

1983 S.C. Op. Atty. Gen. 25 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-12, 1983 WL 142683

Office of the Attorney General

State of South Carolina

Opinion No. 83-12

April 28, 1983

***1 SUBJECT: Education—Teachers**

School Districts cannot reduce teachers' salaries below the minimum schedule established according to the Education Finance Act.

TO: The Honorable David S. Taylor
Senator
Laurens County

QUESTION:

May school districts reduce teacher salaries below the minimum salary schedule established according to the Education Finance Act absent legislative authorization?

OPINION:

The Education Finance Act, [§ 59–20–50\(4\) of the Code of Laws of South Carolina \(1976\)](#), as amended, states that ‘[e]ach school district shall pay each certified teacher or administrator an annual salary at least equal to the salary stated in the statewide minimum salary schedule [emphasis added] . . .’ except as otherwise provided in this law. The use of the word ‘shall’ here, which generally carries a mandatory construction, makes clear that school districts are required to follow the terms of this statute. See [Sutherland Statutory Construction](#), Vol. 2A, § 57.03 (4th Ed.). This provision must be read into contracts between districts and their teachers. 68 Am. Jur. 2d [Schools](#) § 143. Therefore, a school district cannot reduce teachers' salaries below the Finance Act's minimum schedule absent legislative authorization.

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