

1978 WL 35057 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 24, 1978

*1 Dr. Cyril B. Busbee
State Superintendent of Education
1429 Senate Street
Rutledge Building
Columbia, SC 29201

Dear Dr. Busbee:

You have requested the opinion of this Office whether 1978 House Bill 3569 (R. 478) requires that annual reports prepared by school principals in cooperation with school advisory councils must be distributed to parents of children attending such schools.

[Section 59-20-60\(3\) of the Code of Laws of South Carolina](#), 1976, provides:

Each school district board of trustees shall cause each school in the district to prepare an annual written report including, but not limited to: (a) depicting the program being offered in each pupil classification and (b) recommending needed programmatic improvements in each pupil classification for the ensuing years. This report shall present an explicit statement of the needs of the students; shall define specific goals and objectives; and propose an identifiable strategy for priorities in the expenditure of funds to achieve the stated objectives. The full report and a summary report from each school in the district shall be completed in a format approved by the State Board of Education and shall be submitted to the school district board of trustees no later than June 30 of each year, and upon approval by the board the summary report shall be distributed to the parents of the children enrolled in the school no later than the first week of the ensuing school year. Each school board of trustees shall establish an advisory council at each school in the district composed of at least two parents, elected by the parents of the children enrolled in the school; at least two teachers, elected by the faculty; at least two students in schools with grades 9 and above elected by the students; other representatives of the community and persons selected by the principal; provided, however, that the elected members of the committee shall comprise at least two-thirds majority of the membership of the committee. These councils shall be constituted in each school no later than January 1, 1978. Each council shall assist in the preparation of the annual school report required in this section and shall provide such assistance as the principal may request as well as carrying out any other duties prescribed by the local school board. The local school board shall make provisions to allow any council to file a separate report to the local school board if the council deems it necessary. However, no council shall have any of the powers and duties reserved by law or regulation to the local school board.

This Act was effective July 2, 1978.

The 1978 House Bill 3569(R478), effective March 13, 1978, provides:

Section 1. Notwithstanding any other provision of law, each school principal in cooperation with the school advisory council shall prepare that portion of the annual written report for his school mandated in Section 6(3) of Act 163 of 1977 no later than June 30, 1978, which shall:

*2 (a) depict the program being offered in each pupil classification; and

(b) recommend needed programmatic improvements in each classification for the ensuing year including the needs, goals and objectives.

Section 2. Notwithstanding any other provision of law, each school district board of trustees shall prepare that part of the annual written report mandated in Section 6(4) of Act 163 of 1977 no later than August 15, 1978, which shall include:

(a) a written appraisal of that portion of the report of each school prepared pursuant to Section 1 of this act; and

(b) an evaluation of the education program needs in the district and an assessment of the needs which shall prescribe the goals and objectives in each of the program classifications specified in subsection (1)(c) of Section 4 of Act 163 of 1977.

Section 3. This act shall take effect upon approval by the Governor.

Without the passage of H. 3569, the reports mandated by subsection (3)(b) would not be required to be made until June 30, 1979. It is the opinion of this Office that House Bill 3569 required said reports to be prepared and distributed to parents in 1978 as required by the Education Finance Act of 1977.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

Frank H. DuRant
Assistant Attorney General

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