



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable L. A. Woods
State Superintendent of Public Instruction
Austin, Texas

Dear Sir:

Opinion No. 0-5535
Re: Whether under facts stated
the Department of Education
is authorized to approve the
salary of the teacher in
question on a twelve months'
basis.

Your request for opinion has been received and
carefully considered by this department. We quote from your
request as follows:

"Article 3, Section 2 of House Bill
176, Acts of the 48th Legislature, which
is the current Equalization Aid Law, pro-
vides that the salary of vocational agri-
culture teachers may be approved for 12
months. You will recall that Article 2657
empowers the State Superintendent to issue
instructions, regulations, or interpreta-
tions of the school law.

"Since the law does not define voca-
tional work, the Committee on the Classi-
fication and Accreditation of Schools, of
which I am chairman, and which consists of
20 members and represents all types of
schools and colleges and serves as my
advisory committee in making such regula-
tions and interpretations, has defined
vocational work on page 18 of Bulletin 438.
This definition states in part:

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"Whether or not the credit is Vocational depends upon the subject matter offered and credits earned rather than the method of financing the cost of instruction."

"This means that if the work is accredited, it is vocational; and if it is not accredited, it is simply agriculture, or whatever the subject might be.

"The Sweet Home School District in Guadalupe County has a two-teacher colored school that is unaccredited. The principal, Mr. Robert V. Arnold, teaches agriculture as one of his subjects, and they have requested \$127.50 per month for 12 months from Equalization Aid Funds for his annual salary. We have approved him for \$127.50 per month on an 8-months' basis for a total of \$1,020 for the reason that the work is not accredited. The State Board for Vocational Education has added \$450 State and Federal subsidy to this amount.

"This question: Since the work is not accredited and since the teacher is not a full-time agriculture teacher, are we authorized to approve his salary on a 12-months' basis?"

Section 2 of Article 3, H. B. 176 of the 48th Legislature of Texas, as amended by H. B. 3, Acts of the 49th Legislature of Texas, 1945, reads as follows:

"Section 2. Salary Schedule and Length of Term. The base pay for classroom teachers in unaccredited schools shall be Ninety-five Dollars (\$95) per month for eight (8) months. The base pay for classroom teachers in accredited schools shall be One Hundred Dollars (\$100) per month for nine (9) months. Two Dollars and Fifty Cents (\$2.50) per month shall be added for each year of college credit over one year not to exceed Ten Dollars (\$10). One Dollar and Fifty Cents (\$1.50) per month shall be added for each year of teaching experience; provided such amount added for experience shall not exceed Fifteen Dollars (\$15) per month. Additional allowances for teachers serving as principals and/or superintendents

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shall be the same as was provided for the year 1942-43. The annual salary of teachers in accredited schools shall be the monthly salary multiplied by nine (9). The annual salary of teachers in UNACCREDITED schools shall be the monthly salary multiplied by eight (8). The annual salary of Superintendents of ACCREDITED schools with eight (8) or more recognized affiliated credits and entitled to six (6) teachers or more under Section 1 of this Article, Vocational Agriculture teachers, and Trades and Industries teachers, shall be the monthly salary as determined by schedule stated herein multiplied by twelve (12). The annual salary of Home Economics teachers shall be the monthly salary as determined by said schedule multiplied by ten (10). All such authorized salaries may be paid in twelve (12) equal payments, which shall not exceed the contract or the salary schedule, beginning with September 1st of each year. Salaries of Superintendents and Vocational teachers may begin on July 1st rather than September 1st. All schools of the accredited class receiving aid shall provide a term of approximately nine (9) months, and schools of the unaccredited class receiving aid shall provide a term of approximately eight (8) months. An accredited school is herein defined as a school teaching either the elementary grades, the elementary grades plus two (2) years of high school, or the elementary grades and four (4) years of high school and recognized by the State Department of Education as doing standard work. Should any school district eligible to receive Salary Aid under the provisions of this Act maintain a salary schedule in excess of the salary schedule stated herein with revenue listed as receipts in the budget, the amount of salary aid received by such school district shall be reduced by the amount of such excess. It is further provided as a temporary method to more adequately compensate teachers in state aid schools for the school year 1944-45, that in addition to the base salary, increments, and allowances, authorized in this Section, there shall be paid to teachers, teaching in state

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aid schools, an amount not to exceed Seventy-five Dollars (\$75) at the end of each of the last four (4) school months of the school year 1944-45; provided, however, this increase shall apply only to those teachers who receive their salary exclusively from State Available, Local Maintenance and Rural Aid Funds." (Emphasis ours.)

Under the facts stated, we think you have correctly decided the matter. Your question, therefore, is accordingly answered in the negative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

Wm. J. Fanning

By Wm. J. Fanning
Assistant

WJF:bt

APPROVED APR 28 1945
[Signature]
FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED
OPINION
COMMITTEE
BY *BWTS*
CHAIRMAN