

1977 S.C. Op. Atty. Gen. 81 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-89, 1977 WL 24431

Office of the Attorney General

State of South Carolina

Opinion No. 77-89

March 24, 1977

\*1 Dr. Cyril B. Busbee  
State Superintendent of Education  
Department of Education  
1429 Senate Street  
Columbia, SC 29201

Dear Dr. Busbee:

Mr. Burnette's letter of December 2, 1976, to Attorney General McLeod and a subsequent letter of February 10, 1977, have inquired as to the applicability of Section 21-752.1, Code of Laws of South Carolina, 1962, as amended, to the distribution of State funds to the Greenville County School District based upon pupil attendance figures which include students who are patients at the Shriner's Hospital in Greenville and who attend a special school at the Hospital operated by the Greenville School District.

It is the opinion of this Office that students who are bona fide patients in the Shriner's Hospital meet the criteria specified in Section 21-752.1 in that the term 'legal guardian' is broad enough to include the administrators and/or directors of the Hospital. The fact that the school has been jointly financed by the State and County since 1952 coupled with the statutory requirements imposed by Sections 21-611, 612, and 613 support this interpretation.

In conclusion the relevant statutory language does not prevent the Greenville School District from including these students in the computation of pupil attendance figures. Similarly, State aid may be lawfully based upon such computations.

Sincerely,

Kenneth L. Childs  
Assistant Attorney General

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