

1978 S.C. Op. Atty. Gen. 128 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-97, 1978 WL 22576

Office of the Attorney General

State of South Carolina

Opinion No. 78-97

May 18, 1978

***1 SUBJECT: Pupil-Teacher Ratio Required In Education Finance Act.**

The pupil-teacher requirement of the Act is based on the ratio of students to teachers in the district and not on the ratio in any one school.

TO: Mr. Ray W. Burnetts
Deputy Superintendent
Department of Education

QUESTION:

If a school district has more than one school, is the pupil-teacher ratio requirement based on the ratio of students to teachers in the district at large or on the ratio in each school?

STATUTE:

[Section 59-20-40\(5\) of the 1976 Code](#) (Section 4(5) of the South Carolina Education Finance Act).

DISCUSSION:

[Section 59-20-40\(5\)](#) states:

‘(5) To qualify for funds provided in this act, each district must attain an average pupil-teacher ratio based on average daily membership in the basic skills of reading and mathematics in grades one through three as follows * * *.’

The statute then sets up a sliding scale over the next five years ranging from 25 to 1 next year to 20 to 1 in 1983.

There is nothing in the statute which requires that the ratios be met on a per school basis. Therefore, if the number of students in the district as compared to the number of teachers in the district meets the required ratio, the district is within the standards. Although it is recognized that a per school ratio would be more meaningful in terms of pupil-teacher distribution, when the terms of a statute are clear they must be given their literal meaning. See [McMillen Feed Mills, Inc. v. Mayer](#), 265 S. C. 500, 220 S. E. 2d 221 (1975) and other cases annotated at 17 West's South Carolina Digest, [Statutes](#), § 189. The ratio in a particular school would not be relevant.

Our opinion is fortified by the penalty provided for districts which fail to comply. The cutoff of funds is based on the variance within the district at large and does not relate to particular schools within the district.

CONCLUSION:

The pupil-teacher requirement of the Act is based on the ratio of students to teachers in the district and not on the ratio in any one school.

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