

1980 WL 121067 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 29, 1980

**\*1 Re: Attorney General's Opinion**

Mr. Grady A. Decell  
Director  
South Carolina Department of Youth Services  
Post Office Box 21487  
Columbia, South Carolina 29221

Dear Mr. Decell:

You have requested an opinion of this office concerning the Department of Youth Services' eligibility to receive funds pursuant to [§ 59-20-40\(2\), Code of Laws of South Carolina](#), 1976, as amended. The Code section in question, which is a part of the South Carolina Education Finance Act, provides a monetary bonus as a incentive for individual school districts strengthening their instructional staffs . This question has arisen, apparently, because the Department of Youth Services, not being a normal school district, does not fit the formula for determination of annual allocations as specified in [§ 59-20-40](#). The matter is further complicated upon considering the Eleventh Proviso to § 28 of Act No. 517, Acts and Joint Resolutions of South Carolina, 1980 (General Appropriations Act). This proviso states the manner in which the Department of Youth Services 'required local revenue' shall be determined under the Finance Act and enumerates sections of the Act which apply specifically to the Department of Youth Services. The incentive provide in [§ 59-20-40](#) is not included in those sections specifically enumerated in Act No. 517 of 1980.

While the provisions contained in the General Appropriations Act somewhat cloud the issue, no question exists that the schools operated by the Department of Youth Services are treated as a school district in several significant respects, as required in the following excerpt from [§ 24-15-130, Code of Laws of South Carolina](#), 1976:

The Board of Youth Services shall operate as the Board of Trustees for schools under its jurisdiction and for all administrative purposes, including the receipt and expenditure of funds appropriated or granted to the schools for any purpose.

Schools operated by the Board shall receive funds from the State Department of Education under the same provisions as other public schools in South Carolina.

Also, you will please find attached hereto a copy of Opinion No. 77-348, Op. Att'y. Gen., November 3, 1977, which discusses at length the status of the Department of Youth Services schools. The 1977 opinion clearly indicates that Youth Services schools should receive public funding to no lesser degree than local school districts.

The proviso in the 1980 General Appropriations Act does not expressly prohibit receipt by the Department of Youth Services of monies provided in the incentive proviso of the Education Finance Act. Thus, the General Appropriations Act, the Education Finance Act, and [§ 24-15-130](#) must all be read in pari materia and construed together if possible. In order to give each of these enactments of the General Assembly their fullest effect, the Department of Youth Services schools should be treated as any of the State's ninety-two (92) school districts insofar as the incentive proviso is concerned. This can be accomplished without doing violence to any of the express provisions contained in the 1980 General Appropriations Act.

\*2 Therefore, the opinion of this office is that the Department of Youth Services is entitled, if otherwise eligible, to receive funds provided in § 59-20-40(2), even though such provision is not expressly stated in any proviso to §28 of the 1980 General Appropriations Act.

With kindest regards,

Paul S. League  
Assistant Attorney General

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