

1973 WL 27607 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 10, 1973

*1 Honorable James B. Brandt
Box 77
Ulmer, South Carolina 29849

Dear Mr. Brandt:

This is to confirm our conversation in my office on September 7, 1973, concerning the meaning and scope of the attached statute. You requested an opinion as to whether the statute sanctions the transfer of students living in the Hampton County portion of the city of Fairfax from Hampton County public schools to Allendale County public schools situated in the Allendale County portion of the city of Fairfax.

The affirmative thrust of the statute is to prohibit inter-district transfers without the designated consent and to allow children presently engaged in such transfers to return to the public schools of their resident district upon appropriate request. The language of the statute is also structured so as to permit inter-district transfers with the appropriate designated consent.

However, you should be advised that the federal courts have ordered state education agencies not to permit, make arrangements for or give support of any kind to student transfers, between school districts, when the cumulative effect in either the sending or receiving school or school district will be to reduce or impede desegregation as ordered by federal district courts.

Please do not hesitate to contact me if I can be of further assistance in this matter.

Sincerely,

Bruce E. Davis
Assistant Attorney General

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