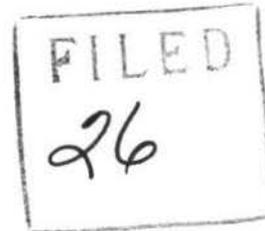


March 5, 1975

OPINION LETTER NO. 26  
Answer by Letter - Jones

Honorable Robert O. Snyder  
State Representative, 95th District  
State Capitol Building, Room 204  
Jefferson City, Missouri 65101



Dear Representative Snyder:

This letter is to acknowledge receipt of your request for an opinion from this office which reads as follows:

"Whether certain 'premium' compensation paid to a teacher of a School District, under a policy adopted by the District's Board of Education, is to be included in the teacher's compensation in determining his final average salary under The Public School Retirement System of Missouri and whether a sum equal to 8% of such 'premium' compensation must be paid into the retirement fund by both the teacher and the District. There is a difference of opinion between the School District and The Public School Retirement System."

In connection with the above, it is our understanding that the Public School Retirement System of Missouri has expressed strong disagreement with the views of the school district on the issue whether "premium compensation" for early retirement is to be considered by the Retirement System in determining the retirement compensation of a teacher. Therefore, since this office is required under the provisions of subsection 20 of Section 169.020, RSMo Supp. 1973, to be the legal advisor to the board of trustees of the Retirement System and represent the Board in all legal proceedings, and in view of the position the board has taken,

Honorable Robert O. Snyder

which we believe has a great deal of merit, we respectfully decline to render an opinion on the question whether "premium compensation" for early retirement is to be considered in determining the final average salary of a teacher by the Public School Retirement System of Missouri.

We do not in this letter pass on the question of the authority of a school district board to make "premium" payments for early retirement of teachers.

Very truly yours,

JOHN C. DANFORTH  
Attorney General