

1977 S.C. Op. Atty. Gen. 80 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-87, 1977 WL 24429

Office of the Attorney General

State of South Carolina

Opinion No. 77-87

March 29, 1977

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

Dear Senator Chapman:

Your letter of March 22, 1977, to Attorney General McLeod concerning the practice of some school districts regarding the local supplements to the State aid salary schedule has been referred to me for a response. Act No. 709 of the 1976 Acts and Joint Resolutions (see proviso on page 1985) 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.

This Office has interpreted the language 'local supplement' as an aggregate term which has reference to a local school district's total allocation for teacher and/or employment salary supplements as opposed to a requirement applicable to a particular teacher or a particular category of district employees.

There are several reasons for this construction: (1) the language above is ambiguous; (2) there are ninety-two school districts in South Carolina, all of which have different policies with respect to the matter of local supplements. It does not seem practical to interpret the above language as an effort to regulate these practices. (3) Many South Carolina districts have employees (teachers and administrators) who are paid entirely from local funds. Mr. Ray Burnette, Deputy Superintendent, State Department of Education, Division of Finance and Operations, conservatively estimate the number of such employees to be in excess of 4,000. (4) As a matter of policy, it would seem that the local districts should determine the manner in which local funds can most effectively supplement State support. (5) Perhaps most importantly this Office has taken the position in the NTE law suit that the State does not employ teachers and that teacher employment contracts, which contracts include salary terms, are between an individual teacher and the school district. Certainly for the purposes of this law suit the State of South Carolina does not want to be in the position of controlling the final terms of an employment contract.

In conclusion, it is the opinion of this Office that present law does not require that a local school district pay a particular teacher and/or employee the same local supplement this year as last year in order to be eligible for the State aid increase. Moreover, in view of several related legal problems, both Mr. Burnette and I would welcome an opportunity to discuss this matter with you or other members of the finance committee.

Sincerely,

Kenneth L. Childs  
Assistant Attorney General

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