

SCHOOLS:  
SCHOOL BUILDINGS:  
SCHOOL DISTRICTS:

The Board of Directors of a common school district may order the razing of a schoolhouse which has deteriorated so that it is beyond repair and which has no market or salvage value.



March 28, 1955

Mr. Forrest L. Hill  
Prosecuting Attorney  
Fayette, Missouri

Dear Mr. Hill:

This is in response to your recent request for an official opinion of this office wherein you ask:

"The Directors and a great majority of the electors of a Howard County common school district favor the destruction of the schoolhouse in that district. The Directors feel that they have no authority to order its destruction. The schoolhouse has reached a state of deterioration that is beyond repair; it has no market value, even for salvage. School children of this district have been using the facilities of a neighboring district for the past fifteen years, and the annual meetings are held at various residences in the district. In its present condition, the public feels that the structure is dangerous to the many small children that are frequently playing around and in it. The building is not insured. Who has authority to order the destruction of the building?"

By the provisions of Section 165.207, RSMo. 1949, the government and control of a common school district is vested in its board of directors and by the provisions of Section 166.010, RSMo. 1949, title to schoolhouse sites and all other school property is vested in the school district. The care and keeping of all such property is in the school board under the provisions of Section 166.030, RSMo. 1949, and the statute directs the board to keep the schoolhouses in good repair and the grounds in good condition.

It appears that in the present case the schoolhouse to which

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you refer has deteriorated so that it is now beyond repair and the school board cannot now carry out the requirements of Section 166.030, supra, by repairing such schoolhouse. It further appears that the schoolhouse has no market value even for salvage and that therefore this problem does not come within the purview of Section 165.203, RSMo. 1949, which vests in the annual meeting of the qualified voters of the school district the power to sell property belonging to the school district.

It further appears from your request that the board, and at least a large number of the public, feels that the schoolhouse is in such a deteriorated condition as to be dangerous to people on or about the premises, especially to small children who frequently play in and around such building.

Under these circumstances it would appear that the school board in carrying out its functions of governing and controlling the school district and of caring for and keeping the property of such district can properly order the destruction of such building in the interest of safety.

#### CONCLUSION

It is therefore the conclusion of this office that the directors of the common school district to which you refer have authority to order the destruction of the school building which is beyond repair and which has no market or salvage value.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Fred L. Howard.

Yours very truly,

FLH:mw

John M. Dalton  
Attorney General