

1979 WL 43458 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 11, 1979

*1 Mr. Ernest Williams
Chairman
Dorchester County Vocational Education Board of Trustees
Post Office Box 28
Dorchester, South Carolina 29437

Mr. Wallace E. Kizer
Director
Dorchester Vocational Center
Route 1, Box 130 VS
Dorchester, South Carolina 29437

Dear Mr. Williams and Mr. Kizer:

You have requested opinions of this Office concerning Act No. 1627, Acts and Joint Resolutions of South Carolina, 1972. Section 3 of this Act provides, in part, as follows: ‘ . . . the [Dorchester County Vocational Education] Board shall adopt such organizational and administrative procedures as may be necessary further to develop, maintain, manage and operate facilities and programs . . . ’ This provision and others in Section 3 refer to ‘facilities and programs’ without describing the scope of these terms; however, the words in a title of a statute may be used to shed light on the meaning of a statute itself. Sutherland Statutory Construction, Vol. 2A, § 47.03. Here, the title to Act No. 1627 reads as follows: An Act to Create A Board of Trustees Further To Develop, Maintain, Manage And Operate Existing Vocational Education Facilities and Programs Serving an Area Composed of The Three School Districts of Dorchester County and Organized under Act 830 of 1966; And to Authorize the Issuance of Not Exceeding One Hundred Seventy-Five Thousand Dollars in General Obligations Bonds to Construct and Equip a Vocational School.

The title describes the ‘ . . . Existing Vocational Educational Facilities and Programs . . . ’ as those serving an area composed of Dorchester County’s three school districts and organized under Act No. 830 of 1966. Act 830 permits school districts to enter affiliation agreements with each other for vocational educational programs. Thus, the only existing facilities and programs covered by Act No. 1627 are those serving all three Dorchester County School Districts under the affiliation agreement required by Act No. 830.

The only other mention of a vocational education facility or program in Act No. 1627 is in the provision for a bond issue for the purpose of constructing and equipping a vocational school. Thus, when Section 3 refers to programs and facilities, these terms are limited to those existing facilities noted above and to the vocational school constructed under the bond issue. Since Act No. 1627 grants no authority over other programs and facilities, none may be presumed See 73 Am.Jur.2d, Statutes, § 311, and cases annotated under West’s South Carolina Digest, Statutes, Key No. 195.

You have also asked to be advised as to the relationship between the County Board of Education of Dorchester County and the Dorchester County Vocational Education Board of Trustees. Section 3 of Act 1627 gives the Vocational Education Board certain powers including the general powers and duties of school trustees under the general laws of the State. See § 59-19-90 of the Code of Laws of, South Carolina (1976) and the amendments thereto. The Act never refers to the County Board of Education except in section (3)(c) which states as follows:

*2 Each operational budget prepared by the board and by the board of trustees of the three school districts of the county shall be submitted to the county board of education of Dorchester County for approval and in conjunction with their requests for tax levies.

Thus, while this provision does not give the County Board of Education the authority to prepare the budget, it does give the County Board the authority to approve the budget prepared by the Dorchester Vocational Education Board of Trustees.¹

No local law provisions for the Dorchester County Board of Education give it authority over the Vocational Education Board but certain powers are given to County Boards of Education under general law provisions of the Code. Reference should be made to the Code to determine whether a particular act of the Vocational Education Board of Trustees is subject to the supervision or approval of the County Board of Education.

In addition, if the affiliation agreement entered pursuant to Act No. 830, provides for review or other action by the County Board, those provisions should be followed.

If I can be of further assistance, please let me know.

Very truly yours,

J. Emory Smith, Jr.
State Attorney

Footnotes

- ¹ See letter dated October 13, 1978, from Mr. Paul S. League, Assistant Attorney General, to Mr. James Swygert, Chairman, Dorchester County Vocational Education Board of Trustees, regarding the School Finance Act of 1977, § 59-20-10, et seq. of the Code as amended.

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