

Relating to the use of State School money apportioned to the several school districts as provided under section 9257, R. S. 1929.

September 27, 1933

10-2



Mr. Ted Frossard,
Prosecuting Attorney Barry County,
Cassville, Missouri

Dear Sir:

This department acknowledges receipt of your letter in which you state and inquire as follows:

"I have been requested by the county superintendent to submit to you the following questions:

Is it lawful for a school board to apply any or all of the August apportionment (1932) of state money back on the 1931-1932 teachers indebtedness when there was a shortage in the teachers fund for 1932-1933, the latter being the year for which said appointment was made and intended?

May a board of directors or school board lawfully use the money received from the state in August, 1933 for any purpose other than for teachers, when the teachers for that district have not been fully paid for the year 1932-1933?"

Section 9259 R. S. 1929, reads as follows:

"The state superintendent of public schools is hereby authorized to correct any error made in the apportionment of the public school funds among the various counties of this state out of the public school fund of the year next following the date when such mistake was made, and the

amount set apart to any county for the purpose of correcting an error shall be by him certified to the state auditor and to the county clerk, and the state auditor shall draw a warrant on the state treasurer for the amount so certified in favor of the treasurer of said county, and the county clerk shall apportion said funds to the various districts in said county as the funds of the year in which said error occurred, and the county treasurer may pay outstanding warrants for teachers' wages issued during the school year in which said error occurred, not to exceed the correction made."

Now, I have quoted the above section to get the Legislative intent as to what school year the public school funds are intended to apply and to my mind it clearly appears that the public school funds are intended for teacher's wages for the school year in which said apportionment is made; that is to say, the apportionment received by a school district in August 1933, must go for teachers' wages for the school year beginning July 1, 1933.

We hold that a school board cannot lawfully use the public money received in August, 1932, for a deficit occurring in the school year beginning July 1, 1931.

Section 9312, R. S. 1929, which is applicable here, reads as follows:

"All moneys received from the State, County and Township funds, and all moneys derived from taxation for teachers' wages, and all tuition fees shall be placed to the credit of the teachers' fund, etc."

From the above provision it is clear that all State school

Mr. Ted Frossard

-3-

September 27, 1933

money must be placed to the credit of the teachers' fund,
and cannot lawfully be used for any other purpose.

Yours very truly,

W. W. Barnes

Assistant Attorney General

APPROVED

ATTORNEY GENERAL.