

1978 WL 35038 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 11, 1978

**\*1 Re: Information Request Concerning § 59-63-30, Code of Laws of S.C., (1976)**

Bruce E. Davis, Esquire  
P. O. Box 881  
Camden, SC 29020

Dear Mr. Davis:

As school board attorney for Richland County School District No. 2, you have requested an opinion from this Office whether Richland County School District No. 2 may charge 'tuition' fees for students enrolled in School District No. 2 schools who do not reside within the district, but who own property with an assessed value of at least \$300.00 in such district.

Specifically, you have asked whether Act No. 280, Acts and Joint Resolutions of 1965 allows such a charge. Act No. 280 provides for charges of tuition fees for children attending schools in Richland County other than in the district in which they reside. The Act further provides for payment of tuition for such children with a set-off being allowed for taxes paid by the parent or guardian of such child on property in the district.

[§ 59-63-30, Code of Laws of South Carolina](#), 1976, provides that a student may attend school in a school outside his district without charge if such student owns real estate with an assessed value of at least \$300.00 in the district where he transfers. Such transfer must, however, be approved by the Board of Trustees of each of the respective school districts. [§ 59-63-490, Code of Laws of South Carolina](#), 1976.

In statutory interpretation and construction, all statutes *in pari materia* must be considered in order to ascertain the intention of the legislature. [Tellevast v. Kaminski](#), 146 S.C. 225, 143 S.E. 796 (1928). Statutes relating to the same subject matter must be read together and effect given to each unless they are totally inconsistent. [Gordan v. Bell](#), 116 S.C. 466, 108 S.E. 186 (1920). There is no inconsistency between the two statutes in question here. Act No. 280, which appears to be a special provision in a general law, [§ 59-63-30](#), provides for payment of fees when a student transfers outside of a school district and his parents or legal guardian owns property in the transferee district. [§ 59-63-30](#) provides that no fee shall be charged if such transferred student owns real estate in the district with an assessed value of \$300.00. For the foregoing reasons, it is the opinion of this Office that Richland County School District No. 2 is without statutory authority to charge a 'tuition' fee upon parents or students transferring into School District No. 2 when such child owns real estate in the transferee district with an assessed value of at least \$300.00.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Frank H. DuRant  
Assistant Attorney General

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