

1976 S.C. Op. Atty. Gen. 196 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4362, 1976 WL 25249

Office of the Attorney General

State of South Carolina

Opinion No. 4362

June 4, 1976

*1 Information relating to teacher pay classifications could be available to the public under the Freedom of Information Act.

Deputy State Superintendent of Education

The question has been presented as to whether or not certain information held by the South Carolina Department of Education is subject to disclosure under the South Carolina Freedom of Information Act. This information consists of the year in which a teacher is certified, the date the certificate expires, the letter grade of the certificate and the pay group and class of the teacher.

The scholastic records exception to the definition of public records, set out in Code Section 1–20.1 has not been further defined by the legislature or the courts. The traditional definition of scholastic is as follows:

Webster's New World Dictionary, 2nd Ed., as 1. of schools, colleges, universities, students, teachers, and studies; educational, academic.

This definition, taken to its outer limits would include anything relating to the subject of education. While an argument could be made that the records in question come within the above definition, and are therefore not discoverable, such argument gives little weight to the legislative intent of the Act. The Act was designed to make meetings and records open to the public unless specifically excluded. Therefore the scholastic records exception should be read in a traditional, more limited context, and not in an all-inclusive manner.

Under this analysis, it is my opinion that the records in the instant factual situation would not be protected from disclosure under the scholastic records exception.

The information in question is objective data compiled by the Department of Education in order to insure that funds for teachers' salaries are expended as directed by Code Section 21–258, as amended. The data involved is not subjective or unique, but is of a similar type for every teacher.

Also, the data involved is used automatically to determine a teacher's salary level. None of the material would be used in a discretionary matter, nor would it be the subject of a valid executive session under Section 1–20.3 of the Act.

Thus, the South Carolina Department of Education could be required to disclose the year in which a teacher is certified, the date the certificate expires, the letter grade of the certificate and the pay group and class of the teacher, under the Freedom of Information Act.

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