

1976 S.C. Op. Atty. Gen. 391 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4528, 1976 WL 23145

Office of the Attorney General

State of South Carolina

Opinion No. 4528

November 24, 1976

\*1 The Honorable Brantley W. Harvey, Jr.  
Lieutenant Governor of South Carolina  
State House  
Post Office Box 142  
Columbia, SC 29202

Dear Lt., Governor Harvey:

On Monday morning Mr. McLeod requested that I provide you with an opinion concerning the average daily attendance (ADA) formula which is statutory in origin and which controls the allocation of State funds used by local districts to pay teachers' salaries. The provision for State funds to pay teachers' salaries and the formula for their allocation are set forth in Sections 21-252 and 21-253 of the South Carolina Code. Section 21-252 provides that 'the General Assembly shall make sufficient appropriation to pay the salaries of all school teachers in the public schools . . .' and Section 21-253 establishes a formula which must be used to distribute or allocate the funds.

While the formula is a constant, the ADA data used must be based upon actual ADA calculations 'for the previous scholastic year or for the current scholastic year.' Accordingly, any school district will receive funds for teachers' salaries based upon attendance records from either of two scholastic years: the current scholastic year or the previous scholastic year. In other words, any South Carolina district may receive funds for teachers' salaries during this fiscal year (1976-77) based upon ADA figures generated during the previous scholastic year (1975-76) or for ADA figures generated during the current scholastic year (1976-77). Obviously a district which experiences excessive absences during the current year would elect to receive funds based upon ADA figures from a previous year.

Funds for teachers' salaries must be disbursed to teachers in accordance with the salary schedule established in Section 21-258. Also the State Board of Education may, upon request of the governing body of any school district suspend five make-up days when the schools in such district shall have been closed because of extreme weather conditions or extreme circumstances. See: Section 21-19.5 of the Code. Otherwise we are not aware of any other exceptions to the formula established by Section 21-253.

With kind personal regards, I am  
Sincerely yours,

Kenneth L. Childs  
Assistant Attorney General

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