

1974 S.C. Op. Atty. Gen. 138 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3765, 1974 WL 21279

Office of the Attorney General

State of South Carolina

Opinion No. 3765

May 1, 1974

**\*1 Because Section 21–757 requires all children between ages 7 and 16 to attend public or private school, the S. C. Opportunity School would be encouraging violation of this law if it is admitting children under age 17 since the school is not approved by the State Board of Education.**

Director

S. C. Opportunity School

West Columbia, S. C.

With regard to your letter of April 16, 1974, concerning the lowering of the minimum age of admission to the Opportunity School to the age of fifteen (15), this Office must advise you that such a change would be in violation of § 21–757, *et seq.*, CODE OF LAWS OF SOUTH CAROLINA, (1962) (supp.). Section 21–756, *supra*, is the so-called ‘Compulsory Attendance Law.’ This Statute requires:

‘All parents or guardians shall cause their children or wards who are in the age group of seven to sixteen years, inclusive, to regularly attend a public or private school of this State which has been approved by the State Board of Education or a member school of the South Carolina Independent School's Association or some similar organization, or a parochial or denominational school, or other programs which have been approved by the State Board of Education.’

As I understand the situation, the South Carolina Opportunity School is presently not approved by the State Board of Education or any other similar organization as required by § 21–757, *supra*. Therefore, any parent or guardian who allowed his child or ward to attend the South Carolina Opportunity School prior to his reaching the age of sixteen (16) years would be in violation of § 21–757. Although, the South Carolina Opportunity School would not technically be violating the ‘Compulsory Attendance Law’ by allowing children under the age of sixteen (16) to attend, the School would be inviting parents or guardians of said children to violate the referred to statute.

M. Elizabeth Crum

Staff Attorney

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