

1978 S.C. Op. Atty. Gen. 173 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-141, 1978 WL 22609

Office of the Attorney General

State of South Carolina

Opinion No. 78-141

July 20, 1978

**\*1 SUBJECT: Teachers; School Districts**

Under the provisions of § 5(4)(a) of the South Carolina Education Finance Act of 1977, the salary amount for teachers as designated in a school district's salary schedule may exceed the amount prescribed in the Index used to determine the State minimum teachers salary schedule under the Education Finance Act.

TO: Mr. R. W. Burnette  
Deputy Superintendent  
Division of Finance and Operations  
State Department of Education

**QUESTION:**

Can the salary amount for teachers as stated in a district schedule exceed the amount prescribed in the Index used to determine the State minimum teachers salary schedule under § 5(4)(a) of the South Carolina Education Finance Act?

**STATUTES AND CASES:**

60 STAT. Act No. 163, § 5(4)(a) (1977) cited as 'South Carolina Education Finance Act of 1977';

[Jones v. S.C. Highway Dept.](#), 247 S.C. 132, 146 S.E.2d 166, 168 (1966);

[Miller v. State](#), 130 Miss. 564, 94 So. 706;

[Ashley v. Ware Shoals Mfg. Co.](#), 42 S.E.2d 390, 210 S.C. 273 (1947);

[Greenville Enterprise v. Jennings](#), 41 S.E.2d 868, 210 S.C. 163 (1947).

**DISCUSSION:**

Section 5(4)(a) of the South Carolina Education Finance Act of 1977 (60 STAT. Act No. 163) provides:

Each school district shall pay each certified teacher or administrator an annual salary at least equal to the salary stated in the statewide minimum salary schedule for the person's experience and class. No teacher or administrator employed in the same position, over the same time period, shall receive less total salary, including any normal incremental increase, than that teacher or administrator received for the fiscal year prior to the implementation of this act. (emphasis added)

In regard to construing statutory language, the South Carolina Supreme Court has stated:

The first rule of construction in the interpretation of statutes is that of intention on the part of the Legislature and where the terms of the statute are clear and not ambiguous, there is no room for construction, and courts must apply them according to their literal meaning. (cite omitted) A statutory provision should be given a reasonable and practical

construction which is consistent with purpose and policy expressed therein. (cite omitted) There is no safer nor better rule of interpretation than that when language is clear and unambiguous it must be held to mean what it plainly says. [Jones v. S. C. State Highway Dept.](#), 247 S.C. 132, 146 S.E.2d 166, 168 (1966).

The language contained in § 5(4)(a) which states that a school district shall pay its teachers or administrators 'at least' an annual salary equal to the salary stated in the statewide minimum salary schedule is clear and unambiguous. The phrase 'at least' should be given its plain and ordinary meaning. [Ashley v. Wareshoals Mfg. Co.](#), 210 S.C. 273, 42 S.E.2d 390 (1947); [Greenville Enterprise v. Jennings](#), 210 S.C. 163, 41 S.E.2d 868 (1947). The term 'at least' is generally understood to mean 'not less than', but inferentially there may be a greater amount, or at least a greater amount was not intended to be prohibited either expressly or by implication. *Cf.* [Miller v. State](#), 130 Miss. 564, 94 So. 706.

\*2 Using the language in its plain and ordinary sense, the words 'an annual salary at least equal to the salary stated in the statewide minimum salary schedule' mean that the Legislature intended that the teachers be paid no less than the minimum statewide salary schedule. However, no maximum salary amount is set within the Act, and teachers and administrators may earn more than the minimum State requirements. This meaning of the language is supported by the fact that the 'hold harmless' provision of § 5(4)(a) require a district to pay teachers or administrators no less total salary than they would have received had the South Carolina Education Finance Act not been passed. *See* 1977-78 *Ops. Atty. Gen.*, No. \_\_\_\_ (from Attorney General McLeod to R. Burnett, Deputy Superintendent, Department of Education; June 20, 1978). Obviously, in some cases, school districts will pay teachers and administrators more than the statewide minimum salary schedule, and the Act does not permit the school districts to reduce the salary schedule in these cases.

#### CONCLUSION:

Under the provisions of § 5(4)(a) of the South Carolina Education Finance Act of 1977, the salary for teachers or administrators as designated in a school district's salary schedule may exceed the amount prescribed in the statewide minimum salary schedule for the person's experience and class.

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