

1973 WL 27767 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 23, 1973

**\*1 Re: No. 263—Schools—Funds, State and Federal**

Rober L. Woody  
Director of Special Programs  
Pickens County Public Schools  
P. O. Box 65  
Pickens, South Carolina 29671

Dear Roger:

Attorney General McLeod referred to me your request for an opinion on the operation of a child development center by the school district of Pickens County. Since the funds from the Appalachian Regional Commission and the Social Security Act of 1965 are federal in source, any questions as to their use should be directed to the respective funding agencies at the federal level. As for using local tax minies, I am of the opinion that the budget of the school district should make provisions for such expenditures since Article 10, Section 3 of the State Constitution requires that taxes be used for the purpose for which they're levied and Section 21-3799, Code of Laws of South Carolina as amended, authorizes the school district of Pickens County to levey the tax to defray the cost of the budget.

Youf further requested information on the tort liability of the District in its operation of such a center. The only tort liability that the district itself would be subject to is that which the district is already subject to under the South Carolina Government Motor Vehicle Tort Claims Act for negligent operation of a motor vehicle by an employee of the school district other than a bus driver. (See Sections 10-2621, et. seq., Code of Laws of South Carolina as amended). There would be, however, personal liability for any individual who failed to provide adequate supervision in one of these programs and such failure was the approximate cause of an injury.

Please contact me if I can provide any further assistance.

Sincerely,

Hardwick Stuart, Jr.  
Assistant Attorney General

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