



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**PRICE DANIEL  
ATTORNEY GENERAL**

October 15, 1947

Hon. Graham Bruce  
County Attorney  
Orange County  
Orange, Texas

Opinion No. V-406

Re: Construction of Sec. 2,  
Art. III, Ch. 228, H.B.  
295, 50th Leg., 1947.

Dear Mr. Bruce:

Your request for an opinion of this Department is substantially as follows:

"The Orange County School Superintendent and the Superintendent of the Orange Independent School District have requested my opinion on the construction of Section 2, Article III, of Chapter 228 of the laws enacted by the Fiftieth Legislature (H. B. 295).

"One. Is a teacher who has received an M. A. degree and who has completed one or more years of college training after having received said M. A. degree entitled to a raise of \$25.00 per month for each year of such additional years of college training?

"Two. Is a teacher who has received a Ph. D. degree entitled to receive \$25.00 per month extra for each year of college training after the receipt of an M. A. degree, or to just one \$25.00 raise regardless of the number of years college training required between the receipt of an M. A. degree and the receipt of a Ph. D. degree?"

Section 2, Article III, H. B. 295, 50th Legislature, 1947, is in part as follows:

"Salary schedule and Length of Term. The base pay for classroom teachers in unaccredited schools shall be One Hundred and Forty-eight Dollars (\$148) per month for eight (8) months. The base pay for classroom teachers in accredited

schools shall be One Hundred and Forty-eight Dollars (\$148) per month for nine (9) months. The base pay for Vocational Agriculture, Vocational Home Economics, and Trades and Industries teachers shall be One Hundred and Twenty-four Dollars (\$124) per month for twelve (12) months in both accredited and unaccredited schools. Twenty-five Dollars (\$25) per month shall be added for each year of college credit over one (1) year. Six Dollars (\$6) per month shall be added for each year of teaching experience not to exceed Seventy-two Dollars (\$72) per month. To receive credit for each year of college training beginning with the fourth year, a recognized Degree appropriate to each year of college training must have been conferred.  
... (Emphasis ours)

The determination of your questions requires a construction of that portion of Section 2 of Article III of said Act which relates to increments for each year of college training prior to and after the conferring of an appropriate degree for each year of college training after the fourth year. The Act contemplates that a teacher shall receive \$25 per month for each year of college credit over one year. Therefore, a teacher with two years of college training would receive a \$25 increment, and for three years \$50. Beginning with the fourth year a degree appropriate to each year of college training must have been conferred to be entitled to an additional increase. The teacher upon whom a B. A. degree, or its equivalent, is conferred would be eligible for \$75 and an additional year's work and the conferring of a Masters degree would qualify a teacher for \$100. This Department interprets the provision relating to a Ph. D. degree as meaning that a teacher would not be entitled to an additional increase until the Ph. D. degree is conferred, at which time an additional increase of \$50 would be allowed qualifying the teacher for a total of \$150 in increments. A Ph. D. degree presupposes two years of additional college training. No extra increase is allowed for the intervening years of college work, but the same is predicated upon the conferring of a Ph. D. degree. The increase in pay is conditioned upon an appropriate degree for each year of college training beginning with the fourth year. It is our opinion that the foregoing is a reasonable and proper construction of said Section 2, Article III, of the Bill and that both your questions should be answered in the negative.

Since the enactment of the provision under discussion, the State Department of Education has adopted the practice of allowing \$25 per month increase for a Masters degree and \$50 per month for a Ph. D. degree. It is the opinion of this Department that such a construction placed upon the Act in question is reasonable and sound and in the absence of Texas authority to the contrary, the departmental construction should be followed.

SUMMARY

A teacher, upon whom a Masters degree is conferred, is not entitled to \$25 per month increase in pay for each year of additional college training until the Ph. D. degree is conferred. When the Ph. D. degree is conferred, such teacher is entitled to an additional \$50 per month. The increment or increase in pay allowed in Section 2 of Article III, H. B. 295, 50th Leg., is predicated upon the receipt of an appropriate degree for each year of college training beginning with the fourth year.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

  
Burnell Waldrep  
Assistant

BW:djm

APPROVED:

  
ATTORNEY GENERAL