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Office of the Attorney General

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*1 School trustees may purchase lands for road right-of-way to a school building.

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QUESTION:

Can a school district use its public school funds to purchase a right-of-way for construction of an access road to a school building?

AUTHORITIES:

Section 21-232, Code of Laws of South Carolina; Section 21-230(1), Code of Laws of South Carolina, as amended. [McElveen v. Stokes](#), 240 S.C.1, 124 S.E.2d 592 (1962).

78 C.J.S., Schools and School Districts, Sections 240-243.

DISCUSSION:

Section 21-230(1), supra, authorizes school trustees to ‘provide suitable schoolhouses . . . , paying due regard . . . to all other circumstances proper to be considered so as to best promote the educational interest of the districts.’ Section 21-230, supra, more specifically provides that school trustees may purchase land to construct school buildings, to make additions to school buildings and for playgrounds or ‘other use’ for such public schools.

School trustees pursuant to the above statutes have broad authority to acquire land for any use related to the operation of the public school. Furthermore, the courts generally interpret statutes pertaining to public school operation broadly or liberally. See [McElveen v. Stokes](#), supra, and 78 C.J.S., Schools and School Districts, Section 243. Since an access road is vital to the effective use of the school property and the safety of those using this property, the purchase of land for an access road would not appear to be an unreasonable exercise of a school board's discretion.

CONCLUSION:

The authority to purchase a right-of-way for an access road to school property can be reasonably implied from the general authority to provide schoolhouses and to purchase land for school buildings and related uses.

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