

COUNTY BOARDS OF EDUCATION: Where only one school district
SCHOOLS: would be under the jurisdiction
SCHOOL DISTRICTS: of a county board of education,
the board of education of that
school district should serve as
the county board of education as
provided by Section 162.113, RSMo
Supp. 1965.

OPINION NO. 103

February 14, 1967

Honorable James L. Paul
Prosecuting Attorney
McDonald County
Pineville, Missouri 64856



Dear Mr. Paul:

This opinion is issued in response to your request for a ruling.

You advise us of the following facts:

"With the exception of the former Goodman Consolidated area, which is now a part of Neosho Reorganized District, and small segments in the Northwest part of the county which have reorganized with Seneca, and in the Southeast part of the county which has reorganized with Southwest High at Washburn, the remaining part of McDonald County is now reorganized as McDonald County R-1 which comprises the former consolidated areas of Rocky Comfort, Pineville, Anderson, Noel and Southwest City."

In your letter you ask the following question:

"Since McDonald County R-1 comprises all of McDonald County with the exception of certain areas who have annexed to other schools outside McDonald County, does the rule apply that one-half of the Directors shall be elected from the Eastern District and one-half from the Western District as under the old County School Board, or

Honorable James L. Paul

"May the Directors be elected at large from the entire county which comprises McDonald County R-1 School District?"

The facts set forth in your letter require an answer different from that sought by question. As hereinafter explained, there being only one school district in McDonald County, no county board of education is to be elected in McDonald County, but the board of education of the sole school district in McDonald County shall also serve as the County Board of Education in McDonald County.

This office has previously ruled that the jurisdiction of a county board of education created under Sections 162.101 or 162.111 RSMo Supp. 1965, is not coterminous with the boundaries of county, but that the territorial jurisdiction of a county board of education is coterminous with the territorial boundaries of the school districts within the county board's authority. Opinion No. 133, Boulware, March 18, 1964 (copy enclosed).

Your letter states that parts of McDonald County lie in school districts which would be under the jurisdiction of the county boards of education of Newton and Barry counties. The remainder of McDonald County is contained in one school district, namely, McDonald County R-1. Thus, there is only one school district in McDonald County under the jurisdiction of the county board of education.

Section 162.113, RSMo Supp. 1965, provides:

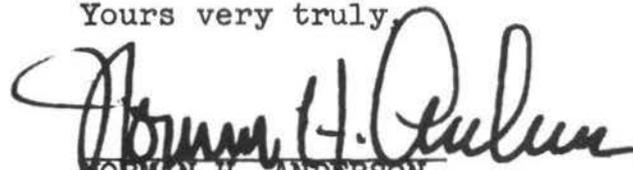
"In the event there is only one school district in any county, the board of education for that district shall serve as the county board of education."

CONCLUSION

Therefore it is the opinion of this office that, there being only one school district under the jurisdiction of the county board of education of McDonald County, the board of education of that school district shall serve as the county board of education as provided by Section 162.113, RSMo Supp. 1965.

The foregoing opinion which I hereby approve was prepared by my assistant Louis C. DeFeo, Jr.

Yours very truly,


NORMAN H. ANDERSON
Attorney General

Enclosure: Opinion No. 133,
Boulware, 3/18/64.