

1978 S.C. Op. Atty. Gen. 129 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-101, 1978 WL 27420

Office of the Attorney General

State of South Carolina

Opinion No. 78-101

May 23, 1978

*1 Teacher aides may be counted as .5 in computing the pupil-teacher ratio as required in Section 4(5) of the Finance Act.

Deputy Superintendent
Department of Education

QUESTION:

May teacher aides be counted in computing the pupil-teacher ratio as required in Section 4(5) of the Education Finance Act?

STATUTES:

[Section 59–20–40\(5\) of the 1976 Code](#), (Section 4(5) of the Education Finance Act), and [Section 59–5–60 of the 1976 Code](#).

DISCUSSION:

As a prerequisite to receiving state funds, the Finance Act requires a district to “attain an average pupil-teacher ratio based on average daily membership in the basic skills of reading and mathematics in grades one through three as follows ***”. A sliding scale follows which requires a ratio of 25 to 1 for 1979 with yearly reductions until 1983 when the required ratio will be 20 to 1.

Pursuant to what is now [Section 59–5–60 of the 1976 Code](#), the State Board of Education adopted as an educational objective that each school district implement minimum standards of education. These minimum standards are detailed in a State Board Regulation entitled “Defined Minimum Program” (DMP). The development of the DMP began in 1972 and it had received two years implementation prior to the passage of the Education Finance Act of 1977. The Finance Act adopts as its goal the funding of the DMP over a period of five years. See [§ 59–20–40\(1\)\(b\)](#) and [§ 59–20–20\(4\) and \(6\)](#).

The DMP which is used as the basis for accreditation of each school district, provides for an “average pupil-teacher ratio” of 28 to 1. The DMP provides that in meeting this ratio, teacher aides may be counted at a rate of .5 per aide. The DMP is an integral part of the Finance Act and its funding in every district, regardless of wealth, is the primary purpose of the Act. It may be assumed that the General Assembly was familiar with the method used in computing the pupil-teacher ratio by the DMP and that it intended that method to be used in computing the pupil-teacher ratios required by the Finance Act. [Varn v. Beattie, 171 S.C. 424, 172 S.E. 442](#), cited at 17 West's South Carolina Digest, Statutes, § 212.1. The DMP requirement for 1978, using teacher aides as .5, is 28 to 1. The Finance Act requires a reduction to 25 to 1 for basic skills in the first through third grades. Furthermore, although the Act requires the ratio only in basic skills, it may be assumed that the General Assembly was aware that reading and mathematics are not generally taught in early grades on a period by period method as advanced grades are taught. In most cases, any change in the ratio for reading and mathematics would, for early grades, necessitate a change in ratio for the grade as a whole.

CONCLUSION:

Teacher aides may be counted as .5 in computing the pupil-teacher ratio as required in Section 4(5) of the Finance Act.

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