

1978 WL 34827 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1978

*1 The Honorable Herbert D. Morgan
Senator
Box 635
Seneca, South Carolina 29678

Dear Senator Morgan:

You have requested an opinion interpreting the provisions of [§ 59-63-30\(c\) S.C. CODE](#), 1976. It is the opinion of this office that a child may attend the public schools of any district in which that child owns real estate having an assessed value of three hundred dollars or more, regardless of the child's residence, provided that the child is otherwise qualified in accordance with the provisions of [§ 59-63-30, S.C. CODE](#), 1976.

This conclusion follows from the plain meaning of the statute. As there have been no reported cases construing the statute, the plain meaning of the words used should be controlling.

There is before the legislature at this time a bill, H-2798, which would delete the provision from this statute which permits a non-resident child to attend the public schools of any district in which he owns real property of the specified value. That bill was reported out favorably from the House Committee on Education and Public Works on February 23, 1978. No further action has been taken on it.

Therefore, until the statute is amended, it permits a child to attend without charge the public schools of any school district in which that child owns property having an assessed value of three hundred dollars or more, regardless of the child's residence, provided that the other requirements of this statute are met.

Sincerely yours,

David C. Eckstrom
Staff Attorney

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