

1974 WL 27995 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 30, 1974

*1 Honorable Cyril B. Busbee
State Superintendent of Education
Rutledge Building, Room 1006
1429 Senate Street
Columbia, SC 29201

Dear Dr. Busbee:

While the State Board of Education under 1963 Act 309, Subsection 6 has the general authority to prescribe and enforce courses of study in the free public schools, Section 21-418 specifically leaves such authority to the State Superintendent in the area of physical education and ROTC training under Section 21-416 as amended. Thus under the permissive language (i.e. May) in the 1974 amendment to Section 21-416 relative to ROTC training in lieu of physical education plus the phrase 'as may hereinafter be provided,' the State Superintendent of Education is the proper authority to administer Section 21-416 as amended.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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