

The State of South Carolina



Office of the Attorney General

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January 9, 1989

The Honorable J. Verne Smith
South Carolina Senate
105 Gressette Building
P.O. Box 142
Columbia, SC 29202

Dear Senator Smith:

You have requested the advice of this Office as to whether the Education Improvement Act or any other applicable state laws or regulations address the question of how much time a school district can require of a faculty member outside the scheduled school day, particularly with reference to in-service teacher training. With exceptions noted below as to parent-teacher conferences, remedial instruction and make-up days, I am aware of no statutes or regulations that address your question.

R43-201, Volume 24 of the Code of Laws of S.C., 1976, as amended, a State Board of Education regulation that addresses the subject of in-service training of teachers, does not address how much time a school district can require for in-service training outside of the scheduled school day. For your additional information, I refer you to two statutes that reference in-service training, §§59-1-420 and 59-3-90 of the Code, as amended. Section 59-3-90 requires the State Department of Education to develop or select in-service training programs and requires school districts to implement them. Section 59-1-420 provides that at least 180 of the 190 days of the statutory school term must be used for student instruction and that the remainder "... may be used for preparation of opening and closing of schools, for in-service training, and for teacher planning and preparation time." (emphasis added) Neither of these statutes addresses the question of to what extent in-service training may be scheduled for times outside the scheduled school day.

Statutes do address a few areas other than in-service training. Giving the word "conferences" the same meaning as it has when

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used earlier in §59-1-420 as to "teacher-parent conferences" (Sutherland Statutory Construction, Volume 2(A), §46.05), indicates that such conferences may be held on Saturdays at the direction of the local school board. Section 59-1-420. Under Section 59-1-430 make-up days for students may not be scheduled on Saturdays, but remedial instruction can be scheduled on Saturdays.

In conclusion, no statute or regulation expressly addresses the question of how much time a school district can require of a faculty member outside the scheduled school day except as noted above as to teacher-parent conferences, make-up days for students and remedial instruction.

If you have any questions, please let me know.

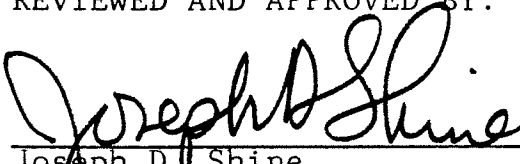
Yours very truly,



J. Emory Smith, Jr.
Assistant Attorney General

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cc: J. Verne Smith (home address)

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