

1981 WL 157822 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1981

*1 Dr. Marvin Efron
Chairman
Board of Trustees
Wil Lou Gray Opportunity School
West Campus Road
Columbia, South Carolina 29169

Dear Dr. Efron:

You have requested the opinion of this office as to whether the General Assembly may be requested to elect the Commissioner of the Vocational Rehabilitation Department as an additional ex-officio member of the Board of Trustees of the Wil Lou Gray Opportunity School. Section 59-51-30 makes the following provisions for the membership of the board:

‘The Opportunity School shall be under the management and control of a board of fourteen trustees, ten of whom shall be elected by the legislature and two of whom shall be elected by the alumni association of the school . . . The thirteenth member shall be the State Superintendent of Education, who shall serve ex-officio. The fourteenth member shall be the Governor who shall be a member of the board, ex-officio, and shall be chairman . . .’

This section not only specifies that the board shall consist of fourteen members; it provides for the selection of only those many trustees. In particular, no more than two trustees are designated as being ‘ex-officio’ members. Thus, the language of § 59-51-50 clearly requires that the membership of the board consist of exactly fourteen (14) members. In the absence of an amendment to that law, the legislature could not select any person to be a fifteenth member of the board.

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

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

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