

1977 S.C. Op. Atty. Gen. 99 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-113, 1977 WL 24455

Office of the Attorney General

State of South Carolina

Opinion No. 77-113

April 20, 1977

*1 Mr. Joseph D. Parker
Superintendent
Denmark District Two Public Schools
Post Office Box 371
Denmark, SC 29042

Dear Mr. Parker:

Your letter of April 5, 1977, requests an opinion of this office as to the legal obligations of the Denmark School District in considering the mid semester application for admission to your district of a student who was suspended from another South Carolina district and thereafter became a resident of your district residing with a recently appointed legal guardian who is also a resident of your district. Under the facts stated, it is the opinion of this office that the admission of this student to the Denmark district is a matter of discretion with your board.

While Sections 21-752, 21-752.1, 21-230(3) and 21-230(10) set forth the requirements and prerequisites for enrollment in a South Carolina school district, the latter two statutes would be controlling in this situation. Specifically, Section 21-230(10) provides:

The board of trustees shall also be empowered to prescribe conditions and a schedule of charges based on cost per pupil as last determined for attendance in the public schools of the school district for

- (a) children of parents temporarily residing within the school district;
- (b) children whose parents or legal guardians live elsewhere but who are residing with residents of the school district; and
- (c) children of parents residing on Federal property or military or naval bases of the United States located within or adjacent to the boundaries of such school district; and
- (d) all other children specially situated and not meeting the eligibility requirements of § 21-752.1, but who shall have petitioned the trustees in writing seeking permission to attend the public schools of the school district.

Moreover, Section 21-757.7 exempts students who have been suspended or expelled from the requirements of the compulsory attendance law. Similarly, Section 21-771 provides that students who have been suspended or expelled may enroll and attend any adult or night school.

In conclusion, the admission of a student under the stated facts is a matter of discretion for the Board. The law does not require her admission nor does it specifically prohibit it.

Sincerely,

Kenneth L. Childs
Assistant Attorney, General

1977 S.C. Op. Atty. Gen. 99 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-113, 1977 WL 24455

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.