

1974 WL 28085 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 4, 1974

*1 Mr. John F. Maynard
Director
Office of Teacher Education and Certification
State Department of Education
Rutledge Building
Columbia, S.C.

Dear Mr. Maynard:

In answer to your request for an opinion on application of the erroneous payment provision in the annual appropriation act as it relates to the State Boards acceptance of out-of-state scores on the National Teachers Examination in 1969, I am of the opinion that the teacher's failure to notify the State Department of such scores qualifying for a higher pay increment would not preclude such a teacher from receiving the difference in pay back to 1969, even though the teacher in question may not have notified the Department of such scores until the current school year. The reason for such a liberal construction is found in the subject or nature of the act, which is remedial in nature, thus justifying a liberal construction in order to advance the remedy sought by the legislature in enacting such a provision. See 82 CJS, Statutes Sections 388, remedial statute.

Please contact me if I can provide any further assistance.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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