

TEACHERS:
JUNIOR COLLEGES:
SCHOOLS:

Junior colleges organized pursuant to the provisions of Section 178.770 to 178.890, RSMo 1967 Supp., are not subject to the provisions of the Teacher Tenure Act, Sections 168.102 to 168.130 V.A.M.S.

OPINION NO. 59

March 17, 1970

Honorable John C. Ryan
State Senator--28th District
Rural Route 3, Walnut Hills
Sedalia, Missouri 65301



Dear Senator Ryan:

This letter is in response to your request for the opinion of this office on whether the Teacher Tenure Act is applicable to the junior colleges of the State of Missouri. The Teacher Tenure Act was enacted as House Bill No. 120 of the 75th General Assembly and has been renumbered by the Revisor of Statutes as Sections 168.102 to 168.130. The effective date of such act is July 1, 1970. See Section 168.102, V.A.M.S.

The statutory provisions pertaining to junior college districts are Section 178.770 to 178.890, RSMo 1967 Supp.

Section 178.770 states in part:

"2. When a district is organized, it shall be a body corporate and a subdivision of the state of Missouri and shall be known as 'The Junior College District of Missouri' and, in that name, may sue and be sued, levy and collect taxes within the limitations of sections 178.770 to 178.890, issue bonds and possess the same corporate powers as common and six-director school districts in this state, other than urban districts, except as herein otherwise provided."
(Emphasis added.)

At the outset, we note that the Teacher Tenure Act does not expressly pertain to junior college districts and would apply to junior college districts only if the Teacher Tenure Act constituted a grant of corporate powers to junior college districts not otherwise provided such districts by Sections 178.770 to 178.890.

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In this respect, we note that Section 178.860, RSMo 1967 Supp., provides:

"The board of trustees shall appoint the employees of the junior college, define and assign their powers and duties and fix their compensation. All certificated personnel shall be members of the public school retirement system of Missouri under the provisions of section 169.010, RSMo."

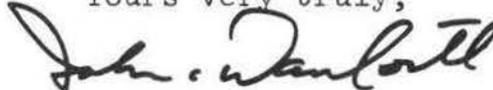
By this section the board of trustees of a junior college district is granted the specific authority to appoint teachers. Therefore, this corporate power has been "otherwise provided" to junior college districts and need not be obtained by reference from the statutory sections pertaining to common and six-director school districts.

CONCLUSION

It is therefore the opinion of this office that junior colleges organized pursuant to the provisions of Section 178.770 to 178.890, RSMo 1967 Supp., are not subject to the provisions of the Teacher Tenure Act, Sections 168.102 to 168.130 V.A.M.S.

The foregoing opinion, which I hereby approve, was prepared by my assistant, D. Brook Bartlett.

Yours very truly,



JOHN C. DANFORTH
Attorney General