

INDEX: School district in proper case may expend reasonable funds to inform voters of district of result of survey of district. L. 1957, c. 947

September 17, 1957

159b-11

Mr. Dean M. Schweickhard
Commissioner of Education
State Office Building

Dear Sir:

In your letter to Miles Lord, Attorney General, you submit a question from Mr. Peter Moscatelli, Attorney for Independent School District No. 12. He states the following

FACTS:

“Independent School District No. 12 recently conducted an educational program to present to the voters of the district the recommendations contained in the general survey of the local schools made by the Bureau of Field Studies of the University of Minnesota, and to present facts and figures relating to present and proposed school facilities, increased taxes, and financial problems, and to answer the innumerable questions raised by the voters themselves regarding the various problems peculiar to the district, such as the effect of an expanding taconite industry on our schools, continuation and expansion of the Junior College, trends in school enrollments, relationship with our principal tax-payers, the mining companies, particularly with regard to the possibility of terminating mining operations, so that a well informed public would approve or disapprove the proposed program affecting the entire school system.”

and asks the following

QUESTION:

“May the School District expend funds for printed literature, newspaper space and radio time to conduct an educational program for such purposes?”

OPINION

The care, management and control of the business of an independent school district is vested in the school board. L. 1957, Art. V, Sec. 2, Subd. 1. It has general charge of the business of the district, the school houses, and of the interests of the schools thereof, Art. V, Sec. 4, Subd. 1. Under a prior and similar statute, we were of the opinion that a board was authorized to employ persons to render the professional services of making a field survey. See opinion dated March 3, 1955 (file 166-155b-1), copy enclosed.

Whether or not the findings of such a survey as made are peculiarly and solely of interest to the school board for the management of the business of the district or are of such a nature that it is requisite that the voters of the district have the information contained in the findings of the survey is a fact question which the school board must determine. If the voters of the district will have to exercise their judgment on the subject matter contained in the survey, then the facts and data of the survey should be made known to them; they should not be left either uninformed or misinformed. How the information will best be made available to the voters is a matter for the board to decide. Assuming that the board in its judgment determines that the survey findings should be made available to the voters because of the aforesaid reason, we are of the opinion that a reasonable amount of district funds may be expended for the purpose of

disseminating the information. What then may be a reasonable amount, is also a matter to be determined by the board. In view of the foregoing we refrain from giving the question a categorical answer.

Very truly yours

MILES LORD
Attorney General

FRANK J. MURRAY
Special Assistant
Attorney General

FJM:js