

SCHOOLS: A school district may use school
TEACHERS: tax money to pay the membership
COMPENSATION: fees and dues in service organiza-
tions for school administrators
and teachers as part of their compensation. However, the payments
may not begin during the term of an employment contract already
in effect, but only at the beginning of a new contractual term.

OPINION NO. 30

January 21, 1974

Honorable Edward Stone, Jr.
Missouri Senate, 26th District
Room 419A, Capitol Building
Jefferson City, Missouri 65101



Dear Senator Stone:

This official opinion is in response to your request for
a ruling on the following question:

"May school tax money be used to pay for the
membership fees and dues of school adminis-
trators and the teachers who join service
organizations such as Rotary, Lions, Opti-
mists, B&PW, etc.?"

This request is prompted by the fact that a school district
in the territory you represent has voted to pay a maximum of \$100
of membership dues for each school administrator joining local
service clubs.

We do not believe that these expenditures can be justified
as being for school purposes. The Missouri Constitution, Arti-
cle IX, Section 5, states that public school money may be used
"for establishing and maintaining free public schools, and for
no other purpose whatsoever." The payment of membership fees
in service organizations on behalf of school administrators or
teachers could have, at most, a very tangential benefit to the
school system; perhaps it would slightly improve school-commun-
ity relations. However, the spending on balance does not seem
to comply with the constitutional mandate. Compare Special
District v. Wheeler, 408 S.W.2d 60, 63 (Mo. Banc 1966) (Arti-
cle IX, Section 5, prohibits state aid to parochial schools);
and Opinion 93, Cox, September 9, 1969 (school board may not use
district funds to purchase liability insurance for the board's
negligence); with Opinion 27, Dill, February 14, 1972 (school
district may pay for publicity in support of a bond issue).

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The other possible justification for the expenditure is as partial compensation for the school administrators or teachers involved. This office has ruled several times that a school district may compensate its employees in ways other than by direct paychecks, and we have approved, as compensation, school district purchase of liability insurance for school bus drivers (Opinion 67, Mallory, June 8, 1972), and purchase of health and life insurance for school employees (Opinion 305, Noren, June 17, 1971, and Opinion 500, Vanlandingham, November 18, 1969). Similarly, the General Assembly has enacted Section 105.710, House Bill 500, 77th General Assembly, First Regular Session (1973), which gives certain officials the benefits of the Tort Defense Fund as part of their compensation.

Under these principles, we believe that compensation may take the form of dues to service organizations. If, as part of the employment contract, the district and the school employee agree that the district shall pay the dues or membership fees of the employee in a local service organization, then the expenditure would be proper, assuming, of course, that the contract is proper in all other respects.

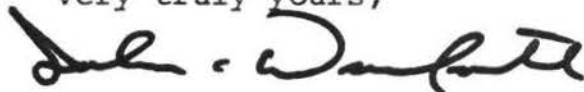
It should be noted that a district may not increase the compensation of any employee during the term of the employee's contract. Opinion 211, Belt, May 6, 1970; Opinion 171, Gralike, May 4, 1971; and Opinion 157, Kenton, October 2, 1973. Therefore if a person is hired on a multi-year contract, the school district may not begin paying that person's dues during the term of his contract, but must wait until a new contract is negotiated upon the expiration of the contract now in force.

CONCLUSION

It is, therefore, the opinion of this office that a school district may use school tax money to pay the membership fees and dues in service organizations for school administrators and teachers as part of their compensation. However, the payments may not begin during the term of an employment contract already in effect, but only at the beginning of a new contractual term.

This official opinion, which I hereby approve, was prepared by my assistant, Richard E. Vodra.

Very truly yours,



JOHN C. DANFORTH
Attorney General

Honorable Edward Stone, Jr.

Enclosures: Op. No. 211
5-6-70, Belt

Op. No. 171
5-4-71, Gralike

Op. No. 157
10-2-73, Kenton

Op. No. 93
9-9-69, Cason

Op. Ltr. No. 27
2-14-72, Dill