

SCHOOL FOR THE DEAF:

Board of Managers have exclusive and discretionary power to discharge persons enrolled therein.

January 12, 1934. 1/12



Hon. Truman L. Ingle
Superintendent
Missouri School for Deaf
Fulton, Missouri

Dear Sir:

This office acknowledges receipt of your letter dated January 12, 1934, as follows:

"I am most anxious to get from you, an opinion regarding the powers and authority of the Board of Managers of the Missouri School for the Deaf. I wish, particularly, to know their authority in regard to discharging pupils, and whether or not, it is within their power to decide when and for what cause a pupil shall be dismissed from this school.

As there is a case now pending, an immediate reply from you will be greatly appreciated."

Section 9688 R. S. Mo. 1929, provides:

"The 'Missouri school for the blind' at Saint Louis, and the 'Missouri school for the deaf' at Fulton shall be regarded, classed and conducted wholly as educational institutions of the state."

Section 9689 R. S. Mo. 1929, in part pertinent, reads:

"The government of each of these schools shall be vested in a board of managers, etc."

Section 9692 R. S. Mo. 1929, provides:

"All blind and deaf persons under twenty-one (21) years of age, of suitable mental and physical capacity, who are residents of this state, shall be entitled to admission to the school for the blind and the school for the deaf, respectively. All admissions and discharges, and the length of the period of instruction of each pupil, shall be determined by the board of managers."

In *Bellerive Inv. et al., v. Kansas City et al.*, 13 S. W. (2d) 628, the Supreme Court, l. c. 638, said:

"One of the cardinal rules of statutory interpretation and construction is that words in common use are to be construed in their natural, plain and ordinary signification and acceptation."

The words (pertinent to a determination of your inquiry) used in Section 9696, supra, are unambiguous and thus must be construed in their natural, plain and ordinary signification and acceptation. Attention is directed to the word "all" found therein ("all admissions and discharges * * * shall be determined etc.")

Webster defines the word "all" to mean:

"The whole quantity, extent, duration, amount, quality or degree of; the whole; the whole number of, etc."

The purpose of the School for the Deaf is to give free instruction to persons, residents of this State, under twenty-one years of age, of suitable mental and physical capacity, and the Board is intrusted with this duty. Discharging of pupils should be for cause and should not be abused. Mere whim or dislike of a person should not cause his discharge. However, if a person is immoral, mentally unfit, or for any other reason a hindrance, then he should be discharged. The act, or acts, that go to make up that which the Board decides is sufficient to discharge a person is left entirely to the said Board of Managers' discretion.

It is our opinion that it is within the power of the Board of Managers of the Missouri School for the Deaf to decide when, and for what cause, a pupil shall be discharged from the school. But said power should not be arbitrarily abused.

Yours very truly,

James L. HornBostel
Assistant Attorney-General.

APPROVED:

ROY McKITTRICK
Attorney-General.

JLH:EG