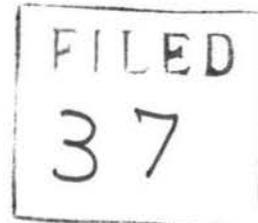


SCHOOL DISTRICTS:

School districts adjacent to consolidated districts may move to join consolidated districts by petition.

March 31, 1949



Mr. Lane Harlan  
Prosecuting Attorney  
Boonville, Missouri

Dear Sir:

This office is in receipt of your recent request for an official opinion upon an issue which in your letter to us you framed thus:

"In April, 1913 Otterville Consolidated School District was formed under the present section 10495, R. S. Mo. 1939. Recently, there has been presented to C. A. Repp, Cooper County Superintendent of Schools a petition, in due form, signed by the requisite number of residents and, I assume, qualified voters of said consolidated school district. This petition seeks to include districts near, or adjacent to the present consolidated school district.

"The question presented is whether or not the consolidated school district can proceed under section 10495, after once having invoked the provisions of said section, or would any enlargement of said district have to be sought under the provisions of Section 10487a Mo. R.S.A., 1939?"

Section 10495, Mo. R.S.A. 1939, states:

"When the resident citizens of any community desire to form a consolidated district, a petition signed by at least twenty-five qualified voters of said community shall be filed with the county superintendent of public schools. On receipt of said petition, it shall be the duty of the county superintendent to visit said

community and investigate the needs of the community and determine the exact boundaries of the proposed consolidated district.\* \* \*"  
(Underscoring ours.)

It seems obvious from the language of the above which is underscored, that this section is intended for use in the formation of a consolidated school district.

Section 10487a, Mo. R.S.A. 1939, states:

"Adjacent city, town or consolidated school districts, without limitations as to size or enrollment, or one or more of the above mentioned districts and one or more adjacent common school districts may be organized into a consolidated school district for the purpose of maintaining elementary schools and high schools. Elections for the purpose of perfecting such consolidation shall be called by the county superintendent of schools of the county wherein said districts lie, or jointly by two or more county superintendents if said districts lie in more than one county, on receipt of a petition signed by at least fifteen qualified voters from each district to be included in the proposed consolidation. \* \* \*"

The language of the above section would clearly indicate that the framers of the statute contemplated that this section should be used when a school district, or districts, adjacent to a consolidated school district, desire to become a part of the consolidated district already existing. This is the situation which you set forth in your above quoted letter to us.

CONCLUSION

It is the conclusion of this department that when a school district, or districts, adjacent to a consolidated school district desire to become a part of the consolidated school district aforesaid that they should proceed in accordance with Section 10487a Mo. R. S. A. 1939.

Respectfully submitted,

APPROVED:

HUGH P. WILLIAMSON  
Assistant Attorney General

J. E. TAYLOR  
Attorney General