

1975 WL 29130 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 8, 1975

*1 A school district can require a teacher on jury duty to remit monies received for jury service, when the district pays the teacher's regular salary and hires a substitute during such absence.

TO: W. J. Clark
Superintendent
Orangeburg School District Five

QUESTION PRESENTED:

Can a school district require a teacher on jury duty to endorse the check received as payment for such duty over to the school district in exchange for the district's continuation of the teacher's salary and payment of a substitute in the teacher's absence?

STATUTES, CASES, ETC:

Code of Laws of South Carolina, 1962 as amended, Sections 21-105, 21-221, 21-230(2) and 21-230.2;

Sutherland Statutory Construction, Volume 2A, Section 46.01.

DISCUSSION OF ISSUES:

The Code of Laws of South Carolina, 1962, as amended, Sections 21-105, 21-221, 21-230(2), and 21-230.2 places the responsibility for establishing rules and regulations governing public schools in the county board of education and the local school board district trustees. Such broad powers must be read consistently with the other statute laws of the State.

This responsibility is general enough to include establishing rules and regulations for paying a teacher and supplying a substitute while the teacher is on jury duty, and requiring the teacher to remit and jury duty payment to the school district in exchange for this salary continuance. Such policy could be construed as a reciprocal agreement, requiring a teacher to remit jury pay in order to be allowed his regular pay and the payment of a substitute in his absence.

Under general statutory construction principals, words in a statute are to be given their usual plain meaning. Sutherland Statutory Construction, Volume 2A, Section 46.01. Clearly, establishing procedures for teachers absent for jury duty is within the explicit regulatory powers granted to the county board and the district trustees.

No inconsistent statutory law of the State has been found which would proscribe the establishment of a district policy for dealing with teacher absence caused by jury duty. The policy adopted was apparently designed to promote continued instruction to the students, continued steady income to the teachers, and minimal extra expense to the district.

CONCLUSION:

The broad statutory powers given to the county boards of education and district trustees allow the district to require a teacher to remit payments he receives for jury to the district in exchange for the district's hiring a substitute and paying the absent teacher full salary during jury service.

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