

Opinion No. 496.**Schools—Joint School Districts—Registered Warrants, Payment of—Teachers.**

HELD: In the absence of any statutory provisions regulating the custody of funds and payment of registered warrants in elementary joint school districts, it is reasonable to follow the provisions governing high schools in the same matter.

A teacher should not be made to suffer where school officials have caused her to register warrants in the county of a joint school district which does not have custody of the funds, and not in the county which does, since the obligation is an obligation of the district.

February 26, 1934.

You submit the following matter and request an opinion thereon:

"During the year 1931-32, one Mrs. W. L. Viebrock taught School District No. 89, which is a joint school district with Musselshell County. She received registered warrants to the amount of \$260.00 registered from December 10, 1931 to May 2, 1932, in Musselshell County. During the Summer of 1932, the County Superintendent of Golden Valley ordered that all the business of said school district be transacted in Golden Valley County, the place where the school house was and is now situated. No school was held during the school year of 1932-33. During the school year of 1933-34, school is being held in said county, and registered warrants are threatened to be paid out of funds in the Golden Valley County leaving the previous registered warrants in Musselshell County unpaid.

"All warrants should be paid in the order of their registration, and it seems to me the place or county within which they may be is immaterial; but how to handle this situation, I cannot tell unless we obtain some court order to transfer the registered warrants in Musselshell County, retaining the original date of registration of Musselshell County warrants so as to be ahead of the Golden Valley registered warrants. How else the trustees could effectively make arrangements to get the same results, I am unable to determine."

There is no statute relating to your problem as far as it applies to elementary schools, and we find no court action in which it is involved, but we think the legislative intent in such a matter may be assumed from a provision of the statute relating to high schools where such a situation is provided for.

Section 28 of Chapter 178, Laws of 1933, provides as follows: "The County Treasurer of each county in which any part of a joint school district, maintaining a high school, or high schools, is situated, shall, on the fifteenth day of December in each year, and at the end of every three (3) months thereafter, transmit all moneys in his possession belonging to such joint school district, to the County Treasurer of the county required to keep the budget and high school accounts of the joint district." In the absence of any statutory provision regulating this matter in elementary schools, we think it reasonable to follow the provision governing high schools in the same matter. If this cannot be done and no other satisfactory adjustment can be made, we think your next best course could be to submit the matter to the district court and get the Court's interpretation of the duty of the school officials in the premises.

While warrants must be paid in the order of their registration, except where otherwise provided by statutes, and the teacher's warrants to which you refer are not registered in one of the counties in which a part of the school district is located, yet the warrants are an obligation of the district, and the registration in one county was, no doubt, due to the acts of the school officials. The dilemma confronting the teacher is probably not due to any neglect or fault of the teacher, and the teacher should not be made to suffer from the negligent acts of the school officials.