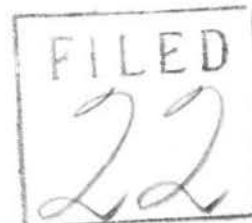


SCHOOLS:-Federal money used to pay teachers may not be considered as a bonus, but is to be applied as part of salary.

10-22
October 15, 1934.



Mr. Gordon P. Dorris,
Prosecuting Attorney,
Alton, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which you inquire as follows:

"Will you please advise me on following questions:

"A school board contracts with a teacher to teach school, contracting to pay \$60.00 per month. During the term of school Federal aid to the extent of approximately \$90.00 is paid to the teacher. In paying the teacher shall the local board deduct amount of Federal aid received from sum it owes to teacher? That is, shall the Federal aid be considered as a part of the teacher's salary, or is that aid to be considered a 'bonus' for the teacher?

"This question has arisen in at least two districts in this county, both districts have funds on hand in the teacher's fund, to meet the monthly salary over and above the Federal aid received. The Federal aid is paid direct to the teacher, not thru the Board at all."

The delay in answering your inquiry has been due to our trying to get a ruling upon the matter about which you inquire from the Federal and State Departments through which this matter is handled. We have been unable, however, to obtain any interpretation dealing with Federal aid to school teachers. The following, however, are some of the rules and regulations in effect as to the payment of teachers during the past school year, as furnished by the Director of the Emergency Educational program:

1. "These additional funds may be used in payment of the salaries only of certified teachers for teaching the regular school work already under way this school year to maintain elementary and secondary schools in such areas and localities for the normal school term, with approximately the same teaching load as the present school year, on and after the date upon which the school had been discontinued for lack of its own funds, and in no case earlier than February 1."

2. "Teachers already employed in the schools, whose sole source of income is their salary, may be continued in their positions. Under similar conditions, those emergency relief funds may also be used to employ properly certificated persons in schools which have already closed or have not been open this year. All teachers who receive compensation from these funds shall be selected by the appropriate school authority and, after certification by relief authorities as to their unemployment status, be assigned to their tasks by such school authority."

3. "The pay of the teachers shall not be higher than that stipulated for the same positions during the current year."

4. "These funds cannot be used for administration, supervision, clerical or janitorial services, or for maintenance, equipment or supplies."

5. "None of these funds can be used to pay back salaries due, or to redeem warrants, script or other evidence of debt."

6. "Relief teachers paid from these funds may not be used to relieve so-called overcrowded conditions in class rooms or to intro-

duce additional subjects or activities in the school."

7. "Teachers' salaries. The salary paid teachers under the Federal Relief program will be the regular contracted salary for this year, provided that same is not excessive. In all cases where a regular salary was not stipulated in the contract the salary allowed under the Federal Relief program will not exceed the salaries paid last year or the average salary paid teachers in similar positions in the same or adjoining counties for this year."

8. "Available funds. Available funds to pay teachers for this year is understood to mean (1) balance on hand, (2) amount received into the teachers fund from county and township funds, (3) amount received into the teachers fund from the railroad, telephone, and telegraph tax, (4) the total amount of local taxes collected for the teachers fund, and (5) the amount received by the district from the state school fund for this school year."

As we understand these regulations it is obvious that the Federal money for teachers was to be used to pay teachers' salaries in instances where the school district is insolvent and not able to carry out the provisions of the contract and thereby keep the schools in session. We cannot believe that it was intended that this Federal money should be a bonus. There appears no sound reason why Federal money should be paid to a teacher where the district is able to pay the teachers the monthly salary which the contract calls for.

Under paragraph 1 of the above regulations it is stated that these additional funds are to be used in paying teachers on and after the date upon which the school had been discontinued for lack of funds. Paragraph 7 provides that the salaries paid to the teachers would be the regular contracted salaries. The entire scheme of the provisions seems to indicate that the purpose of the Federal relief is to help the

various school districts continue their schools and to provide a means whereby teachers, who are employed by districts who do not have available funds, may be paid. We believe, therefore, that the money which is received by the teachers under this Federal program cannot be deemed to be a bonus, but rather is to assist the school district in question to meet the teacher's salary under the terms of the contract. We can see no necessity for using Federal relief money to pay a bonus to teachers who are being paid by the districts which employ them, and it is the obvious purpose, as we gather from the sections, that these Federal funds are only available to assist the school districts in meeting the payments due the teachers.

We had hoped to be able to receive a ruling by the proper Federal authority upon this matter, but were unable to do so. From the information which we have been able to receive we have concluded that the Federal relief money must be considered as a part of the salary and not a bonus, and that the school district in question should pay the balance due after deducting the amount of Federal money received.

Very truly yours,

FRANK W. HAYES,
Assistant Attorney General.

APPROVED:

ROY McKITTRICK,
Attorney General.

FWH:MS