

1974 WL 27833 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 27, 1974

***1 Re: No. 270—Schools**

Mr. Charlie G. Williams
Deputy Superintendent for Instruction
Department of Education
Rutledge Building
Columbia, South Carolina

Dear Mr. Williams:

By Act No. 977 of 1972, the General Assembly authorized school districts in this State to contract with other school districts or with other public or private institutions to provide appropriate educational programs for resident handicapped children. See, CODE OF LAWS OF SOUTH CAROLINA §§ 21-295.10 et seq. (1962) (Cumulative Supplement). Where a contract does not exist between a school district and a private institution in which such a child has been placed, you inquire, is the school district obligated to pay that institution for the special education of that child?

As we have heretofore advised you orally, a school district has no obligation to provide funds to any institution for the special education of a handicapped child unless there exists between the school district and the institution a contract within the purview of the 1972 Act.

Kindest personal regards,

C. Tolbert Goolsby, Jr.

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