

July 15, 1964



Honorable William E. Seay
Prosecuting Attorney
509 North Main
Salem, Missouri

Dear Mr. Seay:

This is in response to your letter of May 2, 1964, respecting the validity of the action of R-4 School District of Dent County in rehiring the Superintendent and increasing his salary at a regular meeting of the directors on a vote of 3 to 2 in favor of the action.

It is our view, as it is apparently yours, that the re-employment by three affirmative at the same salary is valid under Section 163.090(3), RSMo. 1963, because it provides that failure to terminate a teacher constitutes automatic re-employment.

It is further our view that the re-employment of a teacher at an increased salary requires a majority of the whole board (4 affirmative votes) because it is a contract to be let under Section 165.320.

Yours very truly

THOMAS F. EAGLETON
Attorney General