

**OPINION
46-259**

March 21, 1946 (OPINION)

SCHOOL DISTRICTS

RE: Teacherages

This is in reply to your inquiry over telephone in which you stated that you have no teacherage and no house is available as a residence for your superintendent. In order, therefore, to retain his services, which are very satisfactory, it would be necessary for your district to provide him with a residence. There is at this time a residence for sale which your district may purchase, but such purchase must be made within a short time otherwise the residence will be sold to someone else.

Section 15-2607 of the North Dakota Revised Code of 1943 authorizes a school board in any district to build and equip a dwelling for the use of teachers in such district. Such building shall be known as the teacherage. The board may also build, purchase or lease suitable buildings to be used as dormitories and equip the same. The statute further provides that such teacherages, dormitories and facilities shall be operated on a self-supporting and nonprofit basis under the direction of the school board.

As you will observe, the statute doesn't provide for any specific procedure in the matter of providing funds for such a building. However, section 15-4117 provides that the board of education of a high school district may call elections to determine the question of issuing bonds of the district for the purpose of erecting buildings, making additions thereto, or for any other purpose for which bonds may be issued by a special school district.

Since a school board is authorized and empowered to build and equip teacherages, it would follow by necessary implication that the board would also have the power to take such other action as may be necessary to provide the funds with which to erect such buildings. If the board has no available funds for such purpose, undoubtedly an election could be called for the purpose of issuing bonds with which to provide such funds, and in such case, the usual procedure for the issuing of bonds should be followed. If your board decides on such a course, it would be necessary to consult with some local attorney in the preparation of the initial resolution and other statutory requirements.

You stated further that your school district acquired two quarter sections of land from the receiver of a closed bank in settlement of funds which the district had in such bank. You desire to dispose of the same by sale and convert the same into money.

The statutes provide no specific procedure in such cases. The land which the school board holds is really a part of the school funds, and the school board has the power to convert the same into liquid funds. The sale should be made as soon as an adequate price can be obtained, since I presume there is very little income received from

the land.

This office has previously held that in such cases the school board may sell lands so acquired, but it is its duty to obtain the best price possible in such circumstances. Upon the sale, the deed should be signed by the president of the board and attested by the clerk.

There should also be a record in the minutes of the board to the effect that the school board had made every effort to secure the best possible price and that the price for which the land in question was sold was the best price obtainable.

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