

1974 S.C. Op. Atty. Gen. 187 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3803, 1974 WL 21310

Office of the Attorney General

State of South Carolina

Opinion No. 3803

June 19, 1974

**\*1 TO: State Superintendent of Education**

(1) A local school district cannot impose a greater unit requirement for the awarding of a high school diploma than that set by the State Board of Education.

(2) A local school district, where not prohibited by the State Board of Education, may specify additional course requirements within the diploma unit requirement prescribed by the Board.

State Superintendent of Education

The State Board of Education intends to implement during the upcoming school year a Defined Minimum Program in each of this State's school districts. Questions have arisen concerning the implementation of that proposed program. They are:

1. Whether the local school district can impose a greater unit requirement than that set by the State Board of Education before awarding a high school diploma (See Opinion No. 1804, March 1, 1965) If not, then
2. Whether the local school district can specify an additional course requirement within the eighteen unit requirement of the Minimum Defined Program? For example if the program required ten units of core courses, i.e. (4) English, (2) math, (1) science (1) history, (1) other Social Studies and (1) physical education, could the district require, from the remaining eight units, one more math unit etc., in order to make up the eighteen unit requirement. If not then,
3. Whether the local school district can track the students according to future educational preferences with one track containing the minimum unit requirements and the other tracks containing specified courses contained within the program but not required thereby, e.g. a student desiring to take college preparatory courses would be required to take the basic units of English, math, science and government but would also be required to take those other specified courses determined by the local district? See, Letter from Cyril B. Busbee to Daniel R. McLeod, May 24, 1974.

We have previously advised that a local school district cannot impose a greater unit requirement than that set by the State Board of Education. See, Letter from C. Tolbert Goolsby, Jr., to Charlie G. Williams, March 5, 1974; Opinion No. 1804, 1965 Op. Atty. Gen. 50; see also, CODE OF LAWS OF SOUTH CAROLINA § 21-630 (1962). Our answer to Question No. 1, therefore, is no.

Regarding Question No. 2, among the powers possessed by the Board are the power to 'adopt minimum standards for any phase of education as are considered necessary to aid in providing adequate educational opportunities and facilities' and the power to 'prescribe and enforce courses of study for the free public schools.' Ibid. § 21-45(3) and (6) (Cumulative Supplement). Where, in the exercise of those powers, the Board establishes by rule and regulation a Defined Minimum Program, a local school district may specify an additional course requirement within the diploma unit requirement provided the Board has not prohibited a school district from so doing by undertaking, in the establishment of the Defined Minimum Program, to prescribe the entire course of study which a person must take in order to satisfy program requirements. Our answer to Question No. 2, therefore, is yes.

\*2 In view of our answer to Question No. 2, we do not feel it necessary to respond to Question No. 3.

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Deputy Attorney General

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