

SCHOOLS:

A public school district may accept voluntary donations or contributions from individuals to help defray the costs of educational programs offered by the district. The contributor may specify the program to be aided by his donation, and the school district may bind itself to use the money for that purpose provided that in so doing it does not discriminate between students on the basis of whether they or their parents have made a donation.

OPINION NO. 184

October 15, 1973

Honorable J. Anthony Dill
State Representative, District 102
7723 Ravenhill Drive
Affton, Missouri



Dear Representative Dill:

This official opinion is in response to your request for a ruling on the following questions:

- "1. May a public school district accept voluntary donations or contributions from individuals to help defray the costs of educational programs offered by the district?
- "2. If an individual makes a voluntary contribution to a public school district to help defray the costs of educational programs, may the contributor specify the object of the donation and may the public school district be bound by such a specification? (Example: If a contributor made a contribution to be used for purchase of band music or supplies, is the district obliged to use the contribution for such purposes?)"

You state that "Parents and other interested parties have expressed the desire to continue making extra payments to schools on a voluntary and non-obligatory basis to help their schools." We assume that these contributions are truly voluntary on the

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part of the contributors and are not a substitute for illegal fees. We do not have any facts presented by the opinion request and therefore limit our holding to the right of a district generally to accept donations for specified purposes.

School districts in Missouri are expressly authorized by Section 165.011, RSMo 1969, to accept money donated to them for a specific purpose. This section, in relevant part, reads as follows:

". . . Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board."

We believe that this section authorizes the kind of donation about which you ask. If "parents and other interested parties" want to support a particular program in the schools by making donations, the school has the power to accept these donations and earmark the funds for the specific program in question. However, a school may not require a donation as a precondition for enrollment in any course, and while a donation may be designated for the support of a specific program, it may not be designated for the use of a specific student. A school district may not discriminate in the use of public funds between students equally eligible and qualified for participation in a school function based on whether one of the students (or his parents) has donated money for the support of that function. See Opinion No. 6, Gordon, 5-2-73.

It should be noted that these conclusions apply only to donations made to the school itself. We do not wish to suggest that a student may not use his own property while participating in a school function.

CONCLUSION

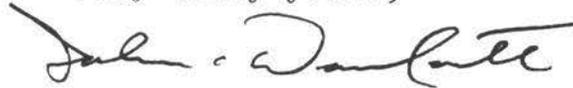
It is, therefore, the opinion of this office that a public school district may accept voluntary donations or contributions from individuals to help defray the costs of educational programs offered by the district. The contributor may specify the program to be aided by his donation, and the school district may bind itself to use the money for that purpose provided that in so doing

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it does not discriminate between students on the basis of whether they or their parents have made a donation.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Richard E. Vodra.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 6
5-2-73, Gordon