

# The State of South Carolina



## Office of the Attorney General

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October 6, 1987

The Honorable Herbert Kirsh  
Member, South Carolina House of  
Representatives  
Box 31  
Clover, South Carolina 29710


Dear Representative Kirsh:

You have requested the advice of this Office as to whether South Carolina law permits state owned public school buses to be used to transport students to private schools at no charge. Although this issue is not expressly addressed by statute, the statutes for school transportation in this State describe the provision of transportation in terms of the classes and educational programs of school districts, which provide public education on the local level. See §§59-1-120, 59-19-60, 59-63-30, 59-67-410 et seq. of the Code of Laws of South Carolina, 1976 and the amendments thereto. Moreover, all of these provisions are contained in Title 59 of the South Carolina Code, the purpose of which is "...to provide for a State system of public education and for the establishment, organization, operation and support of such State system." (Emphasis added) §59-1-20. Construing all of these provisions together and giving them their plain meaning clearly indicates a legislative intent that public transportation on state owned school buses be provided only for public school students. Sutherland Statutory Construction, Vol. 2A, §46.01 et seq. and §51.02; South Carolina Department of Highways and Public Transportation v. Dickinson, 341 S.E.2d 134 (1986) and Lewis v. Gaddy, 254 S.C. 66, 173 S.E.2d 376 (1970). Therefore, such transportation on state owned school buses may not be provided for private school students.

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If you have any questions, please let me know.

Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Attorney General

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REVIEWED AND APPROVED:

  
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Robert D. Cook  
Deputy Attorney General