

## The State of South Carolina



## Office of the Attorney General

Opinion No 86-171  
P307

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October 8, 1986

The Honorable Charlie G. Williams  
State Superintendent of Education  
South Carolina Department of Education  
Rutledge Building  
Columbia, South Carolina 29201

Dear Dr. Williams:

You have requested the advice of this Office as to whether a school district may provide teachers not meeting the pay increase criteria under §59-20-50 (4) (b) with locally funded salary increases which equal adjustments in the State's minimum salary schedule. A previous opinion of this Office concluded that §59-20-50 (4) (b) barred salary increases for those teachers due to adjustments in the Education Finance Act portion of minimum salary schedule (August 8, 1986); however, the opinion concluded that this provision does not prohibit increases in local school district supplements to salaries for affected teachers because those supplements are not components of the schedule. Ops. Atty. Gen. (August 8, 1986). Your question is whether local supplements can be used to fund the increases in the minimum salary schedule for teachers not meeting the statute's criteria.

The following provisions of §59-20-50 are applicable here:

"4(a) Each school district shall pay each certified teacher or administrator an annual salary at least equal to the salary in the statewide minimum salary schedule for the person's experience and class...

4(b)...In fiscal year 1986 and thereafter, teacher pay raises through adjustments in the State's minimum salary schedule should be provided only to teachers who demonstrate minimum knowledge proficiency by meeting one of the ..." criteria set out in the statute.

As noted in the August 8, 1986 opinion of this Office, "[t]he ...primary function in interpreting a statute is to ascertain the

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intention of the legislature. Anders v. South Carolina Rural and Community Corrections Board, 279 S.C. 206, 305 S.E.2d 229. Where the terms of a statute are clear and unambiguous there is no room for interpretation and [they must be applied] according to their literal meaning. State v. Solomon, 279 S.C. 344, 306 S.E.2d 620 (1983)." South Carolina Department of Highways and Transportation v. Dickinson, (Opinion No. 22484, S.C., February 26, 1986). Here, a plain reading of paragraphs 4(a) and 4(b) indicates that they prohibit the use of local supplements to fund increases through adjustments in the minimum salary schedule for teachers not meeting the statute's criteria. Even though local supplements are not listed in the schedule and do not involve State funds, the use of local funds to pay the adjusted minimum salary schedule amount would result in a teacher's receiving a pay raise through an adjustment in the schedule which is prohibited by paragraph 4(b). See Ops. Atty. Gen., (August 8, 1986); however, the usage of local supplements to pay affected teachers other supplements to that schedule would not be prohibited as noted in the August 8, 1986 opinion.

In conclusion, local supplements may not be used to fund increases in the State minimum salary schedule for teachers not meeting the statutory criteria for such increases. School districts are not otherwise prohibited from paying local supplements. Ops. Atty. Gen., (August 8, 1986).

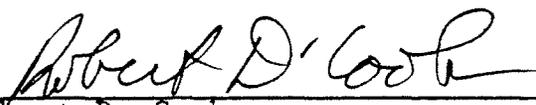
If you have any questions or if I may be of additional assistance, please let me know.

Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Attorney General

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REVIEWED AND APPROVED BY:

  
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