

1973 S.C. Op. Atty. Gen. 174 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3541, 1973 WL 21000

Office of the Attorney General

State of South Carolina

Opinion No. 3541

June 12, 1973

**\*1 A teacher who has not completed his first year's teaching contract before death, or has not taught a minimum of 185 classroom teaching days, does not satisfy the eligibility requirements for the pre-retirement death benefit program.**

Director

South Carolina Retirement System

You have asked whether a teacher who does not complete his teaching contract is eligible for pre-retirement death benefits pursuant to Section 24 of Act No. 1555 of 1972.

According to information provided to this office, the teacher in question signed an eleven-month contract as a vocational agricultural teacher effective July 1, 1972. On April 24, 1973, before the completion of the contract, the teacher died. On that date he had been paid for 196 days, of which 160 days were actual classroom teaching days. The normal nine-month teaching year is 185 classroom teaching days. See § 21–252, Code of Laws of South Carolina, 1962.

Act No. 1043 of 1968 governs the operation of the preretirement death benefit program. Section 2 of that Act requires that a deceased member of the System have ‘completed at least one full year of membership in the System’ to be eligible for the program. Section 24 of Act No. 1555 of 1972 provides that the pre-retirement death benefit program ‘shall be applicable to all school teachers who have *taught* a full year commencing with the school year 1971–72.’ (Emphasis added.) The purpose of this latter provision was to substitute a full year's teaching for the requirement of a full year's membership in the System for teachers. In order to qualify, it is still necessary for the teacher to have completed a full year of teaching while he is a member of the System. At a minimum this should mean that the teacher has completed his teaching contract, which normally will call for 185 days of actual classroom teaching.

In the present case, the teacher did not complete his first year's teaching contract before death, nor did he teach 185 classroom teaching days. It is, therefore, the opinion of this office that he did not satisfy the eligibility requirements for the pre-retirement death benefit program.

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