



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

April 3, 1995

The Honorable Dan Lee Tripp
Member, House of Representatives
Post Office Box 454
Mauldin, South Carolina 29662

Re: Informal Opinion

Dear Representative Tripp:

You have requested the opinion of this Office as to whether the Early Childhood Developmental and Academic Assistance Act of 1993 requires instruction and assessments that are appropriate to the age of the children involved or whether it requires specific curriculum known as "Developmentally Appropriate Practices". S.C. Code Ann. §59-139-05 et seq. (Supp. 1993). This law provides, in part, as follows:

Section 59-139-05. It is the purpose of the General Assembly in this chapter: . . .

(4) to promote the advancement of developmentally appropriate curriculum and coordinated programs from pre-school through grade 3 . . .

Section 59-139-10.

(A) The State Board of Education, through the Department of Education and in consultation with the Select Committee, shall develop and implement regulations requiring that . . . each school district, in coordination with its schools, and each school in the district shall design a comprehensive, long-range plan

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with annual updates to carry out the purposes of this chapter. To that end the plans shall:

(1) establish an early childhood initiative

. . . .

(C) The design for the early child development initiative must include: . . .

(2) the development and implementation of a developmentally appropriate curriculum from early childhood education through grade 3. Options available to districts and schools in designing the early childhood assistance component include . . .

(Emphasis added.)

Section 59-139-60. The State Board of Education, through the State Department of Education and in consultation with the Select Committee, shall establish an assessment system to evaluate the degree to which the purposes of this chapter are met. To that end, the State Board of Education, through the Department of Education shall:

(1) develop or adapt a developmentally appropriate assessment program to be administered to all public school students by the end of grade three

(Emphasis added.)

The following rule of statutory construction applies here:

In construing statutes, we seek to effectuate legislative intent. The cardinal rule of statutory construction is that words used therein must be given their plain and ordinary meaning without result to subtle or forced construction to limit or expand its operation.

Hitachi Data Systems Corp. v. Leatherman, 309 S.C. 174, 420 S.E.2d 843, 846 (1992). In addition, ordinary rules of grammar are applicable. Busching v. Superior Court of Ventura County, 115 Cal. Repr. 241, 524 P.2d 369, 374 (1974); Ops. Atty. Gen. (May 22, 1984).

Here, the use of the articles "a" and "an" and the words, "options", "develop" and "adapt," as well as other language in the statute, clearly indicates a legislative intent not to mandate a certain type of curriculum or assessment such as a particular organization's "Developmentally Appropriate Practices". My understanding from the Department of Education is that the Department agrees that this language does not mandate the "Developmentally Appropriate Practices." The draft "South Carolina English Language Art Framework" adopted by the State Board of Education defines "Developmentally Appropriate", in part, as being

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"appropriate for children of a particular age or stage of development." Appendix A.

You may want to contact the Department of Education for further information; however, the conclusion of this Office is that the above legislation does not mandate a particular curriculum or assessment method.

This letter is an informal Opinion. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney only as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

If you have any questions, please let me know.

Yours very truly,



J. Emory Smith, Jr.
Assistant Deputy Attorney General

JESjr./fg