

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

May 30, 1978

ATTORNEY GENERAL OPINION NO. 78-197

Mr. James T. Akers
Superintendent of Schools
Unified School District No. 386
Greenwood County
P.O. Box 398
Madison, Kansas 66860

Re: Schools--Property--Disposition

Synopsis: Section 13 of Chapter 396 of the Session Laws of 1951 does not prohibit U.S.D. No. 386 from disposing of former common school district property known as Old No. 8 because said statute was repealed by Chapter 312 of the Session Laws of 1969.

* * *

Dear Mr. Akers:

I have your letter concerning treatment of former common school district property by Unified School District No. 386. Specifically, you inquire whether section 13 of Chapter 396 of the Session Laws of 1951 would prohibit School District No. 386 from disposing of property commonly known as Old No. 8 to a community group interested in maintaining and using it. Section 13, Chapter 396 of the Session Laws of 1951 provided in pertinent part as follows:

"Sec. 13. Disposition of funds and property; bonded indebtedness. Upon the

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consolidation or annexation of a common-school district, or upon the disorganization of a common-school district and the attachment of the entire territory thereof to another district, all its property and funds (except funds for the payment of bonds, no-fund warrants and interest thereon), on hand and to be collected, shall be transferred to the district of which it becomes a part, which district shall become and be liable for the payment of the outstanding floating indebtedness of the disappearing district; and may pay such indebtedness, even though the same was not included in the budget: Provided, That the school building of a district which is consolidated, annexed or disorganized, which building is not being used for school purposes, may be used for neighborhood assemblies and educational, patriotic and other community activities of the character ordinarily using rural schoolhouses as meeting places, and shall not be sold as long as the same is used if fifty-one percent (51%) of the electors residing in territory which comprised such district shall within sixty (60) days after the effective date of the order of consolidation, annexation or disorganization, petition the school board having charge of such building not to sell such building."
[Emphasis added]

You point out that the petition required was duly submitted to the Board of Education.

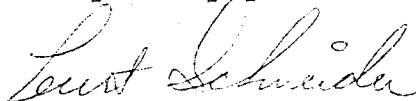
This provision was codified and became Section 72-834 of the General Statutes of Kansas and subsequently became K.S.A. 72-834. In our view, the intent of this provision was to limit the authority of school boards to dispose of common school district property used for community purposes.

K.S.A. 72-834 was repealed by Chapter 312 of the Session Laws of 1969. With the repeal of that statute, in my judgment, it is no longer a restriction upon either the use or sale of the property, and the board may dispose

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of it pursuant to its general powers under K.S.A. 72-8212.

Very truly yours,

A handwritten signature in cursive script that reads "Curt Schneider". The signature is written in dark ink and is positioned above the typed name.

CURT T. SCHNEIDER
Attorney General

CTS:WEM:jm