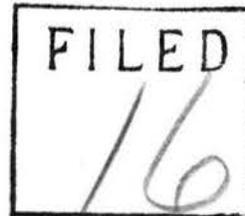


SCHOOLS: Notice to change school district boundaries
and persons qualified to vote

February 7, 1938

Honorable C. R. Chamberlin
Prosecuting Attorney
Cass County
Harrisonville, Missouri



Dear Sir:

This is to acknowledge your letter dated January 24, 1938, wherein you request our opinion concerning a change of boundaries of two consolidated school districts located in Cass and Bates counties. Your letter is quite lengthy and we will not re-copy it in its entirety. Three paragraphs in your letter present the questions as follows:

"(2) The village of Archie, Missouri, is the nucleus of a consolidated district, which district lies along the boundary line between Cass and Bates Counties. There is a proposition to change the boundary line on the South of the said town district and extend over into a consolidated district which lies south of the Archie District and in Bates County. Question number one - - if proper notice is given in the districts, would the district making the extension and only the part of the district included in the Bates County territory proposed to be annexed be allowed to vote on the same?

"(3) Section 9342, Revised Statutes Missouri 1929, provides that where a district or a part thereof desires to be annexed to a town district that due notice be given after the required petition is presented that a majority of the votes casted in favor of the annexation would entitle them to be annexed; therefore, it is my conclusion that the whole district would have a vote in the matter. Am I right?

"(6) The Superintendent is particularly apprehensive that the provision might not apply where the districts are consolidated districts and lie in two different Counties. None of the cases that I have examined raise that point, but it would seem that since the statute deals with districts that the fact that the part proposes to be annexed lies in an adjoining County would not be obnoxious to the statute."

I

The question presented in the sixth paragraph of your letter has been previously answered by us by an opinion dated February 7, 1938, to Mrs. May Bowlin, Superintendent of Schools, Harrisonville, Missouri, of which we are enclosing herewith a copy. The said opinion concludes that the boundary lines of school districts could be changed, even though territory to be annexed is situated in a different county. See also State ex inf. v. Schuster, 285 Mo. 399; 227 S. W. 60.

II

We agree to the conclusion reached by you that the notice to be given should be in both districts, and all persons in said districts be permitted to vote, for the reason that the changing of boundaries affects both districts.

It must be borne in mind in the interpretation of school laws that the same should be given a liberal construction, as stated by the St. Louis Court of Appeals in *State ex rel. School District v. Bergeman, et al.* 2 S. W. (2) 111:

"In the latter case, this Court held that it is our policy not to require extreme technical compliance of the school laws, but only a substantial compliance with the statutes, and that the efforts of laymen who carry into effect the laws pertaining to schools is accomplished when a substantial compliance has been had."

In the cases in which a review was had before the appellate courts and the question of changing boundaries was submitted to all of the voters. *State ex rel. v. Bergeman, supra*; *State ex rel. School District v. Ingram*, 2 S. W. (2) 113; *Farber Consolidated School District No. 1 v. Vandalia School District No. 2, et al.*, 280 S. W. 69.

In the *Farber* case, *supra*, the syllabus reads:

"In election affecting boundaries of three adjoining districts, voters in all districts must vote on identical propositions."

Honorable C. R. Chamberlin

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February 7, 1938

From the above it is our opinion that identical notices should be posted in both districts and that all voters in said districts would have a right to vote upon the proposition, and if such is done it will substantially comply with Section 9275, Revised Statutes Missouri 1929.

Yours very truly

OLLIVER W. NOLEN
Assistant Attorney General

APPROVED

J. E. TAYLOR
(Acting) Attorney General

JLH LC

Enclosure