

1978 WL 34910 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 15, 1978

***1 SUBJECT: Definition of 'Instructional Staff' in the Education Finance Act of 1977.**

The term 'instructional staff' refers primarily to classroom teachers.

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QUESTION:

Are there any limitations on defining an instructional staff member as that term is used in Section 4(2) of the Education Finance Act?

STATUTE:

[Section 59-20-40\(2\) of the 1976 Code](#), (Section 4(2) of the South Carolina Education Finance Act of 1977).

DISCUSSION:

An incentive proviso was inserted in the Act by the General Assembly 'for strengthening the instructional staff' of each school district. This section was not a part of the original bill as introduced and, therefore, there is no reference to it in the Report of the Governor's Committee for the Equalization of Educational Finance. Under the proviso, when the number of 'instructional staff members' with advance degrees exceeds twenty-five percent of the total number of 'instructional staff members', an incentive is granted to the district. The incentive is a monetary bonus paid from State funds.

No guidelines are given in the Act defining a school district's instructional staff. The only limitations are, therefore, contained in the phrase itself. As stated in [Hughes v. Edwards](#), 265 S. C. 529, 220 S. E. 2d 231 (1975), and other cases collected at 17 West's South Carolina Digest, [Statutes](#), § 188, words used in a statute should be taken in their ordinary and popular significance unless there is something in the statute which requires a different interpretation. Put another way, the generally accepted meaning of the words used in statutes are to be applied unless there is something in the statute requiring a different interpretation. [Field v. Gregory](#), 230 S. C. 39, 94 S. E. 2d 15. In this regard, courts often turn to a dictionary. See [Gulf Oil Corp. v. South Carolina Tax Commission](#), 248 S. C. 267, 149 S. E. 2d 642. [Webster's New Collegiate Dictionary](#) (1973) gives the following definition of the word 'instruct'.

'to give knowledge or information to: esp: to import knowledge in a systematic manner.'

A synonymy for instruct is teach. The word 'instruction' is:
'the action, practice or profession of a teacher: teaching.'

The word 'staff' is defined as 'the officers chiefly responsible for the internal operations of an institution or business', and further as 'a group of officers appointed to assist civil executive * * *'. The word staff, in our judgment, connotes a degree of permanency.

The bonus in question is a legislative grant and as such is subject to strict construction. See [Cain v. South Carolina Public Service Authority](#), 222 S. C. 200, 72 S. E. 2d 177, and other cases collected at 17 West's South Carolina Digest, Statutes, § 238.

The purpose of the proviso is obviously to encourage the upgrading of the district's teaching core. In our opinion the term applies to full-time employees of a school district who are instructors, regardless of their respective discipline. Physical education teachers would be included. See [Chiodo v. Board of Education](#), 298 Minn. 380, 215 N. W. 2d 806. It may also include personnel who supervise teachers such as school principals and assistant principals. It does not apply to consultants, counsellors, librarians and others whose primary responsibility is not teaching.

CONCLUSION:

*2 The term 'instructional staff' refers primarily to classroom teachers.

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