

SCHOOL DISTRICTS:—School district desiring to be annexed to a city or town district may do so by complying with the provisions of Section 9342, R. S. Mo. 1929.

June 11, 1934.

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6-1934

Mr. Morgan M. Moulder,  
Prosecuting Attorney,  
Linn Creek, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which you inquire as follows:

"We have a consolidated School District in Camden County, the school building being located in the Town of Camdenton. The Consolidated School District included about seven school districts within its boundaries when organized. The Town of Camdenton was not incorporated at the time of the organization and the same was organized under the provision of Section 9345, R. S. of Missouri, 1929. Since that time the Town of Camdenton has been incorporated and is now an incorporated Town.

There is a common school district, known as District Number \_\_\_\_\_ which adjoins the consolidated school district, known as Consolidated School District No. \_\_\_\_\_, of Camden County, Missouri, and taxpayers and citizens of said common school district and of said consolidated school district propose and desire that all of said common school district be annexed to and become a part of the consolidated district, and the school children be transported to school in Camdenton as are all other school children now in the consolidated district.

Can the common school district be annexed to the consolidated school district, and if so, how and under what statute or statutes would the taxpayers or school boards proceed? Would appreciate your opinion and instructions as to procedure. Such annexation, if possible, would have to be taken up at once to be successful

for coming school year, and I would appreciate your opinion as soon as possible."

Section 9342, R. S. Mo. 1929, provides as follows:

"Whenever an entire school district, or a part of a district adjoining any city, town or village school district, desires to be attached thereto for school purposes, upon the reception of a petition setting forth such fact and signed by ten qualified voters of such district, the board of directors thereof shall order a special meeting for said purpose by giving notice as required by section 9283. Should a majority of the votes cast favor such annexation, the secretary shall certify the fact, with a copy of the record, to the board of said district and to the board of said city, town or village school district; whereupon the board of such city, town or village district shall meet to consider the advisability of receiving such territory, and should a majority of all the members of said board favor such annexation, the boundary lines of such city or townschool district shall from that date be changed so as to include said territory, and said board shall immediately notify the clerk of said district which has been annexed, in whole or in part, of its action. In case of an entire district being thus annexed, all property and money on hand thereto belonging shall immediately pass into the possession of the board of said city, or town school district; but should only a part of a district be annexed thereto, said part shall relinquish all claim and title to any part of the school property and money on hand belonging to said original district, and that portion of the district remaining must contain within its limits thirty children and thirty thousand dollars assessed valuation, or thirty children and nine square miles of territory. The voting at said special school meeting shall be by ballot, as provided for in section 9326, and the ballots shall be 'for annexation' and 'against annexation,' when the whole district is to be annexed, but if only a part is to be annexed, the ballots shall read 'for release' and 'against release!'"

In view of the foregoing section we are of the opinion that the common school district which adjoins a consolidated city, town or village district may be annexed to such city or town district. The foregoing section sets out the proceedings.

In State ex inf. Otto v. School District of Lathrop, 285 S. W. 135, 137, the court in discussing various sections of the school statute says about Section 11252, R. S. Mo. 1919, which is now Section 9342, R. S. Mo. 1929, as follows:

"Section 11252, in the article relating to common schools, provides a method by which common school districts, adjoining a city or a town, may be attached for school purposes to the city or town district. This was pointed out by the court in the Scott Case."

In the case of State ex inf. Thompson v. Scott, 264 S. W. 369, 371, the court, in discussing the same section, says:

"Under the provisions of section 11252, relating to annexation to town or city school districts of the whole or part of an adjoining district, the proceedings must be initiated by such adjoining district. There the province of the board of directors of the town or city school district is merely to accept or reject such proposed annexation, after the special meeting of the adjoining district has taken action favoring such annexation."

In view of the foregoing statute and decisions we believe that if the common school district desires to be annexed to the consolidated school district No. \_\_\_\_\_ of Camden County it may do so by following out the provisions of Section 9342, R. S. Mo. 1929. It is very necessary, however, that the requirements of the section and the sections to which it refers be expressly carried out.

Very truly yours,

APPROVED:

FRANK W. HAYES  
Assistant Attorney General.

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ROY McKITTRICK,  
Attorney General.