

1973 WL 27625 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 8, 1973

*1 Honorable E. P. Riley
Attorney for the School District of Greenville County
Post Office Box 10084, F.S.
Greenville, South Carolina 29603

Dear Mr. Riley:

Thank you for your letter of September 28, 1973, concerning the application of Section 21-238, Code of Laws, 1962, as amended by R-534, approved June 15, 1973.

R-534 provides, in substance:

‘The school trustees of the several school districts may sell or lease school property—. The consent of the County Board of Education or, in those counties which do not have a County Board of Education, the governing body of the county, shall first be obtained by the trustees desiring to make such sale or lease.’

Previously, all of the schools of Greenville County were consolidated into one district. The Board of Education for Greenville County was heretofore abolished, and its duties, powers and functions were vested in the Board of Trustees for School District No. 520. The Act abolishing the County Board of Education and devolving its duties upon the trustees of School District No. 520 provided that ‘all general laws applicable to County Boards of Education and the County Superintendent of Education in Greenville County shall be applicable to Greenville School District No. 520—.’ See also Section 21-230.1, Code of Laws, 1962.

I am of the clear opinion that the Board of Trustees, under the foregoing statutory provisions, falls within the designation of ‘the County Board of Education for Greenville County’ and that it acts, in all respects, as the County Board of Education, although it is not precisely denominated as a Board of Education. It possesses all the powers of the County Board of Education and its action is, in my opinion, the same as if the action were undertaken by a statutorily named, eo nomine, County Board of Education. Therefore, the consent of the Board of Trustees of the School District of Greenville County, being the same as the consent of the County Board of Education, gives the Board of Trustees the sole authority to consent to sales or leases of abandoned school property under the provisions of R-534.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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