

JUNIOR COLLEGE DISTRICTS:
SCHOOLS:
SCHOOL DISTRICTS:
STATE AID:

1. School districts operating junior colleges do not have to meet organizational standards but must meet all other standards before being eligible to receive state junior college aid under Sec. 165.830, RSMo Cum. Supp. 1961.
2. Such school districts are entitled to state junior college aid for the school year from July 1, 1961 to June 30, 1962, with the amount of such aid to be computed on the basis of the number of semester hours completed by all students in such junior college during the preceding year from July 1, 1960 to June 30, 1961.

Opin. No. 103 ('62)

April 23, 1962

Hon. Hubert Wheeler
Commissioner
State Department of Education
Division of Public Schools
Jefferson Building
Jefferson City, Missouri

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Dear Mr. Wheeler:

This is in reply to your letter of January 29, 1962, in which you requested an opinion from this office in answer to the following questions:

"1. Would the seven public school districts offering two-year college courses under Section 165.123, on the effective date of this act be eligible to receive state junior college aid under Section 165.830, subsection 1, provided all scholastic standards for accreditation as established under the new junior college act are met, rather than meeting both the organization standards required for new junior college districts and the scholastic standards for accreditation?

"2. Would school districts offering approved two-year junior college courses on the effective date of this act be eligible for state junior college aid this year, 1961-62, based on the semester hours of college credit completed by students in the junior college during the preceding year, and before the junior college act

took effect and before the accreditation standards were established; or whether such districts offering two-year college courses would be required to operate a year after the taking effect of the law and on the basis of the scholastic standards established under the new law in order to determine the semester hours of college credit completed the preceding year?"

We will answer these questions in the order they were presented.

The questions deal with state aid for junior colleges under Section 165.830, Cum. Supp. 1961, which reads as follows:

"State aid to junior colleges -- apportionment. -- 1. All students, resident in the State of Missouri, attending schools or classes of the junior college district shall be included in the attendance records of the junior college district for the apportionment of school funds. The junior college district shall be entitled to receive from state funds appropriated for junior college purposes the sum of two hundred dollars for each thirty semester hours of college credit completed by all students in the junior college during the preceding year; provided, however, that any junior college district organized under the provisions of sections 165.790 to 165.840 shall be entitled to state aid as provided in this section during the first year of its organization on an estimated number of semester hours of college credit completed by all students, this estimate to be adjusted on an actual number of college hours completed at the end of the year as defined in sections 165.790 to 165.840. A year is defined as from July first to June thirtieth of the following year. The term semester hour completed means for the

purpose of such claims actual participation during half or more of the session such course is offered. In the case of semester hours completed in a summer school session, the claim for such reimbursement shall be presented in the claim covering that particular school year in which such summer session ends. The actual number of pupils in attendance shall be computed by taking the total number of semester hours of work in which all junior college students are registered as of November first and March first in any school year and dividing by thirty.

"2. School districts offering two-year college courses under section 165.123, on the effective date of sections 165.790 to 165.840 shall receive state aid under subsection 1 provided all standards established under and pursuant to sections 165.790 to 165.840 are met."

The first paragraph of this section provides a formula for determining the amount of state aid to junior college districts, but it does not make any requirement for meeting scholastic or organizational standards before being eligible to receive the state aid. The second paragraph of this section provides that school districts offering two-year college courses on the effective date of the act (October 13, 1961) shall receive state aid the same as regularly established junior college districts, provided the school districts offering two-year college courses meet all standards established under the Junior College District Act. In answering your first question we must then determine what is meant by "all standards" in Paragraph 2 of Section 165.830.

Section 165.790 requires the State Board of Education to establish standards for the organization of junior college districts. However, this section does not refer in any way to the existing junior colleges which are operated by school districts, and the standards for organization are therefore not applicable to the existing junior colleges.

Section 165.793 requires the State Board of Education to supervise both the junior college districts formed under the

act and the junior colleges formed or in existence prior to the effective date of the act. In subparagraph (7) of paragraph 2 of that section, the State Board of Education is required to establish uniform minimum entrance requirements and uniform curricular offerings for all junior colleges, and in subparagraph (9) thereof the State Board of Education is made responsible for the accreditation of each junior college under its supervision. This section deals with all junior colleges and provides for standards of entrance requirements, curriculum and accreditation, but any standards for organization are noticeably absent from this section.

Section 165.840 places all junior colleges established prior to the effective date of the act under the supervision of the State Board of Education and requires such junior colleges to conform to the scholastic standards established by the State Board of Education. It specifically provides that a school district which now operates a junior college may not be dissolved because it does not meet the standards for organization. This section draws a clear distinction between the scholastic standards and the standards for organization. The scholastic standards are applicable to the junior colleges established prior to the effective date of the act, but the standards for organization do not apply to such school districts. "The primary rule of construction of statutes is to ascertain the lawmakers' intent, from the words used if possible; and to put upon the language of the Legislature, honestly and faithfully, its plain and rational meaning and to promote its object, and "the manifest purpose of the statute, considered historically," is properly given consideration."--A. P. Green Fire Brick Co. v. Missouri State Tax Commission, 277 SW 2d 544, 545. When we consider all of the sections of the Junior College District Act, we must conclude that when the Legislature required school districts offering two-year college courses to meet "all standards" in order to be eligible to receive state aid, the Legislature meant all standards which were applicable to such school districts. The standards concerning entrance requirement, accreditation and scholastic standards are applicable to the school districts offering two-year college courses. Such standards must be met before the school district is entitled to receive state aid. The standards for organization are not applicable to school districts offering two-year college courses on the effective

date of the act, and therefore such school districts do not need to meet these standards for organization in order to be eligible to receive state aid under Section 165.830.

This conclusion is supported by a reasonable interpretation of the language contained in Section 165.837. In this section it is provided that, "...whenever the area of an entire school district which adjoins a district offering a two-year college course under Section 165.123, RSMo, on the effective date of this act and receiving aid under subsections 1 and 2 of Section 165.830, desires to be attached thereto for junior college purposes only ...", such annexation is completed under Section 165.300 and a special junior college district is established. This section further provides that, "...If the state board of education finds that refusal to honor the petition for annexation has been made without good cause, the state board in its discretion may withhold a portion or all of the state aid from said district which is payable under the provisions of sections 165.790 to 165.840." From the quoted portions of this section, it is clear that the Legislature intended that school districts operating junior colleges on the effective date of this act were to receive state aid under Section 165.830. It is also clear it was intended that such school district does not have to comply with any standards for organization in order to receive this state aid, and the last sentence of Section 165.837, supra, provides one express situation in which the state aid may be withheld from both a regularly established junior college district and a school district offering a two-year college course under Section 165.123, RSMo. That express situation permitting the withholding of state aid from such a school district deals with a problem in the annexation of land to junior college districts.

That peculiar situation involving an annexation problem authorizes the withholding of state aid. In order to withhold the aid it must have been forthcoming in the first instance. There is no requirement that the seven school districts now operating junior colleges must meet the standards for organization in order to continue operation. Rather, Section 165.840 states that such a district shall not be dissolved because it does not meet the standards for organization. In our opinion to you of November 9, 1961, we held that a junior college district organized under the provisions of the Junior College District Act cannot force a discontinuance

or dissolution of a junior college operated by a public school district so long as such junior college conforms to the scholastic standards established by the State Board of Education. In other words, a public school district operating a junior college does not have to meet the standards for organization of a junior college district. It necessarily follows that they are entitled to state aid without meeting the standards for organization.

It therefore appears, from a consideration of all of the sections of the Junior College District Act, that school districts offering two-year college courses do not have to meet the standards for organization of junior college districts in order to be eligible to receive state aid under the provisions of Section 165.830, and we so rule in answer to your first question.

Your second question deals with the effective date of eligibility to receive state aid and the basis or formula for determining the amount of state aid to be received by the district. In answer to your first question, we determined that it was not necessary for a school district offering a two-year college course on the effective date of the Junior College District Act to meet the standards for organization of junior college districts in order to be eligible for state aid. There were seven public school districts offering two-year college courses under Section 165.123, RSMo, on the effective date of the new Junior College District Act, and these seven public school districts are Flat River, Joplin, Kansas City, Moberly, St. Joseph, St. Louis City, and Trenton. In your opinion request you assumed that the established accreditation and scholastic standards would doubtlessly be met by these existing seven junior colleges. In answering your second question, we also assume that these seven junior colleges will meet all standards, except the standards for organization.

We note that scholastic standards have been established by the State Board of Education, and these standards have been promulgated in a publication entitled "Principles, Regulations and Standards for the Organization and Accreditation of Public Junior Colleges in Missouri", published by the State Department of Education in January of 1962. We reiterate that for the purposes of this opinion it is assumed that the seven existing public junior colleges in

Missouri meet these scholastic standards.

Under paragraph 2 of Section 165.830, these seven school districts operating junior colleges are to receive state aid the same as regularly established junior college districts. Therefore, for this purpose, we should treat the words "junior college district" as used in paragraph 1 of Section 165.830 as including the seven existing public junior colleges. The "...junior college district shall be entitled to receive from state funds appropriated for junior college purposes the sum of two hundred dollars for each thirty semester hours of college credit completed by all students in the junior college during the preceding year;" A year is defined as from July 1 to June 30 of the following year. Since the Junior College District Act became effective on October 13, 1961, the first year during which any junior college district could be eligible for state aid would be during the year from July 1, 1961 to June 30, 1962. The preceding year would have been from July 1, 1960 to June 30, 1961. All of the seven pre-existing junior colleges were in operation during the year from July 1, 1960 to June 30, 1961. They therefore have a preceding year on which to compute the amount of state aid to which they are entitled. Under the plain wording of this statute, both the junior college district and the seven existing junior colleges are entitled to state aid. We believe the Legislature intended that they should receive the state aid for the first school year after the effective date of the Junior College District Act. It is this act, itself, which establishes or creates the state aid and there is nothing wrong with the requirement in the law that the amount of the state aid to be received in the first year is to be determined by the number of semester hours completed during the school year prior to the effective date of the act. The intention of the Legislature that the state aid should be given at the earliest possible time is demonstrated by the terms of Section 165.830 which provide that a junior college district organized under the act is entitled to state aid during the first year of its organization on an estimated number of semester hours. Without this provision a newly organized junior college district would not be entitled to any state aid during its first year, because it would have no preceding year in which semester hours were completed to use as a basis for determining the amount of state aid to which it would be

entitled. But the Legislature, in its wisdom and in furtherance of its intention that all junior colleges should receive the state aid as soon as possible, made specific provisions for this condition. The Legislature could also have made specific provisions governing the receiving of state aid by the seven existing junior colleges for the first year in which the act became effective, but it did not do so, thereby fortifying the plain meaning which we attribute to and strengthening the interpretation which we have placed on the general provisions of Section 165.830 -- that the seven school districts offering two-year college courses under Section 165.123, RSMo, on October 13, 1961, are to receive state aid for the year from July 1, 1961 to June 30, 1962 on the basis of the number of semester hours completed by all students in such junior college during the preceding year from July 1, 1960 to June 30, 1961.

The express wording of Section 165.837, supra, concerning the withholding of state aid in a peculiar situation involving an annexation problem which we discussed previously in answer to your first question also supports the conclusion we have reached in answer to your second question.

From this interpretation of these sections, in answer to your second question, we are of the opinion that school districts offering two-year college courses under Section 165.123, RSMo, on October 13, 1961, are not required to operate a year after the effective date of the Junior College District Act on the basis of the scholastic standards established under the Junior College District Act in order to determine the semester hours of college credit completed during the preceding year. Rather, they are entitled to receive state junior college aid for the school year from July 1, 1961 to June 30, 1962 on the basis of the number of semester hours completed by all students in such junior college during the preceding year, from July 1, 1960 to June 30, 1961.

CONCLUSION

It is therefore the opinion of this office, as follows:

1. Public school districts operating junior colleges in Missouri on the effective date of the Junior College District Act do not have to meet the standards for organization

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of junior college districts in order to receive state aid to junior colleges under Section 165.830, RSMo Cum. Supp. 1961.

2. Assuming that they meet all standards except standards for organization under the Junior College District Act, public school districts offering two-year college courses under Section 165.123, RSMo, on October 13, 1961, are entitled to receive state junior college district aid under Section 165.830, RSMo Cum. Supp. 1961, for the school year from July 1, 1961 to June 30, 1962 on the basis of the number of semester hours completed by all students in such junior college during the preceding year from July 1, 1960 to June 30, 1961.

This opinion, which I hereby approve, was prepared by my assistant, Wayne W. Waldo.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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