

SIX DIRECTOR SCHOOL DISTRICTS: A six director school district is a
PARKS: public corporation and under Section
177.101 RSMo Supp. 1965 when applicable,
certain six director school districts are authorized to establish and
maintain parks within their districts.

OPINION NO. 190

July 13, 1967

Honorable Robert L. Dunkeson
Executive Secretary
State Inter-Agency Council for
Outdoor Recreation
1203 Jefferson Building
Jefferson City, Missouri 65101



Dear Mr. Dunkeson:

This opinion is issued in response to your inquiry about the authority of a six director school district to establish a park using funds of your agency. In a subsequent conversation with a member of this office, you stated there were essentially two questions that you desired answered which we state as follows:

"1. Is a six director district a public corporation?"

"2. Could a six director school district purchase and operate a public park?"

Your first question is answered in the affirmative. Our opinion is predicated upon Section 162.311 RSMo Supp. 1965 and decisions of the Missouri Supreme Court. Section 162.311 Supp. reads as follows:

"The board of directors of a six-director district at its first meeting shall adopt and enter of record the name of the district and shall notify the county board of education and the clerk of the county court of the name so adopted. The name adopted shall comply with any applicable regulations of the state board of education. The district may sue and be sued in the name adopted under this section and possesses the same corporate powers and is governed by the same laws as common school districts except as herein provided.

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"2. The board shall keep a common seal with which to attest its official acts."

Obviously this Section confers upon six director school districts the right "to sue and be sued in the name adopted under this section."

The Missouri Supreme Court has held that a school district is a "public corporation". We cite the cases of Southern Reynolds County School District R-2 vs. Callahan, 313 S.W.2d 35; Kansas City vs. School District of Kansas City, 201 S.W.2d 930; Harrison v. Hartford Fire Insurance Company of Hartford, Connecticut (D.C.Mo.) 55 F.Supp. 241.

Your second question is also answered in the affirmative. Our authority for this statement is based upon Section 177.101 RSMo Supp. 1965 which reads as follows:

"In six-director districts as specified in this section, the school board may establish and maintain public parks and playgrounds for the use of the public school district, and may appropriate the sums they deem proper for the support thereof, not to exceed in any one year two thousand five hundred dollars for districts in cities of twenty thousand and under one hundred thousand inhabitants, and not to exceed five hundred dollars for districts in cities of five thousand and under twenty thousand inhabitants, and not to exceed two hundred and fifty dollars for districts in cities of one thousand and under five thousand inhabitants.

"The school board may lease or purchase grounds additional to the schoolhouse site, either adjacent thereto or elsewhere in the school district, for libraries, public parks and playgrounds and pay for the grounds so leased or purchased out of the funds of the school district available for the purpose.

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"The board of education shall have full custody and control of the parks and playgrounds including the policing and preservation of order thereon and may permit the use of the grounds that it deems best in the interest of the district. The board shall adopt and enforce, subject to the laws of the state and the ordinances of the city, suitable rules and regulations for the control of the grounds and the conduct of persons using them."

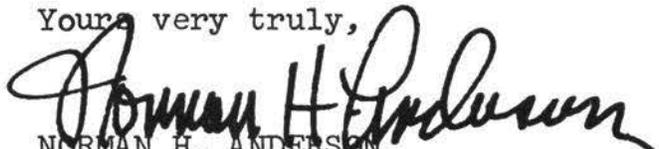
When authorized by the above statute, a school board is authorized to purchase additional ground either adjacent to the schoolhouse site or elsewhere in the school district for a public park and pay for the grounds so purchased out of the funds of the school district, available for that purpose. Thus, a grant by your agency to the school district as described in Section 171.101 to acquire land to establish a public park would make available to the school district funds within the meaning of this statute for the purchase of a public park.

CONCLUSION

1. A six director school district is a public corporation.
2. As provided by Section 171.101 RSMo Supp. 1965, certain six director school districts may purchase and operate a public park.

The foregoing opinion which I hereby approve was prepared by my assistant, Richard C. Ashby.

Yours very truly,


NORMAN H. ANDERSON
Attorney General