

1984 WL 249910 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 21, 1984

*1 The Honorable Ben E. Thrailkill, Jr.
Member
House of Representatives
434-D Blatt Building
Columbia, South Carolina 29211

Dear Representative Thrailkill:

You have requested the advice of this Office as to the authority of the Department of Education to provide the special assistance now being provided to Clarendon County School District One. According to information given to this Office by the Department of Education, the only assistance now being given that District because of its special situation is in the form of work hours by Department of Education personnel. A number of personnel from the Department are in Clarendon including one serving as an interim Administrator or Superintendent. The previous Superintendent was terminated and no statutory requirement exist for his office. According to our information, no assistance has been paid to the District other than what would normally be distributed nor has any school district money been paid to the Department. We have been advised that all activities of the Department in Clarendon were undertaken at the request of the School District's Board of Trustees.¹

No express authority exists for this activity by the Department of Education; however, this kind of aid appears to be consistent with the general powers of the State Board of Education as to which the Department of Education is a related administrative agency. These powers include the improvement of the State's system of public education, and the assumption of powers and duties necessary to aid in carrying out the purpose and objectives of the Constitution. See, Section 59-5-60(9) and (10). See, e.g., Article 11, § 3, Constitution of South Carolina, 1895, as amended. Because the above activities appear to be consistent with the goals of State Education and the duties of the State Board of Education, the basic principle behind providing this assistance appears to be consistent with the above statutory and constitutional provisions; however, we express no opinion as to whether each activity in Clarendon County is appropriate. To provide such advice, we would have to undertake an investigation of those activities that would be beyond the province of this Office in the issuance of opinions. See, Ops. Atty. Gen. (December 12, 1983).

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

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

Footnotes

¹ Act 233, Acts and Joint Resolutions of South Carolina, 1983, provides for the County Board of Education's appointment of the trustees.

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