman v. Cola. Y.M.C.A., 212 S.C. 337, 47 S.E.2d 788 (1948). The court must apply the clear and unambiguous terms of the statute according to their literal meaning. State v. Blackmon, 304 S.C. 270, 403 S.E.2d

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660 (1991). Also, the title or caption of an act may be properly considered to aid in the construction of a statute and to show the intent of the Legislature. Lindsay v. Southern Farm Bureau Cas. Ins. Co., 258 S.C. 272, 188 S.E.2d 374 (1972).

Consistent with the above, in my opinion, construing the terms of the provisions of Act No. 156 along with the title to that Act, the Anderson County Board of Education would have the authority to operate the Anderson County Alternative School.

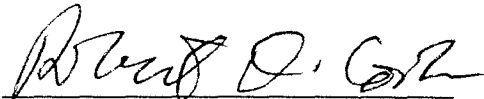
If there are any questions, please advise.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General