

DISTRICTS:-book Fund can only be used for the purchase of free textbooks.

February 16, 1934.

Mr. George F. Addison,  
Prosecuting Attorney,  
Salem, Missouri.



Dear Sir:

We are acknowledging receipt of your letter in which you inquire as follows:

"Please let me have a copy of your opinion with reference to whether or not the money in a school district Free Textbook Fund can be transferred to another fund, after the purchase of the necessary books for the school, for the purpose of paying teachers salary."

You refer in your letter to the Free Textbook Fund and we assume that you refer to the money turned over by the County Court to districts under Section 9507, R. S. Mo. 1929, which is as follows:

"Whenever the board of directors or board of education of any school district in this state certifies to the county court that they are furnishing textbooks free of charge to all the pupils in at least the first four grades in the public schools of their district, it shall be the duty of the county court to apportion annually to each such school district from the county foreign insurance tax moneys received from the state treasurer in accordance with section 5982, an amount to be determined by multiplying the number of children on the last enumeration list of said school district by the ratio used by the state auditor in making the distribution of said foreign insurance tax moneys among the counties of the state, and shall order the county treasurer to place to the credit of the incidental fund of each such district the amount thus obtained, or shall draw its warrant in favor of the proper township treasurer or treasurers for the amount due the districts of the various

townships, and shall also draw its warrant in favor of the treasurer of any school district organized as a city, town or consolidated district for the amount due such district. When any school district that contains an incorporated town or city receives such aforesaid moneys on account of furnishing free textbooks, then the incorporated city or town contained in such district shall not be entitled to any further moneys under section 5983. After the money due the aforesaid districts on account of their furnishing free textbooks has been properly apportioned, the county court shall then proceed to apportion the remaining fund in accordance with the provisions of section 5983."

Section 9508, R. S. Mo. 1929, regarding the use of the money is as follows:

"The funds received by the various school districts in accordance with section 9507, shall be used only for the purchase of textbooks for free use in the public schools of said districts, and any district that does not within three years after receiving the first grant of money under this article furnish all the textbooks free to all the pupils of its elementary schools, shall be deprived of any further moneys under this article until such time as it does furnish all said textbooks free."

Under section 9508, it is specifically provided that the funds received by various school districts, in accordance with section 9507, shall be used only for the purchase of textbooks. In view of that prohibition in section 9508 we believe that it would not be proper to transfer any balance left in the fund to any other fund. The statute expressly restricts the use of this fund for the particular purpose of buying textbooks, and we do not believe that it may be diverted into funds for other purposes.

It is therefore the opinion of this Department that the Free Textbook Fund cannot be diverted and used for other purposes because of the express provisions of section 9508.

Very truly yours,

APPROVED:

FRANK W. HAYES,  
Assistant Attorney General.

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Attorney General.

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