

1977 S.C. Op. Atty. Gen. 75 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-82, 1977 WL 24424

Office of the Attorney General

State of South Carolina

Opinion No. 77-82

March 18, 1977

*1 Honorable Harry A. Chapman, Jr.
Senator
Box 10167, Federal Station
Greenville, SC 29601

Dear Senator Chapman:

Your letter of January 11, 1977, to Attorney General McLeod has been referred to me for a response. Specifically you have requested an interpretation of the provision in Act No. 709 on page 1985 of the 1976 Acts and Joint Resolutions which provides: Provided, Further, That no school district in South Carolina shall be eligible for the increase in State aid for teachers' salaries provided for in this section for the fiscal year beginning July 1, 1976, unless its local supplement for teacher pay for the fiscal year commencing July 1, 1976, is at least equal to its local supplement for teacher pay for the current fiscal year.

The operative effect of this provision is to require that a district's local supplement for teacher pay for this fiscal year (1976–77) be at least equal to its local supplement for the preceding fiscal year (1975–76). However, it is the opinion of this Office that the terminology 'local supplement' is an aggregate term and has reference to a local district's total allocation for teacher salary supplements and for this reason does not have any applicability to the local supplement paid to a specific teacher or to a specific category of teachers. For obvious practical reasons, each of the ninety-two (92) school districts in South Carolina have different salary policies and it would be difficult to regulate them at the state level.

In light of the abovementioned interpretation, the answer to your first question is 'yes'. A local school district may give a particular teacher less local supplement this year than was given last year and still be eligible for the State aid increase. In regard to the second question, this provision of Act No. 709 of 1976 by its own terms would not be affected by a local supplement paid in 1972–73.

In conclusion, a word of caution is in order. This opinion does not address the question which would arise if a district's local supplement declined as a direct result of decreasing enrollment or the question which would arise if the local supplements were reduced 'in aggregate' and offset by the increase in State funds. More importantly, we do not address the obvious contractual and grievance issues which necessarily arise from the facts related in the second part of your letter.

Sincerely,

Kenneth L. Childs
Assistant Attorney General

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