

STATE OF KANSAS

## Office of the Attorney General

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*Curt T. Schneider*  
Attorney General

July 18, 1978

ATTORNEY GENERAL OPINION NO. 78- 236

Dr. J. L. Smalling  
Superintendent  
Unified School District No. 480  
Post Office Box 949  
Liberal, Kansas 67901

Re: Schools--Property--Disposal

Synopsis: A board of education which offers surplus and unneeded personal property of the district for sale to the public upon sealed bids has no authority to disqualify employees of the district from submitting such bids for the purchase of such property.

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Dear Dr. Smalling:

As superintendent of U.S.D. 480, on behalf of the board of education thereof, you request my opinion whether the board may lawfully adopt a district policy "denying the right of employees to bid on personal property, offered for sale by the district by means of advertising for bids in the local newspaper, inviting anyone to submit a sealed bid, with the exception of district employees, with said advertisement giving the description of personal property listed for sale."

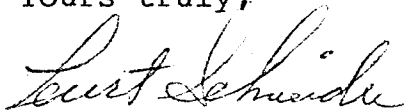
The board of education is a creature of statute, and has only those powers granted by statute, and those powers to be implied necessarily from those powers which are expressly granted. The board has the authority to dispose of surplus and unneeded personal property of the district, and to offer such property for sale to persons submitting the highest bids therefor. However, the board has no express power to exclude district employees from

Dr. J. L. Smalling  
Page Two  
July 18, 1978

submitting bids for the purpose of such property, and I find no express power whatever from which it could be remotely implied that the board had the power to disqualify any described class of persons, and certainly including employees of the district itself, from submitting sealed bids for the purchase of personal property offered for sale by the district to the public.

In my judgment, such a policy is absolutely unsupported by any statutory power of the board whatever.

Yours truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj