

March 3, 2000
OPINION No. 00-0037

**96 - SCHOOLS AND SCHOOL DISTRICTS - FISCAL
MANAGEMENT, DEPARTMENT OF SECURITIES
AND TAXATION**

LSA-R.S. 17:421.3

LSA-R.S. 17:422

LSA-R.S. 17:421.3(E)(1) LSA-R.S. 17:422(B)(1)

In the facts you have provided, it appears that the salaries that the teachers-in-question are receiving is in compliance with the minimum salary schedule in LSA-R.S. 17:421.3. In response to your question, a city or parish school board may not redirect a teacher's supplemental salary funds for any purpose other than teachers salaries. As discussed in *Kuehn*, an individual's supplemental pay may be reduced provided the funds are not redirected to other non-salary purposes. Additionally, as discussed in Attorney General Opinion No. 97-64, there is no legislative requirement that a teacher's pay supplement reflect the extended work contracts of 9, 10, 11 and 12 month contracts.

The Honorable Wilson Fields
Louisiana State Senator, 15th District
P. O. Box 94183
Baton Rouge, Louisiana 70804

Dear Senator Fields:

I am in receipt of your request for an Attorney General's opinion concerning the following:

May a public school board redirect local supplemental salaries previously paid to individual teachers?

You state the following facts in your request:

The Tangipahoa Parish School Board employees Vocational Agriculture teachers to work on a twelve month basis. Until the 1997-98 school year, these teachers received the state minimum salary plus a local parish settlement. Until the 1997-98 school year, their salary over the three summer months was based upon 12/9 of the regular teacher salary, which included the parish supplement.

Effective the 1997-98 school year, the Tangipahoa Parish School Board changed the method of calculating their salary. Whereas their summer salary was previously based upon 12/9 of the salary of a regular teacher, including the supplement, under the new formula, this three month salary is based only upon the state minimum salary schedule. Therefore, for nine months, Vocational Agriculture teachers receive both the state minimum salary schedule together with a parish supplement, but for three months, they receive only 12/9 salary based only upon the state minimum salary schedule.

Due to other salary increases, the total amount of their annual salary was not reduced. However, salary that they previously received in the form

The Honorable Wilson Fields

OPINION NO. 00-37

Page - 2 -

the parish supplement began to be redirected to other purposes.

In Attorney General Opinion No. 99-312, we were presented with these identical facts and addressed this specific issue for the Tangipahoa Parish School Board. This opinion is still the opinion of our office. Attached please find a copy of this opinion.

You express some concern about LSA-R.S. 17:421.3(E)(1) and the effect it might have concerning this matter. The language currently found in LSA-R.S. 17:421.3(E)(1) was enacted by Act 1993, No. 398 §1 which would have been enacted prior to the ruling of *Kuehn v. Calcasieu Parish School Board*, 647 So. 2d 544 (La. App. 3d Cir. 1994) as well as prior to the release of Attorney General Opinion Numbers 97-64 and 99-312.

In the present case you have indicated that the amount of the annual salary paid to the teachers in any school year has not been reduced below the amount of such salary paid during the previous year. Also, the amount of the annual salary paid to any teacher has not been reduced during the academic year. Therefore, there is not violation of LSA-R.S. 17:421.3(E)(1).

As discussed in Attorney General Opinion No. 97-64:

“[t]here is no legislature requirement that a teacher’s local pay supplement be included within any extended work contracts of 10, 11 and 12 months. LSA-R.S. 17:422(B)(1) requires only that 12 month vocational agriculture teachers be paid a salary at the same monthly rate as provided in the minimum salary schedule.

I hope this opinion sufficiently addresses your concerns. If I can be of further assistance, please let me know.

Very truly yours,

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY: _____
BETH CONRAD LANGSTON
ASSISTANT ATTORNEY GENERAL

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In the facts you have provided, it appears that the salaries that the teachers-in-question are receiving is in compliance with the minimum salary schedule in LSA-R.S. 17:421.3. Therefore, in response to your question, a city or parish school board may not redirect a teacher's supplemental salary funds for any purpose other than teachers salaries.

As discussed in *Kuehn*, an individual's supplemental pay may be reduced provided the funds are not redirected to other non-salary purposes. Additionally, as discussed in Attorney General Opinion No. 97-64, there is no legislative requirement that a teacher's pay supplement reflect the extended work contracts of 9, 10, 11 and 12 month contracts.

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BETH CONRAD LANGSTON
ASSISTANT ATTORNEY GENERAL