



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

December 15, 1996

Donald J. Henderson, Ed.D.
Superintendent
Richland County School District One
1616 Richland Street
Columbia, SC 29201

Dear Superintendent Henderson:

You have requested advice as to whether a school district may increase the number of units required for receipt of a State high school diploma. As you note, a previous opinion of this Office which concluded that a district could not increase the units was based upon statutory language that has since been amended and codified as S.C. Code Ann. §59-39-100 (1990) (prev. §21-630, Code of Laws (1962)). Ops. Atty Gen. (March 1, 1965).

Section 59-39-100 now reads, in part, as follows:

...The units required for a state high school diploma is twenty as prescribed by the State Board of Education... a minimum of 3 units must be earned in mathematics and a minimum of 2 units must be earned in science." (emphasis added).

A relevant rule of statutory construction is as follows:

The "...primary function in interpreting a statute is to ascertain the intention of the legislature." South Carolina Department of Highways and Public Transportation v. Dickinson, 288 S.C. 134, 341 S.E. 2d 134 (1986). "Where the terms of a statute are clear and unambiguous, there is no room for interpretation and we must apply them according to their literal meaning." Id.

The use of the term "is," the absence of the word "minimum" as used later in the statute, and the authority given to the State Board of Education to prescribe the units all indicate a legislative intent that school districts have no authority to increase the units required for a State high school diploma.

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This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney 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 further questions, please let me know.

Yours, very truly,

J. Emory Smith, Jr.
Assistant Deputy Attorney General

CC: William F. Halligan, Esquire

JESjr