

The State of South Carolina



EXHIBIT 1086-84  
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Office of the Attorney General

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ATTORNEY GENERAL

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July 30, 1986

John T. Sullivan  
Assistant Superintendent  
for Instruction  
Florence Public School District One  
319 South Dargan Street  
Florence, South Carolina 29501

Dear Mr. Sullivan:

You have requested advice as to whether school districts must comply with any of the pupil-teacher ratios specified in the Education Improvement Act at Section 59-29-200 of the Code of Laws of South Carolina, 1976, including, in particular, the 30-1 ratio. Act 512, Part II §9, 1984. This statute provides for the implementation of pupil-teacher ratios in certain classes and school districts at the ratios of 30-1 in 1984-85, 28-1 in 1985-86 and 25-1 in 1986-87 and thereafter; however, as noted in your letter, a recent opinion of this Office concluded that the failure of the General Assembly to appropriate funds for the implementation of the 25-1 ratio under Section 59-29-200, in effect, makes that provision inoperable until State funding is provided. Ops. Atty. Gen. (June 30, 1986). See, Section 12-35-1559. You have informed us that no money has been appropriated for the implementation of the other ratios set forth in Section 59-29-200.

Because the lack of State appropriations was found to make the requirements for the 25-1 ratio of Section 59-29-200 inoperable until State funding is provided, the lack of appropriations for all the other ratios set forth in that statute also makes those ratio requirements inoperable until State funding is provided, Ops. Atty. Gen. (June 30, 1986); however, although school districts are not required to implement the ratios set forth in Section 59-29-200 until State funding is appropriated, the voluntary decision of school districts to use their own money to comply with these standards would clearly be consistent with and further the educational objectives set forth in this portion of the Education Improvement Act.

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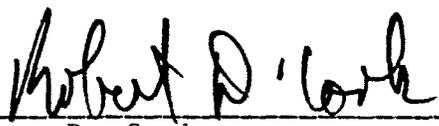
If you have any questions or need additional assistance,  
please let me know.

Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Attorney General

JESjr:st

REVIEWED AND APPROVED:

  
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Robert D. Cook  
Executive Assistant for Opinions