



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN W. HUNT,
ATTORNEY GENERAL**

January 30, 1976

**The Honorable Ron Jackson
Executive Director
Texas Youth Council
8900 Shoal Creek Blvd.
Austin, Texas 78766**

Opinion No. H-775

**Re: Whether teachers
employed by the Texas
Youth Council are state
employees for purposes of
receiving pay for accumu-
lated sick leave.**

Dear Mr. Jackson:

**You have requested our opinion regarding whether teach-
ers employed by the Texas Youth Council are state employees
for purposes of receiving pay for accumulated sick leave.**

**The current General Appropriations Act, Acts 1975, 64th
Leg., ch. 743, p. 2417, provides as follows:**

**A state employee who resigns, is
dismissed or separated from state
employment shall be entitled to
be paid for one half of sick leave
entitlement duly accrued. Art. 5,
§ 7b at 2850.**

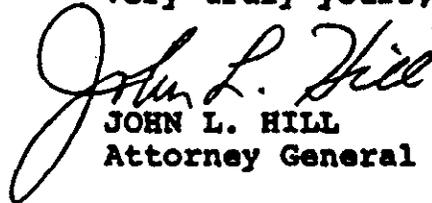
**There can be no doubt that this provision is inapplica-
ble to employees of local school districts, whose salaries
are paid primarily from district funds. See Muse v. Pres-
cott School District, 349 S.W.2d 329 (Ark. 1961). The Texas
Youth Council, however, is a state agency rather than a
political subdivision. We have been advised that 44 percent
of the total amount expended for the salaries of its teachers
is derived from the line item appropriations for "Education."**

General Appropriations Act at 2503-2509. Another 33 percent is received from the federal government. These funds are also appropriated to the Texas Youth Council by the Legislature. General Appropriations Act, art. V, § 19 at 2858. In our opinion, therefore, for purposes of the sick leave payment provision of the General Appropriations Act, there is no basis for drawing a distinction between teaching and non-teaching personnel employed by the Texas Youth Council. Accordingly, we conclude that teachers employed by the Texas Youth Council are state employees for purposes of receiving pay for accumulated sick leave.

S U M M A R Y

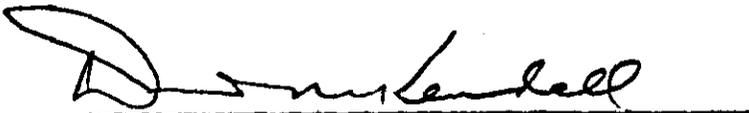
Teachers employed by the Texas Youth Council are state employees for purposes of receiving pay for accumulated sick leave.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant
C. ROBERT HEATH, Chairman
Opinion Committee

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