



**THE ATTORNEY GENERAL
OF TEXAS**

Gerald C. Mann

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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Hon. T. M. Trimble
First Assistant State
Superintendent of Public
Instruction
Austin, Texas

Opinion No. O-4033
Re: Whether independent school
district may make deductions
from salaries of teachers for
hospitalization plan.

Dear Sir:

We have received your letter of recent date asking the opinion of this department upon the above captioned question. We also have the letter of September 19, 1941, from Mr. E. W. Jackson, Superintendent of the Beaumont Independent School District, to Dr. L. A. Woods, State Superintendent, and the letter of October 8, 1941, from Mr. T. N. Whitehurst, East Texas Manager of the Pan-American Life Insurance Company, to Mr. Jackson. We quote the following from Mr. Jackson's letter to Dr. Woods:

"The plan proposed would provide for no financial obligations on the part of our Board of Education unless it be for a slight amount of clerical work necessary in making the monthly deductions from the salaries of teachers participating in the hospitalization plan."

We know of no reason why teachers of independent school districts should not be allowed to avail themselves of the benefits of a hospitalization plan. This would be purely a private undertaking, and there is nothing in the statutes or in their employment which would prohibit such an undertaking on their part.

You wish to know whether the clerical work of making monthly deductions from the salaries of the teachers may be done by the district.

The proposed plan imposes no financial obligation on the part of the district. The teachers would enter the plan on a purely voluntary basis, and we see no reason why the teachers may not authorize the district to make deductions from their salaries for payment of the premium. As we have mentioned above, participation in the plan is purely voluntary;

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therefore, the teachers could withdraw both their membership in the plan and their authorization to the district to make the deductions at any time.

It is, therefore, the opinion of this department under the facts submitted to this department that the teachers of an independent school district may enter the described hospitalization plan, and the district may make the monthly deductions from the salaries of the teachers participating in the plan for payment of the premium. This view is especially strengthened by Article 2883a, Vernon's Annotated Civil Statutes, which provides for the assignment of salaries of school teachers under conditions therein stated.

We want to emphasize that we express no opinion except as to the particular facts disclosed herein, and this opinion is limited accordingly.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By/s/ George W. Sparks
George W. Sparks, Assistant

APPROVED OCT 23, 1941
/s/ Grover Sellers
FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED: OPINION COMMITTEE
BY: BWB, Chairman

GWS:LM:wb