DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2011 session. The unannotated South Carolina Code, consisting only of Code text, numbering, and history may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 41.

 GRANTS TO STUDENTS ATTENDING PRIVATE SCHOOLS

**SECTION 59‑41‑10.** Definitions.

 The following words and phrases as used in this chapter shall, unless a different meaning is plainly required by the context, have the following meanings:

 (a) "School child" shall mean any person between the ages of six and twenty whose domicile is with his or her parent within the State and who is otherwise qualified to attend the public schools of any school district in which he or she resides.

 (b) "Parent" shall mean the natural or adoptive parent or the guardian having legal custody of a child eligible and entitled to receive a scholarship grant under this chapter who is actually paying or who will pay the tuition cost of attendance of such child at a school which qualifies such child to receive a grant under the terms of this chapter.

 (c) "Private school" shall mean a private or independent elementary or high school which is not operated or controlled by any church, synagogue, sect or other religious organization or institution.

HISTORY: 1962 Code Section 21‑297; 1963 (53) 498.

**SECTION 59‑41‑20.** Children eligible for grants; amount.

 Subject to the terms and provisions of this chapter every school child in the State who has not yet finished or graduated from high school and who desires to attend a private school located within the State shall be eligible for and entitled to receive a State scholarship grant in an amount equal to the per pupil cost to the State of public education as certified by the Governor.

HISTORY: 1962 Code Section 21‑297.1; 1963 (53) 498.

**SECTION 59‑41‑30.** Grants payable from appropriations.

 The State scholarship grants provided for in Section 59‑41‑20 shall be payable from funds appropriated by the General Assembly for the payment thereof.

HISTORY: 1962 Code Section 21‑297.2; 1963 (53) 498.

**SECTION 59‑41‑40.** School districts shall provide supplements to grants; levy of taxes.

 It shall be a prerequisite to the grant above permitted that the local school district in which the school child resides make available a grant of local funds to such school child and to that end the trustees of each school district within the State are hereby authorized to appropriate funds in addition to the State scholarship grants provided for in Section 59‑41‑20 in such amount that is equal to the per pupil cost to the school district exclusive of all State funds received for such purposes. The trustees of each school district are authorized to levy taxes where the school district has the power to tax, to raise funds for the payment of such local supplements to the State scholarship grants. The State Board of Education shall render such assistance to the trustees as may be necessary to determine annual per pupil expenditures of the school district for the purpose of fixing the amount of any supplement to be paid under this section.

HISTORY: 1962 Code Section 21‑297.3; 1963 (53) 498.

**SECTION 59‑41‑50.** Grant and supplement shall not exceed private school tuition.

 The total of the annual scholarship grant provided for each child by this chapter shall not exceed the actual cost of tuition at the private school attended by the child.

HISTORY: 1962 Code Section 21‑297.4; 1963 (53) 498.

**SECTION 59‑41‑60.** State Board authorized and directed to promulgate rules and regulations.

 The State Board of Education is hereby authorized and directed to promulgate such rules and regulations, consistent with the terms of this chapter, for the receiving and processing of applications for scholarship grants, the payment of grants and the administration of this chapter generally as it may find necessary or desirable. Such rules may, among other things, provide for the payment of scholarship grants by the school districts of the State to the parent of any child entitled to receive a scholarship grant in installments or otherwise, and for the proration of scholarships for children attending school less than a full school year; they shall include a minimum academic standard that shall be met by any school in order to entitle children attending such school to receive a scholarship grant; provided, however, that no rule promulgated under the authority of this chapter shall restrict, or in any way affect, the requirements of such school concerning the eligibility of pupils who may be admitted thereto or specify minimum physical plant facilities of any such school.

HISTORY: 1962 Code Section 21‑297.5; 1963 (53) 498.

**SECTION 59‑41‑70.** Obtaining or expending scholarship funds other than for tuition unlawful.

 It shall be unlawful for any person to obtain, attempt to obtain, expend or attempt to expend, any scholarship funds provided by this chapter for any purpose other than in payment of, or reimbursement for, the tuition cost of the child to whom such scholarship has been awarded at the institution he or she is authorized to attend under his or her scholarship grant.

HISTORY: 1962 Code Section 21‑297.6; 1963 (53) 498.

**SECTION 59‑41‑80.** Penalties.

 Any person convicted of violating the provisions of this chapter shall be punished by imprisonment for a term not to exceed three years or by a fine not to exceed two thousand dollars, or by both, in the discretion of the court.

HISTORY: 1962 Code Section 21‑297.7; 1963 (53) 498.

**SECTION 59‑41‑90.** Effect of invalidity.

 If any portion of this chapter, or the application thereof to any person or circumstance is, for any reason, declared unconstitutional, such declaration shall not affect the validity of the remaining portions of this chapter or its application to other persons and circumstances.

HISTORY: 1962 Code Section 21‑297.8; 1963 (53) 498.