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.

CROSS REFERENCES

Constitutional provision prohibiting direct aid to religious or other private educational institutions, see SC Const, Art 11, Section 4.

Notes of Decisions

Validity 1

1. Validity

State statute providing for payment of scholarship grants to qualified school children who desire to attend private schools in state was unconstitutional circumvention of Supreme Court decisions that state not discriminate on basis of race or color in its public educational system. Code S.C.1962, Section 21‑297 et seq. Brown v. South Carolina State Bd. of Ed., 1968, 296 F.Supp. 199.

**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.

LIBRARY REFERENCES

Schools 3.

Westlaw Key Number Search: 345k3.

C.J.S. Schools and School Districts Sections 809 to 810.

Notes of Decisions

Validity 1

1. Validity

State statute providing for payment of scholarship grants to qualified school children who desire to attend private schools in state was unconstitutional circumvention of Supreme Court decisions that state not discriminate on basis of race or color in its public educational system. Code S.C.1962, Section 21‑297 et seq. Brown v. South Carolina State Bd. of Ed., 1968, 296 F.Supp. 199.

**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.

Notes of Decisions

Validity 1

1. Validity

State statute providing for payment of scholarship grants to qualified school children who desire to attend private schools in state was unconstitutional circumvention of Supreme Court decisions that state not discriminate on basis of race or color in its public educational system. Code S.C.1962, Section 21‑297 et seq. Brown v. South Carolina State Bd. of Ed., 1968, 296 F.Supp. 199.

**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.

LIBRARY REFERENCES

Schools 3.

Westlaw Key Number Search: 345k3.

C.J.S. Schools and School Districts Sections 809 to 810.

Notes of Decisions

Validity 1

1. Validity

State statute providing for payment of scholarship grants to qualified school children who desire to attend private schools in state was unconstitutional circumvention of Supreme Court decisions that state not discriminate on basis of race or color in its public educational system. Code S.C.1962, Section 21‑297 et seq. Brown v. South Carolina State Bd. of Ed., 1968, 296 F.Supp. 199.

**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.

LIBRARY REFERENCES

Schools 3.

Westlaw Key Number Search: 345k3.

C.J.S. Schools and School Districts Sections 809 to 810.

Notes of Decisions

Validity 1

1. Validity

State statute providing for payment of scholarship grants to qualified school children who desire to attend private schools in state was unconstitutional circumvention of Supreme Court decisions that state not discriminate on basis of race or color in its public educational system. Code S.C.1962, Section 21‑297 et seq. Brown v. South Carolina State Bd. of Ed., 1968, 296 F.Supp. 199.

**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.

CROSS REFERENCES

Rules and regulations promulgated under authority of this section, see Rules and Regulations State Board of Education R. 43‑50 et seq.

LIBRARY REFERENCES

Schools 3.

Westlaw Key Number Search: 345k3.

C.J.S. Schools and School Districts Sections 809 to 810.

Notes of Decisions

Validity 1

1. Validity

State statute providing for payment of scholarship grants to qualified school children who desire to attend private schools in state was unconstitutional circumvention of Supreme Court decisions that state not discriminate on basis of race or color in its public educational system. Code S.C.1962, Section 21‑297 et seq. Brown v. South Carolina State Bd. of Ed., 1968, 296 F.Supp. 199.

**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.

LIBRARY REFERENCES

Schools 3.

Westlaw Key Number Search: 345k3.

C.J.S. Schools and School Districts Sections 809 to 810.

Notes of Decisions

Validity 1

1. Validity

State statute providing for payment of scholarship grants to qualified school children who desire to attend private schools in state was unconstitutional circumvention of Supreme Court decisions that state not discriminate on basis of race or color in its public educational system. Code S.C.1962, Section 21‑297 et seq. Brown v. South Carolina State Bd. of Ed., 1968, 296 F.Supp. 199.

**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.

LIBRARY REFERENCES

Schools 3.

C.J.S. Schools and School Districts Sections 809 to 810.

Westlaw Key Number Search: 345k3.

Notes of Decisions

Validity 1

1. Validity

State statute providing for payment of scholarship grants to qualified school children who desire to attend private schools in state was unconstitutional circumvention of Supreme Court decisions that state not discriminate on basis of race or color in its public educational system. Code S.C.1962, Section 21‑297 et seq. Brown v. South Carolina State Bd. of Ed., 1968, 296 F.Supp. 199.

**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.

Notes of Decisions

Validity 1

1. Validity

State statute providing for payment of scholarship grants to qualified school children who desire to attend private schools in state was unconstitutional circumvention of Supreme Court decisions that state not discriminate on basis of race or color in its public educational system. Code S.C.1962, Section 21‑297 et seq. Brown v. South Carolina State Bd. of Ed., 1968, 296 F.Supp. 199.