

1978 WL 35245 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 28, 1978

***1 Re: Requested Opinion**

The Honorable Kay Patterson
6815 Gavilan Avenue
Columbia, South Carolina 29203

Dear Mr. Patterson:

You have requested an opinion from this Office concerning the scope of authority of a school advisory council, pursuant to [§ 59-20-60\(3\)\(b\), Code of Laws of South Carolina](#), 1976, as amended. In response to your request, please find enclosed copies of opinions of this Office dated May 3, 1978, and August 24, 1978, respectively, which generally address some of the questions raised in your letter. [Section 59-20-60](#) declares the responsibility of a school advisory council, stating in part: Each school board of trustees shall cause each school in the district to prepare an annual written report including, but not limited to:

(a) depicting the program being offered in each pupil classification and

(b) recommending needed programmatic improvements in each pupil classification for the ensuing years. This report shall present an explicit statement of the needs of the students; shall define specific goals and objectives; and propose an identifiable strategy for priorities in the expenditure of funds to achieve the stated objectives.

Each council shall assist in the preparation of the annual school report required in this Section and shall provide such assistance as the principal may request as well as carrying out any other duties prescribed by the local school board.

The statute makes clear that the advisory council's primary duty is to assist the school district board of trustees in the preparation of the required annual report. Beyond this, the statute authorizes an advisory council to provide 'such assistance as the principal may request' and to 'carry out any other duties prescribed by the local school board'. Thus, other than the specific duties required in aiding the district in preparation of its annual report, the duties of the advisory council are within the discretion of the school principal and the local school board.

Until the local school board or the school principal requests or authorizes the advisory council to inquire into the matters set forth in page two of your letter, the advisory council would only be authorized to assist in preparation of the annual report. Obviously, in the preparation of the annual report, the advisory council will inquire into the academic schedule and financial condition of the school district. Therefore, unless any item set forth on page two of your letter relates to the preparation of the annual report, then the advisory council would be without authority to inquire into those matters, without specific authorization by the local school board or school principal.

With kindest regards,
Sincerely,

Paul S. League
Assistant Attorney General

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