

SCHOOLS: Shall purchase from building fund addi-
BOARD OF tional land required for proper sanitation
DIRECTORS: of school house.

July 27, 1943

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Mr. W. E. Gray, President
Oak Grove School Board
R. F. D. 9
Springfield, Missouri

Dear Mr. Gray:

This will acknowledge receipt of your letter of recent date, the full text, omitting caption and signature, is as follows:

"A sanitary condition at our School makes it necessary that we enlarge our sewerage disposal field.

"We are at present unable to purchase any additional land from our incidental funds, however we are in position to purchase the necessary land from out of the School Building Fund if this may be done legally.

"Will you please advise as to purchasing land for such purposes with School Building Fund money."

An examination of the laws applicable to all classes of schools shows at Section 10337 R. S. Mo., 1939, this language:

"The board of directors or board of education shall have the care and keeping of all property belonging to

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the district, and shall provide the necessary globes, maps, charts, apparatus, supplementary books, and other material for the use of the school. The board shall keep the schoolhouses and other buildings in good repair, the grounds belonging thereto in good condition, and shall provide fuel, heating apparatus, and other material and appliances necessary for the proper heating, lighting, ventilation and sanitation of the schoolhouses; shall have the floors swept and the fires made at the expense of the district, and cause an accurate account of the expense thereof to be kept and a report of the same to be made at the next annual meeting. * * * * *

As your letter does not specify whether or not school district No. 90 is a consolidated district, for the purpose of this opinion we will assume that the same is not a consolidated district, and that the laws applicable to all classes of schools will apply. At Section 10366, we find detailed provisions for school moneys. Because of its extreme length we do not quote the statute in full. It provides that all moneys arising from taxation shall be paid out only for the purposes for which they are levied and collected. This section provides for the following different funds: teachers', incidental, building, free textbook, sinking, and interest. That portion of the statute useful to us further provides that all money derived from taxation or received from the state for building purposes from sale of school site, schoolhouse or school furniture from insurance and sale of bonds shall be placed to the credit of the building fund. The statute is clear and unambiguous and sets out specifically the manner and means for the distribution of school funds coming into the hands of the school directors.

Turning now to Section 10429 R. S. Mo., 1939, which involves the payment of indebtedness, we find the exact language of the statute to be as follows:

"Upon the order of the board of directors, it shall be the duty of the district clerk to draw warrants on the county treasurer in favor of any party to whom the district has become legally indebted, either for services as teacher, for material purchased for the use of the school, or material or labor in the erection of of a schoolhouse for said district-- the said warrant to be paid out of any moneys in the appropriate funds in the hands of the said treasurer and belonging to the district. The species of indebtedness must be clearly stated and should be drawn on its appropriate fund; all moneys for teachers' wages on the teachers' fund; all moneys used in the purchase of a site, erection of building thereon, and furnishing the same, on building fund; and all other expenses to be paid out of the incidental fund: * * * * *

(Emphasis ours)

The statutes above quoted seem to be clear and unambiguous and need no interpretation, and therefore we conclude as follows:

CONCLUSION

The board of directors of a school district shall provide for the proper sanitation of the school house and may purchase from the building fund additional land adjoining

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school premises for the purpose of providing for proper sanitation arrangements necessary in the conduct of school affairs. We further conclude that the only fund available for the purchase of this additional property is the building fund, and in no instance can the incidental funds be used for such purposes.

Respectfully submitted,

L. I. MORRIS
Assistant Attorney-General

APPROVED:

ROY MCKITTRICK
Attorney-General

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