

SCHOOLS: The 1931 Act provides the only basis for apportioning State school moneys.

10-9

October 8, 1935.



Hon. Lloyd W. King
State Superintendent
Department of Public Schools
Jefferson City, Missouri

Attention: Hon. Geo. B. John

Dear Mr. John:

This is to acknowledge your letter dated October 2, 1935, as follows:

"Please advise this department whether Section 9292, R. S., 1929, is still valid for apportioning state school money.

"Does Section 9292, R. S., 1929, conflict with Sections 12, 13, 14, and 16 of the 1931 Act as these sections apply to the apportionment of state school money? If the foregoing sections conflict, does Section 21 of the 1931 Act invalidate Section 9292 as it applies to state aid?

"Does the 1931 Law provide the only basis for apportioning the state school money?"

We answer your specific question, "Does the 1931 Law provide the only basis for apportioning the state school money?" in the affirmative, and such is our opinion.

We arrive at said conclusion in view of the case of State ex rel. School District of Kansas City v. Lee, 66 S. W. (2d) 521, wherein the Supreme Court of Missouri, en Banc, page 522, said the following:

"In 1931 the Legislature made quite a change in the method of distributing the state school funds. Sections 13, 16, 19, Laws of Mo. 1931, pp. 340, 341, 342, 343, 344, 346 (Mo. St. Ann. secs. 927On, 927Oq, 927Ou, pp. 7121, 7125, 7128). The change may be indicated by summarizing the old law and the new law as follows:

Old Law Previous to 1931	New Law Act of 1931
1. Rural Aid--section 9285 (Mo. St. Ann. sec. 9285, p. 7145).	1. Equalization Aid--section 13, Laws 1931 (Mo. St. Ann. Sec. 927On, p. 7121).
2. <u>Rural High School Aid -- section 9292 (Mo. St. Ann. Sec. 9292, p. 7150).</u>	2. <u>Teacher and Attendance--section 13, Laws 1931, and section 9257.</u>
(Underscoring ours, and said section being the one in question.)	
3. High School Aid--sections 9399 and 9401 (Mo. St. Ann. secs. 9399, 9401, pp. 7223, 7225).	3. Defectives--section 13, Laws 1931, and section 9220.
4. Consolidated Aid--section 9358 (Mo. St. Ann. sec. 9358, p. 7207).	4. Opportunity Rooms--section 13, Laws 1931, and section 9223.

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| <p>5. Defectives--section 9220 (Mo. St. ann. sec. 9220, p. 7089).</p> <p>6. Opportunity Rooms--section 9223 (Mo. St. Ann. sec. 9223, p. 7091).</p> <p>7. Orphans--section 9431 (Mo. St. Ann. sec. 9431, p. 7239).</p> <p>8. Teacher and Attendance quota to all districts--section 9257 (Mo. St. Ann. sec. 9257, p. 7104).</p> | <p>5. Orphans--section 13, Laws 1931, and section 9431.</p> <p>6. Tuition--section 16, Laws 1931 (Mo. St. Ann. Sec. 9270q, p. 7125).</p> <p>7. Transportation--section 16, Laws 1931.</p> <p>8. Buildings--section 19, Laws 1931 (Mo. St. Ann. Sec. 9270u, p. 7128).</p> <p>9. Consolidated--section 13, Laws 1931 and section 9358.</p> |
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"Under the old law, the first seven were special aids, after the payment of which the balance of the fund was distributed to all the districts as teacher and attendance quota. No. 8, old law. Under said law there was no priority of payment as between the seven special aids. It will be noted that Nos. 1, 2, and 3 of the old law were abandoned in the new law as a method of distributing the fund. Underlining ours. Consequently, it is to be noted that Section 9292, R. S. 1929, has been abandoned as a method of distributing the fund.) The equalization and teacher and attendance aids in the new law were substituted for rural, rural high school, and high school aids in the old law. The new law continued a modified aid for consolidated districts. Nos. 6, 7, and 8 of the new law are additional aids.

October 8, 1935.

"The new law was enacted under a title which announced that it was an act providing for state support to public schools; providing conditions under which such support might be obtained; providing for the apportionment of the public school funds of the state and repealing all conflicting laws or parts of laws relating to state aids for schools and apportionments of state funds for the maintenance thereof. Laws of Mo., 1931, p. 334 (Mo. St. Ann. sec. 9270b et seq., p. 7114)."

As to conflicts between Section 9292, R. S. Mo., 1929, and Section 12, 13, 14 and 16 of the 1931 Act, we do not deem it necessary to comment on that fact, in view of the above case. It suffices to point out, however, that there are many conflicts and no doubt the Legislature, as pointed out by the Court in the above case, intended the 1931 Act to be the exclusive method of distributing State school funds. Section 21 of the 1931 Act, page 346, repealed all laws or parts of laws relating to State Aid for schools and apportionment of State funds inconsistent or in conflict with the provisions of said Act.

Yours very truly,

James L. HornBostel
Assistant Attorney-General

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney-General.

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