

1977 WL 37382 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 28, 1977

***1** Honorable Robert R. Woods
Representative
District No. 109
P. O. Box 2115 A
Charleston, SC 29403

QUESTION

Does Charleston County School District have authority to limit pay raises included in State aid to teachers and non-teaching personnel with regard to principals employed within the District?

AUTHORITIES

Sections 21-252, 21-256, 21-258, 21-260, Code of Laws of South Carolina, 1962, as amended; 1977 South Carolina General Appropriation Act.

DISCUSSION

By virtue of §§ 21-252 and 21-260, the State of South Carolina makes available on an annual basis an appropriation to pay salaries of school teachers and supervisors in public schools. State aid for salaries is included annually as a line item in the State General Appropriation Act. Section 31(V)(b) of the General Appropriation Act for the fiscal year 1977-1978, includes funding for several State aid programs, including 'State aid teacher salaries' and 'non-teaching principals, supervisors, and special teachers.' Section 21-256 qualifies § 21-252 in establishing minimum daily teaching time which must be met for a person to qualify for State aid as a teacher under § 21-252. Further, § 21-260 provides State aid to each school district or operating unit for supervisors of teachers and other school overhead.

Two categories of State aid are pertinent to the question presented. The two categories are State aid for teachers and State aid for non-teaching principals. Section 21-256 and regulations of the State Department of Education determine whether a principal is eligible for either State aid to teachers or State aid to non-teaching principals. The crucial point is that the State Legislature has appropriated funds for disbursement to local school districts for payment of salaries to non-teaching principals who otherwise meet the criteria for that classification. It, therefore, appears that certain purely administrative personnel are eligible for State aid under the heading of State aid for non-teaching principals, supervisors, and special teachers.

Section 21-258 establishes a salary schedule for disbursement of State aid to both teachers and non-teaching principals. This Section has been amended in part II of the General Appropriation Act of 1977, resulting in a general increase in State aid. The schedule is the same for both State aid to teachers and State aid to non-teaching principals. Thus, if a principal, although classified as an administrative position, meets the requirements for State aid as a non-teaching principal then that individual would be entitled to State aid as determined by the new State aid salary schedule. A search of both the South Carolina Code of Laws and the 1977 General Appropriation Act fails to reveal any statutory authority for Charleston County School District to reduce the State aid salary for a non-teaching principal who otherwise meets the requirements for such State aid.

Additionally, two provisos should be noted at the end of § 31 of the 1977 General Appropriation Act. These provisos read as follows:

*2 Provided, Further, That no school district in this State shall be eligible for the increase in State Aid for Teachers' Salaries provided in this section unless the aggregate amount of a district's local financial support designated for local salary supplements for positions funded under the State Aid Salary Schedule for the fiscal year beginning July 1, 1977, is at least equivalent to the aggregate amount of local financial support designated for such local salary supplements in fiscal year 1976-77; provided, however, when average daily attendance decreases within any district the aggregate amount may be proportionately reduced.

Provided, Further, That the amount of such supplement for each district employee eligible for State aid as provided in Items III-F and V-B—Distribution to Subdivisions, in this section who is performing the same or similar duties shall be at least equivalent to the supplement paid to such employee for the fiscal year 1976-77.

The above-quoted provisos are cited in that they have potential effect on the above opinion, depending on funding by school districts in Charleston County for local salary supplements.

CONCLUSION

Charleston County School District has no statutory authority to reduce salary increases implemented in the salary schedule included in permanent provisions of the 1977 General Appropriation Act for non-teaching principals who are eligible for State aid.

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