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Office of the Attorney General

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July 29, 1985

The Honorable George H. Bailey
South Carolina House of Representatives
100 Meets Street
St. George, SC 29477

Dear Representative Bailey:

You have requested the advice of this Office as to a number of questions concerning the extent of the authority of the Dorchester County Vocational Education Board (Vocational Board) over vocational education programs in Dorchester County which covers three (3) school districts. We have carefully reviewed and considered the attorney's memorandum that accompanied your request.

The Vocational Board was created by an Act of the General Assembly in 1972. Act 1627, Acts and Joint Resolutions of South Carolina, 1972. A previous opinion of this Office found that the programs and facilities operated by the Vocational Board under this law consisted of existing facilities serving a county-wide area and the Vocational School to be constructed under the bond issue for which the Act provided. Ops. Atty. Gen. (7/11/79). More recent general legislation may give the Board authority to improve and extend facilities of the school. §59-53-1920 of the Code of Laws of South Carolina (1976). None of the legislation indicates that the Vocational Board has authority over other programs except as the districts may agree, and no such agreement is evident. Both the general and local provisions refer to affiliation agreements, but no agreement has been located for Dorchester County. §§59-53-1880 and 1900 and Act 1027.

The general and special legislation do not clearly delineate the authority and responsibility of the Vocational Board and the various school district boards of trustees over vocational education in Dorchester County. A reason may be that the legislation anticipated reliance on an affiliation agreement that cannot be found and may never have been entered; however, as discussed above, the authority of the Vocational Board appears to be limited to those facilities and programs noted in the 1979 opinion and improvements and extensions of the Vocational School under §59-53-1920.

REQUEST LETTER

To resolve more clearly these questions of authority, I suggest that an affiliation agreement or legislative clarification be considered. Budget related questions may be resolvable by the County Board of Education which must approve budgets. See Act 1627, §3.

If we may be of further assistance, please let us know.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

JESJr/rho

REVIEWED AND APPROVED:

ROBERT D. COOK
Executive Assistant for Opinions