

1974 WL 27481 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 11, 1974

*1 Mr. Stanley H. Thompson
Box 716
Central, SC

Dear Mr. Thompson:

Attorney General McLeod has referred your letter of August 21 to me for research and reply. I hope my delay has caused you no inconvenience.

You have questioned the propriety of the salary schedule implemented by the Pickens County School District. In your letter you state that this system of thirteen payments effects only assistant principals, assistant coaches, and other 'selected' employees.

It must be borne in mind that no person who teaches daily less than four periods of at least forty-five minutes each can receive state aid. Section 21-256 (1962 Code of Laws). Unless the parties you mention are fulfilling these requirements they are being paid merely by county-wide funds. It is suggested that perhaps the payment scheme was implemented to aid these persons with regard to the rising cost of living.

In any event, the power to fix teachers' salaries is entrusted by law to the Board of Trustees of the school district. Section 21-230 (1962 Code of Laws, as amended). The Courts have been hesitant to override or interfere with the exercise of the discretionary powers and functions of School Boards except where constitutional rights have been infringed thereby. [Rackley vs. School District No. 5, Orangeburg Co., 258 F. Supp. 676 \(D.S.C. 1966\).](#)

Nothing in your letter would suggest to us that a constitutional violation has occurred by virtue of the new payment scheme. Perhaps your best alternative would be to confront the Board with the situation.

If we may be of further assistance to you, please do not hesitate to call us.

Very truly yours,

Cameron B. Littlejohn, Jr.
Law Clerk

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