



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

May 27, 1976

FILE NO. S-1094

SCHOOLS AND SCHOOL DISTRICTS:
Power to Expend School
District Funds.

Honorable Richard J. Doyle
State's Attorney
Vermilion County
Danville, Illinois 61832

Dear Mr. Doyle:

This responds to your letter asking whether or not a school board can use school district funds to promote or oppose the formation of a unit school district.

Section 8 of article VII of the Illinois Constitution of 1970 provides in part:

"Townships, school districts special districts and units, designated by law as units of local government, which exercise limited governmental powers or powers in respect to limited governmental subjects shall have only powers granted by law. * * *"

Honorable Richard J. Doyle - 2.

This provision is in keeping with the long standing Illinois rule that school districts have no inherent powers. Dato v. Village of Vernon Hills, 62 Ill. App. 2d 274, at 277; People ex rel. Dilks v. Bd. of Ed. of Paxton Community High School No. 117, 283 Ill. App. 378, at 388-389.

Section 11-6 of The School Code (Ill. Rev. Stat. 1975, ch. 122, par. 11-6) provides for the creation of unit school districts. I find nothing in section 11-6 that could be read as authorizing a school board to expend school district funds to promote or oppose the formation of such a unit district.

The general powers of a school board are to be found in sections 10-22.1 through 10-22.43 and 10-23.1 through 10-23.9 of The School Code (Ill. Rev. Stat. 1975, ch. 122, pars. 10-22.1 through 10-22.43 and 10-23.1 through 10-23.9). Once again I find nothing in these provisions authorizing school boards to expend district funds in the manner suggested in your letter.

It is therefore my opinion that an Illinois school board may not expend school district funds to promote or oppose the formation of a unit school district. Were such

Honorable Richard J. Doyle - 3.

power granted to a school board, questions might be raised as to its validity under section 1(a) of article VIII of the Illinois Constitution of 1970 which requires that public funds be used only for public purposes.

Very truly yours,

A T T O R N E Y G E N E R A L .