

1976 WL 30951 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 29, 1976

\*1 Douglas L. Hinds, Esquire  
Grimes, Hinds and Cowan  
Post Office Drawer 459  
Georgetown, SC, 29440

Dear Mr. Hinds:

Your letter of November 2, 1976, requests an opinion of this Office concerning the power or authority of the Georgetown County Board of Education to give real property to the County of Georgetown. Section 21-238, Code of Laws of South Carolina, 1962, as amended, and previous opinions of this Office (e.g., Opinion No. 4044, July 2, 1975) provide that school boards may only sell or lease property to third parties, not give or donate such property. Accordingly, the technical answer to your question is that the gift or donation of school property is proscribed.

However, previous opinions of this Office (No. 4044, supra) have held that the school board need not receive the fair market value for the property in question. Therefore, the only restrictions as provided in Section 21-238 (1976 Supp.) on the sale of the property are (1) the determination of the trustees that 'they deem it expedient to do so . . .' and (2) the consent of the county board of education or in those counties which do not have a county board of education, the governing body of the county (in this instance, the Georgetown County Council). In other words, a transaction in which the county paid five (\$5.00) dollars in exchange for the property, if authorized by the trustees and approved by the County Council, would be in compliance with the law.

Sincerely,

Kenneth L. Childs  
Assistant Attorney General

1976 WL 30951 (S.C.A.G.)

---

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.