

## The State of South Carolina



T. Travis Medlock  
Attorney General

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Pg 261

December 9, 1987

John C. Hayes, III, Esquire  
Hayes, Brunson and Gatlin  
122 South Confederate Avenue  
Rock Hill, South Carolina 29731

Dear Mr. Hayes:

You have requested the opinion of this Office as to whether the Rock Hill School District must provide a local salary supplement to teachers with eighteen and nineteen years teaching experience during the 1987-88 school year in the same amount provided to teachers with those years of experience in the 1986-87 school year. You are particularly concerned about the applicability of Proviso 30.43 of the 1987-88 Appropriations Act to local salary supplements. For your information, I have attached a copy of the current State minimum salary schedule which, together with any local supplements to the schedule, comprise the salaries for State school teachers. See Ops. Atty. Gen. (August 8, 1987).

Under the Education Finance Act (EFA) as amended by the Education Improvement Act (EIA), each school district must pay each teacher entitled to pay increases through adjustments in the State's minimum salary schedule "...an annual salary at least equal to the salary stated in the...schedule for the person's experience and class." §59-20-50(4)(a) and (b). 1/ The current minimum salary schedule covers only the first seventeen years of experience. The information provided to this Office is that teachers having more than seventeen years' experience are to be paid at least the same salary amounts as are received by teachers of the same class having seventeen years of experience. See §59-20-50. Therefore, Rock Hill

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1/ According to the statewide minimum salary schedule attached hereto, this year's salary schedule includes the 13.61 per cent EIA supplement to the schedule as provided in the current Appropriations Act, Act 170, Part 1, § 30, §30.42, p. 1519.

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School District teachers, as well as those of other school districts in this State, who have eighteen and nineteen years of experience must be paid at least the amount listed on this schedule for teachers of the same class having seventeen years of experience.

In addition to the State minimum salary schedule amounts, current Appropriations Act provisions direct school districts to maintain local salary supplements per teacher at no less than their 1986-87 level. Act 170, Part I, §30.44; 2/ see also §59-20-50(4)(b). Therefore, Rock Hill School District, as well as other school districts, must pay their teachers having eighteen and nineteen years of experience the same local supplements that those experience levels received the previous year plus the required State minimum salary schedule amount.

My understanding is that current salaries provided to eighteen and nineteen year teachers at Rock Hill School District, while higher than those paid last year for those positions, are less than this sum of the minimum salary schedule amount plus the amount of last year's local supplements. Therefore, salaries for the eighteen and nineteen year teachers in the Rock Hill School District should be increased to, at least, this sum of the salary schedule amount and last year's local supplement. These conclusions are confined to the statutory salary requirements for teachers. Any claims to additional salary increases that these teachers may believe that they have based upon their contracts, school district publications or comparison with the salaries of other teachers, would require fact finding that is beyond the scope of opinions of this Office. Ops. Atty. Gen. (December 12, 1983).

In conclusion, school teachers meeting the criteria for salary increases under §59-20-50 (4)(a) must be paid the State minimum salary schedule amount noted above for their class and level of experience plus no less than the amount of the local salary supplement for that experience level for the previous school year. Rock Hill School District teachers at the eighteen and nineteen year

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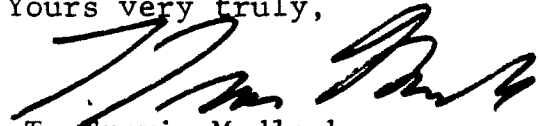
2/ The statutory provisions do not require that school district supplements be increased, but the school districts are not prohibited from electing to increase local supplements. Ops. Atty. Gen. August 8, 1986. Proviso 30.43 clearly indicates that State funds, rather than local supplements, are the funds that must be utilized for the salary increase referenced therein. Those State funds are allocated as set forth in the attached schedule. See Note 1, supra; Sutherland Statutory Construction, Vol. 2A, §46.05.

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levels who have received less than that the sum of the State schedule amount and the prior year's local supplement for those experience levels are entitled to have their salaries increased to that sum of money.

If you have any questions, please let me know.

Yours very truly,

A handwritten signature in black ink, appearing to read "T. Travis Medlock", written over the typed name.

T. Travis Medlock  
Attorney General

TTM/srcj