

SCHOOLS: Special State aid under Sections 9220, 9223 and 9431 R. S. Mo., 1929, not to be pro-rated or affected by laws of 1931, page 334.

2027

July 22, 1933

7-22

FILED
61

Hon. George Melcher, Superintendent
Public Schools
Library Building
Ninth and Locust Streets
Kansas City, Missouri

34
See State seal
Lee

Dear Mr. Melcher:

We acknowledge receipt of your request for an opinion of this office on the following question:

"Are the special grants established by Sections 9220, 9223, and 9431, R. S. Mo., 1929, long prior to the passage of the school law of 1931 affected by that school law?"

Briefly Section 9220, referring to classes for blind, deaf, crippled and feeble minded children, provides as follows:

* * * * * Each school district maintaining special classes * * * * shall, * * * * receive state aid to the amount of seven hundred fifty dollars (\$750) per annum for each teacher employed * * * * In August of each year, before apportioning the state school funds in accordance with section 9257, the state superintendent of public schools shall set aside a sum equal to the total of all the state aid to which the various school districts of the state are entitled under the provision of this section for the preceding fiscal year. * * * "

Appropriate parts of sections 9223 and 9431 are as follows:

"Sec. 9223. School districts may establish special classes for twenty or more children, who, while not feeble-minded, are on the borderline of mental deficiency, * * * * and shall receive state aid to the amount of three hundred dollars (\$300) per annum for each teacher wholly employed * * * *"

"Sec. 9431. Whenever a town or rural district * * * shall contain fifteen or more children who are orphans and who are of school age and are supported in whole or in part by any philanthropic organization, the state shall grant such district a special aid not to exceed two dollars and seventy-five cents per month for each such orphan child in regular attendance."

Section 9257 provides for the apportionment of State school funds to the public schools of the counties, based upon teachers employed and daily attendance of pupils.

The General Assembly in the 1931 session passed an Act providing for Enlarged School Districts, at the option of the inhabitants of the counties. This Act is to be found at page 334, laws of 1931.

Section 13 of said Act provides for the apportionment of state money to the various districts organized under the Act. No provision is made in the Act for special state aid in the instances covered by sections 9220, 9223 and 9431, although need for this special aid might arise in such district, except by the following clause (p. 341):

"Provided, that special state aid shall continue to be apportioned as now or hereafter provided by sections 9220, 9223 and/or 9431 Revised Statutes 1929:"

Accordingly, it is the opinion of this office that the law of 1931 specifically recognizes the payments to be made as special state aid under sections 9220, 9223 and 9431, and that such payments are to be made or apportioned prior to the apportionment of funds to the districts for regular or normal instruction.

We are not unmindful of the following provision of section 13 of the law of 1931 (p. 341) which reads as follows:

"Provided, however, in the event there should be insufficient funds to carry out the minimum guarantee of seven hundred fifty dollars (\$750) for each elementary teaching unit and one thousand dollars (\$1,000) for each high school teaching unit, and the teacher quota and the attendance quota of one and three-tenths cents (1.3) for such districts as do not participate in the minimum guarantee, all school funds to be apportioned by virtue of the provisions of this act shall be apportioned to all districts in pro rata proportion, paying such percentage

July 22, 1933

of each and every one of these apportionments
as the money available in the public school
fund will permit:"

However, it is apparent that this proviso applies only to "each and every one of these apportionments", to-wit: the elementary teaching unit, the high school teaching unit, the teacher quota and the attendance quota, and does not affect or control the payments to be made as special state aid.

Respectfully submitted

HARRY G. WALTNER, Jr.
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General