

1978 WL 34809 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 24, 1978

\*1 Mr. William M. Groman  
Route 2  
Box 151-A  
Central, South Carolina 29630

Dear Mr. Groman:

You requested an opinion from this Office as to the power of a County Board of Education to approve a budget which includes funds for salary increases which have not yet been approved or appropriated by the General Assembly.

[Article X, Section 7, of the South Carolina Constitution](#) states in part:

[E]ach school district of this state shall prepare and maintain annual budgets which provide for sufficient income to meet its estimated expenses for each year.

As in the case of the school districts, the County Board of Education should ensure through its annual budget that it has sufficient income to meet its estimated expenses for each year. If the County Board is relying upon State funds not yet appropriated to provide salary increases to the County Superintendent of Education, or to other County Board employees, the County Board's annual budget should specify this. As noted in 78 C.J.S. Schools and School Districts, § 218(f):

[A] vote, by a board of education, of a cost of living adjustment to teachers subject to the receipt of necessary additional funds, is at best a conditional offer not ripening into a contract, where there is a failure to appropriate such funds.

Thus, it is the opinion of this Office that the County Board of Education of Pickens County may approve a budget which anticipates the receipt of funds not yet appropriated by the State which, in part, will provide salary increases for the County Superintendent of Education, or County Board employees. However, the budget should specify that any such salary increase is conditioned upon actual receipt from the General Assembly of the anticipated increase in funding.

I hope this provides sufficient information. With kind regards, I remain  
Very truly yours,

Nathan Kaminski, Jr.  
Assistant Attorney General

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