

1973 WL 26572 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 5, 1973

***1 Re: Section 22-15.8 Code of Laws of South Carolina 1962, 1971 Cumulative Supplement, Council of Presidents**

Larry G. McDougle
Executive Assistant
State Board of Technical and Comprehensive Education
1429 Senate Street
Columbia, S. C. 29201

Dear Mr. McDougle:

You have requested this office to advise you as to whether directors within the State Technical and Comprehensive Education System are eligible for membership on the Council of Presidents as is established by Section 22-15.8 Code of Laws of South Carolina, 1971 Cumulative Supplement.

This question becomes one of whether institutions within the State Technical and Comprehensive Education System are included within the meaning of the term 'institutions of higher learning'. Section 22-21 Code of Laws of South Carolina 1962, 1971 Cumulative Supplement, defines the several state supported institutions of higher learning as: the University of South Carolina, in Columbia, Clemson University in Clemson, The Citadel, the Medical College of South Carolina, Winthrop College, and South Carolina State College. That the term 'institutions of higher learning' does not include junior colleges, appears to be clear as was stated in the case of [McHenry v. Ouachita Parish School Board 169 Louisiana 646, 125 So. 841](#) which stated, 'Higher institutions of learning are major institutions, statewide in their operations which are maintained by general taxation, and are absolutely independent of each other, and term does not apply to junior colleges. (emphasis added)

Based upon the applicable law, in the definitions provided by legislative enactment, it is the opinion of this office that the directors within the State Technical and Comprehensive Education System are not eligible for membership on the Council of Presidents, as such membership is restricted to the Presidents of those institutions as named in Section 22-21.

I trust that this is sufficient in answer to the question which you posed. If we may be of any further assistance, please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn
Assistant Attorney General

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