

SCHOOLS: Enlarge school district entitled to receive state aid as provided in Senate Bill 143 when building program was begun before effective date of said bill but will not be completed until after said date. Enlarged school district with more than 250 pupils enrolled entitled to additional building aid under Senate Bill No. 143 in carrying out an additional building program.

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Mr. Hubert Wheeler
Commissioner of Education
Department of Education
State Capitol Building
Jefferson City, Missouri

Dear Sir:

Your letter at hand requesting an opinion of this department, which, in part, reads:

"Senate Bill No. 143 of Laws 1951, applicable to reorganized school districts, repealed Section 165.697 and re-enacted the same section with some additional provisions for providing state building aid to reorganized districts in which it is necessary to erect an equip new buildings. This law appears to be broad enough to include all reorganized districts which have been formed since the enactment of the basic act of 1948. All reorganized districts can qualify for building aid up to \$25,000 if they meet the requirements of the law. A few of the larger districts will qualify for aid in excess of \$25,000 but not to exceed \$50,000. The new law takes effect March 18, 1952.

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"I shall be glad to have your advice and official opinion in regard to the following questions:

1. Could a reorganized school district in which more than 250 pupils are currently

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enrolled and which has never received building aid, qualify for the additional aid in excess of \$25,000 as provided in the law if the school building program started before the taking effect of the new law March 18, 1952, but such building program would not be completed until after the present law expires and the new law becomes effective?

2. If a reorganized district, that has already completed its building project and received the maximum building aid before the effective date of the new law, cannot qualify for any additional aid on its completed building program would it be possible for such districts, if the current enrollment was greater than 250 pupils, to qualify for the additional building aid as provided in the law if an additional required building program was initiated and carried out at some future date after the law is in effect?"

In answering the questions which you have submitted it becomes necessary to construe Section 165.697 of Senate Bill No. 143, which becomes effective March 18, 1952. That section provides:

"All school districts enlarged under sections 165.657 to 165.707 in which the erection of one or more new school buildings or additions to one or more existing buildings is made necessary by reason of such reorganization, state aid shall be provided in the amount of one-half of the cost of said building or buildings, addition or additions and equipment up to twenty-five thousand dollars for any enlarged district. Any district formed under sections 165.657 to 165.707 shall receive said building aid in the amount of one-half the cost of said building or buildings, addition or additions and equipment at the rate of one hundred dollars per pupil times total number of pupils currently enrolled in school or

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schools of said district as certified by the board of education of said district to the state board of education when such amount may exceed twenty-five thousand dollars, but total state aid for this purpose shall not exceed fifty thousand dollars for any enlarged district. All building plans shall be approved by the state board of education. When the conditions herein prescribed have been complied with, and when at least one-half of the building program has been completed as determined by the state board of education, one-half of the money due any enlarged school district shall be certified by the state board of education to the state comptroller for his approval and warrants shall be issued for the amount due and payable to the treasurers of the several counties of the state; and upon the completion of the building program the balance of the money due any enlarged school districts shall be certified by the state board of education to the state comptroller for his approval and warrants shall be issued for the balance due and payable to the treasurers of the several counties of the state."

The above section, as did the old section of the same number, now appearing in the Revised Statutes of 1949, applies to all enlarged school districts organized under Sections 165.657 to 165.707, RSMo 1949.

The new section principally differs from the old section in that the amount of state aid is increased to a maximum of \$50,000 which may be received by the larger districts, based on the number of pupils enrolled. The new statute further provides when an enlarged district can receive payment of the state aid.

In the new statute, as well as the old, we perceive the underlying purpose of the Legislature in enacting the statute to be that of assisting enlarged school districts to provide adequate building facilities. In other words, with the organization of enlarged districts encompassing several smaller school districts, the need for additional building facilities and equipment was foreseen to properly carry on the school program within said enlarged districts. Inasmuch as this would require considerable expenditure of funds by the enlarged districts, the Legislature has undertaken to assist them with this

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burden by providing financial aid from funds made available by the state.

Therefore, in construing Section 165.697, supra, we must do so with its primary purpose in mind, for it is a cardinal rule of statutory construction that legislative acts must be construed according to the purpose of the enactment. Inre Gartsides Estate, 357 Mo. 181, 207 S.W. (2d) 273; State v. Toombs, 324 Mo. 819, 25 S.W. (2d) 101; Lusk v. Public Service Comm., 277 Mo. 264, 210 S.W. 72.

In State ex rel. Rodgers v. Pretended Consolidated School Dist. No. 1, 359 Mo. 639, 223 S.W. (2d) 484, 488, the court, with reference to school statutes, said:

" * * * We may not capriciously ignore the plain language of the statute but in determining what the language really means we may consider the entire purpose and policy of the statute and 'the language in the totality of the enactment' and construe it in the light of 'what is below the surface of the words and yet fairly a part of them.' The meaning of statutes and particularly the meaning of our school statutes may not be found in a single sentence but in all their parts and their relation to the end in view or to the general purpose. * * * "

Turning again to Senate Bill No. 143, under the provisions of Section 165.697 before an enlarged school district is entitled to any state aid as provided by the statute its building plans must be approved by the State Board of Education and at least one half of the building program must be completed as determined by said Board.

In considering your first question we assume that the plans for the building program started before March 18, 1952, have been or will be approved by the State Board of Education. We further assume that on March 18 there will not have been any determination by the State Board of Education relative to the degree of completion of the building program, and also that as of that date no state aid will have been paid to the enlarged district in connection with its current building project.

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Consequently, the situation which you present is that of an enlarged district initially seeking state aid subsequent to March 18, 1952. Presumably some kind of application or request for state aid will be made by the enlarged district to the State Board of Education, among other things stating that the building program is at least one half completed and requesting payment of one half of the amount of state aid to which the school district is entitled.

It is our thought that under this state of affairs the State Board of Education in taking appropriate action relative to the application or request by the enlarged school district for state aid would be governed by the provisions of the law then in effect. Such would be contained in Section 165.697 of Senate Bill No. 143, and under that section the qualifications of the school district for state aid would be determined.

It would therefore follow that under the provisions of the law then in effect the enlarged school district with more than two hundred and fifty pupils enrolled would, under the facts stated in your first question, be entitled to the additional aid in excess of \$25,000, to be paid in the manner provided in Section 165.697, supra.

Giving this construction to the statute we believe effectuates the purpose of the law as contemplated by the Legislature.

Now to proceed to your second question. Under the facts you have outlined it would appear that an enlarged district has already conducted a building program to its completion prior to the effective date of Senate Bill No. 143, and has been paid the maximum benefit or state aid as provided in Section 165.697, RSMo 1949, which was then in effect.

It is conceivable that under these circumstances the enlarged district carried out a building program within its financial limitation, and had more funds been available at the time the building program was being conducted a more extensive project commensurate with actual building needs would have been undertaken.

Therefore, if subsequent to the taking effect of Senate Bill No. 143, additional building facilities were still necessary as a result of reorganization to adequately carry on the school program within the enlarged district, and the additional program would in effect be an extension to the one originally initiated, we believe that said district could qualify for state aid under Section

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165.697 of Senate Bill No. 143. But with this conclusion we are confronted with the problem of determining the amount of state aid an enlarged district would be entitled to receive under Senate Bill No. 143 where said district has already received the maximum building aid under the old law.

Looking again to the effect and purpose of the new law as compared to the old law, we first note that both laws intended to allow state aid for building projects in an amount up to one half the cost of the project within certain limitations.

Under the old law the maximum amount which could be received by any enlarged school district was \$25,000.

Under the new law the maximum amount was increased to \$50,000, however, this additional amount over \$25,000 is only made available to larger school districts with more than 250 pupils on the basis of pupil enrollment.

Enlarged school districts with 250 pupils or less can, under no circumstances, receive more than \$25,000 building aid regardless of the cost of the building program. Consequently, a smaller district (250 pupils or less) which has heretofore received \$25,000 building aid has received the maximum aid and could not qualify for additional aid under the new law.

As heretofore noted, a larger district (over 250 pupils) is entitled to receive one half the cost of a building project up to the maximum amount of \$50,000. Such we perceive to be the intent of the Legislature.

It therefore becomes necessary to consider what a larger district has already received in determining the amount of aid it can qualify for under the new law.

For example, if a district with 500 pupils has heretofore received \$25,000 under the old law, and after the effective date of the new law it builds another \$100,000 building it could only receive another \$25,000. If, after the new law becomes effective, it erects a building, or an addition to one in existence, costing less than \$50,000 it could only receive one half the cost thereof although that amount added to the \$25,000 previously received would be less than \$50,000.

The amount of building aid a larger district could receive under the new law is further regulated by the number of pupils enrolled. For example, if a larger district with 300 pupils enrolled had previously received aid under the old law in the amount of \$10,000

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for erecting a building, or an addition, costing \$20,000, and after the new law becomes effective it erects a building costing \$80,000, it could receive maximum aid in the amount of only \$30,000, which would be at the rate of \$100 per pupil times the total number of pupils enrolled.

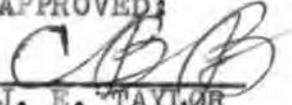
Therefore, in answer to your second question an enlarged district with more than 250 pupils would be entitled to additional building aid under Section 165.697 of Senate Bill No. 143 in excess of the maximum received under the old law in carrying out an additional building program made necessary by reorganization. However, said aid combined with that previously received could not exceed \$50,000, could not exceed more than one half the cost of the new building program nor could it exceed the amount computed at the rate of \$100 times the total number of pupils enrolled.

CONCLUSION

It is therefore the opinion of this department that an enlarged school district which has started a building program prior to March 18, 1952, but which will not be completed until sometime after that date, would be entitled to state aid as provided in Senate Bill No. 143, enacted by the 66th General Assembly, when no state aid has been previously received.

Further, it is our opinion that an enlarged district with more than 250 pupils would be entitled to additional building aid under Section 165.697 of Senate Bill No. 143 in excess of the maximum received under the old law in carrying out an additional building program made necessary by reorganization. However, said aid combined with that previously received could not exceed \$50,000, could not exceed more than one half the cost of the new building program, nor could it exceed the amount computed at the rate of \$100 times the total number of pupils enrolled.

APPROVED:


J. E. TAYLOR
Attorney General
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Respectfully submitted,

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