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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

February 21, 1997

The Honorable Warren J. Jeffords
Chairman
Darlington County Board of Education
P.O. Box 1117
Darlington, SC 29532

Dear Mr. Jeffords:

You have requested the advice of this Office as to "the status and constitutionality" of Act 748 §3, 1978 S.C. Acts 2419. This law has not been repealed or amended since its passage. Although we do not know what, if any, concerns you may have regarding the constitutionality of this law, the face of the law (the law as it reads) does not indicate any constitutional problems. The South Carolina Supreme Court has upheld many challenges to laws for particular school districts as special legislation because of the authority given to the General Assembly to provide for public education. See Bradley v. Cherokee School District One, 470 S.E. 2d 570 (S.C. 1996); Moye v. Caughman, 265 S.C. 140, 217 S.E.2d 36 (1975). Moreover, a Court would uphold the law "...unless shown to violate the constitution clearly and beyond reasonable doubt." Hercules Incorporated v. South Carolina Tax Commission, 274 S.C. 137, 262 S.E. 2d 45 (1980).

This letter is an informal opinion. It has been written by the designated Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

If you have further questions, please let me know.

Yours very truly,

A handwritten signature in cursive script that reads "Zeb Williams".

Zeb C. Williams, III
Deputy Attorney General

ZCW,III/an