

The State of South Carolina



Office of the Attorney General

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April 28, 1986

The Honorable Joyce C. Hearn
Member
South Carolina House of Representatives
404-C Blatt Building
Columbia, South Carolina 29211

Dear Representative Hearn:

You have requested the advice of this Office as to whether any State law requires local funding for teachers' salaries to be increased by a particular percentage. I have set forth below those provisions of State law that address the level of teacher salaries.

The Education Finance Act's (EFA) requirement for a State minimum salary schedule is set forth in Section 59-20-50(4) of the Code of laws of South Carolina, 1976, as amended. This schedule requires school districts to pay at least the salary stated in the schedule, but the salaries are funded according to the usual EFA formulas concerning State and local shares of the cost of that program. See, Sections 59-20-20(2)(b) and 59-20-50(4).

Section 59-20-50 also requires that local salary supplements of the school districts be maintained at a level no less than that of fiscal year 1983-84. This provision does not require that those salary supplements be increased. (Ops. Atty. Gen., April 28, 1986). The supplements are additions to the schedule. Sutherland Statutory Construction, Vol 2A, §§46.01 and 46.05.

The 1985 Appropriations Act funds increases in the teachers' salaries above the EFA minimum schedule. See, Act 201 §30, Acts and Joint Resolutions of South Carolina, 1985, pp. 1188 and 1207. 1/ These provisions for salary increases do not require

1/ I have been advised that the source of funds is Education Improvement Act (EIA) money. See, Act 201 §30, p. 1188.

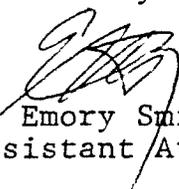
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local matching.

A provision of the EIA requires certain inflationary increases in local funding for non-capital programs (Act 201, Part II, §61, Acts and Joint Resolutions of South Carolina, 1985, amending Act 512 of 1984); however, although these programs include teachers' salaries, the inflationary increase is not required to be applied to each aspect of the non-capital programs such as the salaries (see, Ops. Atty. Gen., April 28, 1986).

Under the above authority, no increases in local funding for teachers' salaries are required except that local funding must be provided in accordance with EFA formulas for the EFA minimum salary schedule and local salary supplements cannot be decreased below the 1983-84 level. If you need any additional information, please let me know.

Yours very truly,


J. Emory Smith, Jr.
Assistant Attorney General

JESjr/srcj

REVIEWED AND APPROVED BY:



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