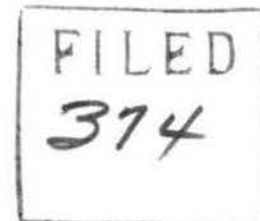


Answer by Letter (Klaffenbach)

July 9, 1970

OPINION LETTER NO. 374

Honorable Phil Snowden  
State Representative  
Eighty-sixth District  
3131 Armour Road  
North Kansas City, Missouri 64116



Dear Representative Snowden:

This letter is in response to your opinion request concerning the North Kansas City School District Rule 6, Section II-E and whether this rule is constitutional.

The rule in question states as follows:

"The Board of Education may employ both man and wife, but they shall not teach in the same building or same school unit where more than one building is involved (such as the high school). Should the man or wife assume the principalship of one or more buildings, the spouse shall not be assigned to either unit. The wife or husband of a supervisor, principal, or a general administrator shall henceforth not be employed on a contract basis in any position in the school district requiring a professional certificate; nor, shall either the wife or husband of a husband-wife combination employed in the district be hereafter promoted to a supervisory position, principalship, or administrative position so long as one of the husband-wife combination holds a professional contract in the North Kansas City School District. This rule is not retroactive."

Honorable Phil Snowden

We understand that the North Kansas City School District is a six-director school district and under Section 162.331, RSMo Supp. 1967, the board of education, except as otherwise provided, has the same duties and is subject to the same restrictions and liabilities as the boards of common school districts acting under the school laws of the state.

Section 162.811, RSMo Supp. 1967, states:

"The board shall visit the schools under their care, examine into their condition and the progress of the pupils, advise and consult with the teachers, and exercise such supervision as will best promote the interests of the schools."

The board is granted authority to adopt rules and regulations by Section 171.011 RSMo Supp. 1967, which provides:

"The school board of each school district in the state may make all needful rules and regulations for the organization, grading and government in the school district. The rules shall take effect when a copy of the rules, duly signed by order of the board, is deposited with the district clerk. The district clerk shall transmit forthwith a copy of the rules to the teachers employed in the schools. The rules may be amended or repealed in like manner."

We have examined the rule in question, and, in our view it has no constitutional infirmity.

Very truly yours,

JOHN C. DANFORTH  
Attorney General