

FILE

Subject

Schools - Financing
Use of Funds



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STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

June 12, 1974

Opinion No. 74- 206

Gordon A. Yeargan
Superintendent of Schools
Unified School District 453
Leavenworth, Kansas 66048

Dear Superintendent Yeargan:

We have your letter of May 10, concerning action by the board of directors of the Kansas Association of School Boards authorizing an increase in dues for the coming year of 30% over the existing formula. A circular which you enclose, addressed to all superintendents of schools and dated April 17, 1974, states that the

"dues increase will be used to finance the payment of principal and interest on the mortgage, as well as to meet the other financial needs of the association in these times of great inflation."

K.S.A. 72-5326 states thus:

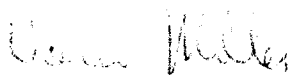
"The board of education of any school district or the board of trustees of any community junior college is hereby authorized to appropriate money out of its general fund to pay the annual dues in the Kansas association of school boards."

The statute prescribes no limitation on the amount of dues thus authorized to be paid. In opinion no. 74-93, we dealt with the question raised by Representative Laird whether school districts were authorized to pay so-called special assessments toward construction of the building. As the statute indicates, no payments of other than annual dues are authorized, and the payment of special assessments hence is beyond the authority of the board.

Gordon A. Yeargan
June 12, 1974
Page Two

However, the payment of annual dues, in whatever amount, is within the authority granted unified school districts by K.S.A. 72-5326. Moreover, the statute places no restriction on the use of funds by the Association which it derives from payment of dues authorized by this provision. Once a unified school district pays its annual dues to the Association, as authorized by this statute, the funds so paid become the property of the Association, and may be used for any lawful purpose within the corporate authority of the Association.

Yours very truly,



VERN MILLER
Attorney General

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