

School Teachers, Salary of When Attending State Teachers' Association.

The law does not authorize boards of school trustees to allow teachers salary when attending a meeting of the State Teachers' Association held during a state vacation in the public schools. Sections 1843 and 1903, as amended by the Political Code, designate the only days for which teachers may be paid salary when not actually teaching school.

Helena, Montana, Dec. 24th, 1906.

Hon. W. E. Harmon,
Supt. Public Instruction,
Helena, Mont.

Dear Sir:—

Your letter of the 22nd inst., requesting opinion from this office upon the following question, received.

“Is a board of school trustees, under the provisions of the school law authorized to pay its teachers the regular salary or any salary for attendance upon meetings of the State Teachers' Association, taking place during a state vacation.”

Section 1843 of the Political Code provides that a school month consists of twenty school days, or four weeks of five days each. This means that where a teacher is hired at so much per month that he must teach twenty school days for a month. The only exceptions found in the law whereby they are permitted to receive money for days in which they are not actually engaged in teaching school are Christmas Day, the first day of January, July 4th, February 22nd, May 30th, first Monday in September, general election day in November, and the day appointed by the President or the Governor as a day of thanksgiving. If any of these days fall on a day which otherwise would be a school day, the teacher is entitled to his salary although he does not actually teach school; also section 1903 of the same code, as amended by the laws of 1905, page 137, provides that every teacher engaged in teaching a term of school in any district during the time of holding a teachers' institute in a county shall attend such institute without loss of salary for the actual time spent in attending such institute or for the actual time spent in going to and returning from the same.

The above provisions are the only ones we find in the law whereby the trustees are authorized to allow the teacher's salary for days in which they are not actually teaching school, and your are, therefore, advised that the trustees have no authority to allow the teacher the

regular salary, or any salary, during the time they are attending a meeting of the State Teachers' Association, as no provisions is made for the same by law.

Very truly yours,

ALBERT J. GALEN,

Attorney General.