

SCHOOLS: School board is not authorized to buy caps and gowns and invitation cards for students at graduation time. There is no statute authorizing the same.

July 25, 1941

Hon. J. P. Smith
Prosecuting Attorney
Webster County
Marshfield, Missouri

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Dear Sir:

This department is in receipt of your letter of June 21st, wherein you make the following inquiry:

"Please give me an opinion on the following question,

"A rural school district operating on a 20¢ levy only, issued warrants for graduation expenses of high school pupils, who reside in the district. Is this expenditure of funds legal? The expense was for graduation cards and rent of gowns."

The question which you present has been a controversial one throughout the State. We do not think the question of whether the amount of taxes levied is 20¢ or any amount within the Constitutional limit would have any bearing on the matter. The power and authority of a school board to expend funds for any purpose must be found within the purview of some statute. School boards are creatures of the statute whose duties are purely statutory. The funds, management and control of a school district are solely within the hands of the board and all its powers must be gleaned from the statutes. *Corley v. Montgomery*, 46 S. W. (2d) 283.

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We have searched diligently through the statutes in an effort to find one broad enough in its terms to give the board of education such power as outlined in your letter. We confess that we have failed. We do not believe that the board has authority to provide for caps and gowns and graduation cards as, in one sense, it might constitute the use of public school funds for a donation, gift or private purpose.

In the decision of Hammond & Stephens v. Christian County, 62 S. W. (2d) 844, the Supreme Court holds that charts, stars, attendance certificates and awards, composing a system designed to stimulate school attendance and purchased by the county superintendent of schools, are not authorized by statute and that the county is not liable for the same.

We are not unmindful of the fact that caps and gowns, graduation invitations and cards are closely related and perhaps a part of a student's education, yet due to the fact that there is no statute authorizing the board to expend funds for such articles we are of the opinion that the board cannot do so.

Respectfully submitted,

OLLIVER W. NOLEN
Assistant Attorney-General

OWN:CP

APPROVED:

VANE C. THURLO
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