

SCHOOL DISTRICTS: May sell school buildings if no longer required and new building is provided.

March 24, 1941

Mr. Robert P. C. Wilson, III
Prosecuting Attorney
Platte County
Platte City, Missouri



Dear Sir:

This will acknowledge receipt of your letter of March 4, 1941, which is as follows:

"I respectfully request the opinion of your department on the question presented by the following factual situation:

"A consolidated school district in our county has closed several schools in the rural area in the district consolidated. The board now wishes to make some disposition of the old school houses inasmuch as insurance must be paid on them when they are idle and inasmuch as there is considerable depreciation on the materials in the buildings. The board would like to tear down these old buildings and dispose of them in this manner if such is a permissible course of action. May such action be taken, and if so, what is the proper procedure for the board to take in so doing?"

Mr. Robert P.C. Wilson, III (2) March 24, 1941

From your request we assume that the school district in question is one organized under the provisions of Section 10487, R. S. Mo. 1939, and governed by the provisions of Article V of Chapter 72 of R. S. Mo. 1939.

Section 10471, R. S. Mo. 1939, reads in part as follows:

"* * *; and whenever there is within the district any school property that is no longer required for the use of the district, the board is hereby authorized to advertise, sell and convey the same, and the proceeds derived therefrom shall be placed to the credit of the building fund of such district."

This provision would seem to authorize the board of directors to dispose of any school property that is no longer required for the use of the school district. We also refer you to Section 10403, R. S. Mo. 1939, contained in the laws applicable to all classes of schools wherein it is provided that no "school cite shall be abandoned or sold until another cite and house are provided for such school district." I take it that in the present instance the consolidated district has another schoolhouse in which instruction may be given or they would not have desired to abandon the buildings in contemplation.

Under the above provisions it is our opinion that the board of directors of this school district is authorized to sell the building and cite of the abandoned schoolhouse, if said buildings are not now required by the district in order to carry on its educational program. We see nothing that would prevent the district from selling the buildings and cites intact or tearing down an old building and disposing of the materials after destruction. In any event, it is the sale of the school district's property which the board is authorized to do.

Respectfully submitted,

APPROVED:

LAWRENCE L. BRADLEY
Assistant Attorney General

VANE C. THURLO
(Acting) Attorney General

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