

SCHOOLS: A six-day school week for the purpose of accelerating the termination of a school term, is within the discretion of the school board.

January 20, 1942

Mr. Lloyd W. King
Superintendent of Schools
State of Missouri
Jefferson City, Missouri



Dear Sir:

This Department is in receipt of your request for an official opinion, which reads as follows:

"We are receiving many letters like the one attached inquiring whether it will be possible to use Saturdays for school sessions to shorten the length of term. Such use would, of course, make a six day school week.

"In Section 10362, Revised Statutes, 1939, the statement is made that the school week shall consist of five school days. Does this mean a minimum of five days or is it mandatory that the school week be only five days? Please advise us on the interpretation of this section."

Article 2 of Chapter 72 of the Revised Statutes of Missouri, 1939, contains "Laws applicable to all classes of schools." Section 10324 of that article provides in part as follows:

"Whenever any school district in this state, now organized or that may be hereafter organized under the laws of this state, shall fail or refuse, for

the period of one year, to provide for an eight months' school in such year, provided a levy of forty cents on the one hundred dollars' valuation, together with the public funds and cash on hand, will enable them to have so long a term, the same shall be deemed to have lapsed as a corporate body, * * * * *

This section is construed in State ex rel. Whetchel v. Claxton, 263 Mo. 701, 173 S. W. 1049, as follows:

"The clear intendment of the statute is to compel, under penalty of losing its corporate existence, every such school district to have an eight months' term of school."

Section 10362, R. S. Mo. 1939, provides as follows:

"The school day shall consist of six hours occupied in actual school work; the school week shall consist of five school days, except when Thanksgiving day, December 25, February 22 or July 4 shall fall upon a regular school day, then the four remaining school days, if taught, shall constitute a legal school week; the school month shall consist of four weeks, and the school year shall commence on the first day of July and end on the thirtieth day of June following."

We believe it is obvious that Section 10362, supra, is merely a statute defining various terms used in the article and does not in any way provide or set forth a scheme of procedure or administration of school matters. This section defines a "school month" as consisting of four weeks of five days each. We, therefore, use this definition to determine the minimum term that is required by Section 10324, supra.

That section provides that there must be a term of eight school months. It apparently means that the school must be in session one hundred sixty days out of the year.

Section 10340, R. S. Mo. 1939, provides that:

"The board shall have power to make all needful rules and regulations for the organization, grading and government in their school district
--* * * * *"

As was said in State ex rel. O'Bannon v. Cole, 220 Mo. 697, 119 S. W. 424:

"This court, however, has always recognized the right of the school boards of the state to make reasonable rules for the regulation of their respective schools."

Therefore, since the only requirement imposed by our school law is that there must be a term each year of at least thirty-two school weeks, that is, one hundred sixty days, we believe it is left to the sound discretion of the school board as to when the pupils of its district are to attend the school. As long as the minimum requirements of the statutes are complied with by the school board then any rule and regulations of the board in carrying out such a law is reasonable.

In State ex rel. Lewis v. Graves, 219 N. Y. S. 189, the Appellate Division of the Supreme Court of the State of New York said in regard to the practice in that state of dismissing children one hour each week to attend religious instructions outside of the school:

"* * The minimum number of days for schools to be in session is fixed, * * *. See Education Law, Secs. 620, 621, as amended by Laws 1921, c. 386. Much is left to the judgment of local authorities, to

whom management of schools is intrusted, subject to advice and direction of the commissioner. There is no claim that the children did not take the prescribed subjects, or failed to attend the prescribed number of days; * * * *."

Therefore, we believe that a school board may by rule and regulation provide for a six-day week so as to accelerate the school term.

Conclusion

It is, therefore, the opinion of this Department that every school district which has a levy of forty cents or more on the one hundred dollars valuation, is required by Section 10324, R. S. Mo. 1939, to provide for a term of eight school months, which, under Section 10362, R. S. Mo. 1939, means one hundred sixty days. It is further the opinion of this Department that a rule and regulation of a school board that school shall be held six days a week, thereby accelerating the termination of the school term, is proper and reasonable.

Respectfully submitted,

ARTHUR O'KEEFE
Assistant Attorney-General

APPROVED:

VANE C. THURLO
(Acting) Attorney-General

AOK:EG