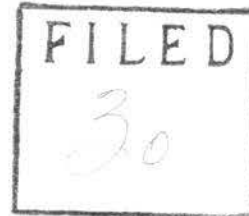


SCHOOLS --Teacher required to finish term provided sufficient revenue from taxes and state aid will eventually come in for current year to meet warrants issued for salary.

Board can make contract for ensuing year before annual election. ✓

May 10, 1933.



Hon. Ted Prossard
Prosecuting Attorney
Barry County
Cassville, Missouri

Dear Mr. Prossard:

Answering your letter of April 18, 1933, wherein you asked:

"Are School teachers in Missouri required to teach an eight months term of school even tho the districts are unable to pay the sum stipulated in the contract?"

May a school board make a binding contract with teachers ~~before~~ before the annual school election, said contract to be for the term beginning next fall?

Does a school teacher violate his contract if he refuses to continue teaching when the district fails to pay his wages but does issue warrants against the districts estimated revenue fund?

After available funds are exhausted from a district may the teacher compel the district to issue warrants up to the amount of the estimated revenue?

Will a district lose state aid the following year if it closes school under a term of eight months if they have exhausted all funds provided for that term and the state fails to pay the sum promised the district and which sum was part of that districts estimated revenue?"

Answering your first question, will say a teacher will be required to teach the eight months if enough revenue will eventually come in to meet the obligation from either State aid or local taxation.

Answering your second question, it is our opinion the school board can make a binding contract before annual school election for the term beginning the following fall, if made in good faith.

Tate v. School District, 324 No. 477, l. c. 495.


Answering your third question, it is our opinion that the school teacher would be violating his contract if he refuses to continue teaching for failure to pay his wages if the school board continues to issue his warrants against the district's estimated annual revenue funds.

Answering your fourth question, if he continues to teach as per his contract and the board refuses to issue warrants he can compel them to do so or sue the district for the unpaid balance at the end of the term.

Rudy v. School District, 30 Mo. Ap. 113.

Answering your fifth question, state aid could be withheld from them if they neglect or fail to have the eight-month school, it being our opinion the school should carry on, and warrants issued, and depend on State aid that has been apportioned and promised for the current year, if that, together with estimated taxes, will eventually take care of same.

Yours very truly,


G. B. STROTHER
Assistant Attorney-General.

APPROVED: _____

ROY McKITTRICK
Attorney-General.

HBS:EG