

Answer by letter-Jones

January 27, 1971

OPINION LETTER NO. 7

Honorable J. H. Frappier  
Representative, District 24  
Room 202J, Capitol Building  
Jefferson City, Missouri 65101



Dear Representative Frappier:

This letter is to acknowledge receipt of your request for an opinion from this office in regard to whether or not the manager of the St. Louis Suburban Teachers Association Credit Union who is certified to teach in the State of Missouri, but is presently not teaching in a school system, is eligible to become a member of the Public School Retirement System of Missouri. It is our understanding that the Teachers Credit Union services all school employees in a four county area.

In response to your request, it should first of all be noted that the individual described does not qualify as a "teacher" as defined in subsection 16 of Section 169.010, RSMo 1969. Furthermore, subsection 2 of Section 169.130, RSMo 1969, reads as follows:

"Any person, duly certificated under the law governing the certification of teachers, employed full-time by any statewide nonprofit educational association or organization serving on an educational professional basis through its membership the active members of the public school retirement system of Missouri or the public school districts maintaining high schools in this state, may be a member of the public school retirement system of Missouri. Any such person who becomes a member before July 1, 1955, may claim and receive credit for prior service. The contributions required to be made by the member's employer shall be paid by the association or organization."

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The phrase "statewide nonprofit educational association or organization" is not defined in Chapter 169. It should be noted, however, that a credit union, while not ordinarily a private corporation for profit, is organized under specific statutory provisions with its membership limited to certain well-defined groups of people, such as those living within a certain district, employees of a common employer, or the like. In addition, a credit union is generally restricted in making loans to its membership. See 13 Am.Jur.2d, Building and Loan Associations, Section 4, page 146.

Therefore, without passing on whether a credit union is a nonprofit educational association or organization, it is our view that a Teachers Credit Union, which only provides services for school employees in a four county area, does not meet the statutory requirement of being "statewide" and that the manager of the credit union is not eligible for membership in the Public School Retirement System of Missouri.

Yours very truly,

JOHN C. DANFORTH  
Attorney General