

1976 WL 30948 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 3, 1976

*1 Honorable John E. Miles

Senator

Sumter County

City-County Building

N. Harvin Street

Sumter, SC 29150

Dear Senator Miles:

I am in receipt of your letter of November 26, 1976, requesting an opinion as to the authority to make appointments to the Sumter County Board of Education. The members of the Sumter County Board of Education with the exception of the County superintendent of education, are appointed by the Governor upon the recommendation of the Senator and a majority of the members of the House of Representatives from Sumter County. While there has been some discussion of the effect of the 'home rule' amendment and subsequent home rule legislation on different provisions for school districts, the Supreme Court's decision is [Moye v. Caughman, et al., 265 SC 140, 217 SE2d 36 \(1975\)](#) is clear that 'public education is not the duty of the counties, but of the General Assembly.'

It is therefore the opinion of this Office that the membership of the Sumter County Board of Education would be determined in accordance with the provision of Section 21-4050, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.

Sincerely,

Kenneth L. Childs

Assistant Attorney General

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