

SCHOOLS: (1) Annual school meeting under Section 9283, R. S. 1929, may be extended until six o'clock on the day of the election to enable all patrons of district to participate therein; (2) Under Section 9289, R. S. 1929, no member of the board shall receive any compensation for performing duties of a director.

December 29, 1938

Honorable Edw. T. Eversole
Prosecuting Attorney
Jefferson County
Festus, Missouri



Dear Sir:

This Department is in receipt of your letter of December 24th wherein you request an opinion involving two questions.

I.

Your first question is as follows:

"Section 9283 of the Missouri School Laws says in part, 'the annual meeting of each school district shall be held on the first Tuesday in April of each year at the district school house commencing at two o'clock P. M.'"

"A good many of the school patrons of many of the school districts in the North part of our County work in St. Louis and in several instances the annual meeting and special meetings have been held open until six o'clock to enable those residents who work in St. Louis to return home in time to vote. The law does not clearly state whether or not this can be done. We would like to have your opinion on this matter."

We are also in receipt of a request by the Clerk of Bowles School District in your County, involving the same matter. We assume this is the school district which you have in mind.

Section 9283, R. S. Mo. 1929, is as follows:

"The annual meeting of each school district shall be held on the first Tuesday in April of each year, at the district schoolhouse, commencing at 2 o'clock p. m. If no schoolhouse is located within the district, the place of meeting shall be designated by notices, posted in five public places within the district fifteen days previous to such annual meeting, or by notice for same length of time in all the newspapers published in the district, giving the time, place and purposes of such meeting."

The statute referring to a special meeting states that the same shall be conducted in the same manner as the annual meeting. Hence, the time the meeting is to begin is at two o'clock, but the statute does not state how long the school meeting shall last.

The usual manner of conducting the annual school meeting in a common school district is for the patrons of the district to meet at two o'clock and transact the business of the district in accordance with Section 9284, R. S. Mo. 1929, and as soon as the same is transacted to adjourn. However, noting the facts contained in your letter and in the request made by Mr. Murphy, Clerk of the District, we note a possible injustice and unfairness in a meeting if it would preclude many of the patrons of the district from expressing their choice of directors, taxation and other matters as set forth in Section 9284, supra.

If the patrons desire the meeting to be held and voting to continue until six o'clock in the evening, we

think the first requisite would be for the notice to contain such a statement. As a matter of right every patron or voter of a district should have an opportunity to express his will on all questions arising in the district and the courts of our states have decided that the election laws governing schools should be liberally, rather than strictly, construed. In fact, all statutes relating to school laws should be construed to the beneficent end of facilitating education of the children residing therein, as was said in the case of *State v. McKown*, 290 S. W. 123, 1. c. 129:

"The object and purpose of the organization of this district was beneficent, in that it afforded added facilities for the education of the children residing therein. We have uniformly held that statutes in regard to the public school system, having to do with the creation and the conduct of the business of country districts should be liberally construed to effect the purpose for which they were enacted. Formed and conducted as they are by ordinary citizens, not learned in the law, any other construction would tend to defeat the purpose, and lessen the educational advantages, of such districts. *State ex inf. v. Bird*, 295 Mo. 344, 244 S. W. loc. cit. 940; *State ex inf. v. Jones*, 266 Mo. 191, loc. cit. 201, 181 S. W. 50; *State ex inf. v. Gill*, 190 Mo. 79, 88 S. W. 628; *State ex rel. v. Foxworthy*, 301 Mo. 376, 256 S. W. loc. cit. 468."

We are of the opinion that even though the law does not state the duration of the annual school meeting under Section 9283, such meeting can be extended until six o'clock on the day of the election so as to enable all patrons of the district to participate therein, in the absence of fraud or other illegal procedure.

II.

Your second question is as follows:

"Are directors of a common school district allowed to pay themselves for expenses incurred while looking after their particular school's business. In several instances it has been necessary for directors to travel quite a bit in the interest of their school but we are not sure whether or not they can legally pay themselves for this expense."

It appears that the office of school director, even though such a director has been classified as a public officer by the courts, serves from a sense of duty and a desire to be of service to his community, rather than for compensation. Section 9289, R. S. Mo. 1929, seems to be specific in its terms, said section being as follows:

"The directors shall meet within four days after the annual meeting, at some place within the district, and organize by electing one of their number president; and the board shall, on or before the fifteenth day of July, select a clerk, who shall enter upon his duties on the fifteenth day of July, but no compensation shall be allowed such clerk until all reports required by law and by the board have been duly made and filed. A majority of the board shall constitute a quorum for the transaction of business: Provided, each member shall have due notice of the time, place and purpose of such meeting; and in case of the absence of the clerk, one of the directors may act temporarily in his place. The clerk shall keep a correct record of the proceedings of all the meetings of the board. No member of the board shall receive any compensation for performing the duties of a director."

Therefore, it would appear by the above section that a member of a school board is not entitled to any compensation in any manner for performing the duties as a member the board of a school district.

Respectfully submitted

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APPROVED:

J. E. TAYLOR
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