

SCHOOLS: Voters may dispose of property not needed for school purposes, or the Board of Directors may sell a schoolhouse or site by providing a new schoolhouse and site.

June 11, 1937.

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Mr. D. G. Cole
Sumner, Missouri

Dear Sir:

This is to acknowledge your letter of May 26, 1937, as follows:

"In reference to the conference Mr. L. O. Allen and myself had with Mr. Taylor, Tuesday, May 25, in regard to the disposal of the school building in Cons. Dist. No. 1. Mr. Taylor asked us to go to the Recorder's office and see whether this deed was deeded to the Dist. outright, or reverted back to the owner when no longer needed. Enclosed find report as requested.

"What we want is a ruling on whether we, as a Cons. Dist, can dispose of this property, or what proceeding we should take to clear it up.

"This was one of the three buildings in the three original Districts consolidated in 1913. We have been told that the directors of the Cons. Dist. have no legal right to sell this property. The other two buildings were sold several years ago. No question ever arose."

We understand the facts to be that a consolidated school district owns a piece of property which was acquired by quit claim deed, and that said district does not have any further use or need of the schoolhouse and desires to sell same.

Section 9269, R. S. Mo. 1929, reads as follows:

"The title of all schoolhouse sites and other school property shall be vested in the district in which the same may be located; and all property leased or rented for school purposes shall be wholly under the control of the board of directors during such time; but no board shall lease or rent any building for school purposes while the district schoolhouse is unoccupied, and no schoolhouse or school site shall be abandoned or sold until another site and house are provided for the school district."

Section 9284, R. S. Mo. 1929, reads in part as follows:

"The qualified voters assembled at the annual meeting, when not otherwise provided, shall have power by a majority of the votes cast:

* * * * *

"Seventh-- To direct the sale of any property belonging to the district but no longer required for the use thereof, to determine the disposition of the same and the application of the proceeds. *** "

Mr. D. G. Cole

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June 12, 1937.

The above statutes are the only ones we can find relating to the right of a school district to dispose of its property. Section 9284 gives the qualified voters the right to direct the sale of any property belonging to the district, but no longer required for use by the district. However, Section 9284 contains the words "when not otherwise provided", and Section 9269 vests the title to school property in the district and restricts the board to the sale or abandonment of a schoolhouse or a school site until another site and house are provided.

There is no question but what the title to school property vests in the school district. School District of Oakland v. School District of Joplin, 102 S. W. 909.

It is our opinion that the voters under Section 9284, at an annual meeting may dispose of the property, or that the Board of Directors, by virtue of Section 9269, may sell same if another site and house are provided. In other words, two methods are provided for in the statutes for the disposing of school property, either one of which would be adequate. Therefore, if the Board desires to dispose of its property, then it must affirmatively be shown that another site and house are provided for the school district. While if the voters, assembled at the annual meeting, vote by a majority of the votes cast to sell property no longer required, then such action would also dispose of the property. You may pursue either method.

Yours very truly,

James L. HornBostel
Assistant Attorney General.

APPROVED:

J. E. TAYLOR
(Acting) Attorney General.

JHH/R