

SCHOOL DISTRICTS:  
CHANGE OF BOUNDARY:  
ST. CHARLES COUNTY:  
EXTENDING SCHOOL BOUNDARY:  
BOUNDARIES:

The extension of the municipal boundaries of the City of St. Charles does not automatically extend the boundaries of the St. Charles School District under Section 162.421, RSMo. Supp. 1967, where the territory taken in by the extension

of the city is contained within a six-director school district that maintains a high school. The inhabitants of the area annexed by the City of St. Charles may not change the boundaries of the school district by election under Subsection 2 of Section 162.421, RSMo. Supp. 1967. However, the voters of the two school districts may change the boundaries between the school districts under the general change-of-boundary statute, Section 162.431, RSMo. Supp. 1967.

Opinion No. 173

July 16, 1968

Honorable Andrew H. McColloch  
Prosecuting Attorney  
St. Charles County  
First National Bank Building  
St. Charles, Missouri



Dear Mr. McColloch:

This official opinion is rendered upon your request for a ruling interpreting Section 162.421, RSMo. Supp. 1967.

Your letter of request outlines the following relevant facts: (1) The City of St. Charles proposes to annex an area which is presently within the R-5 School District of St. Charles County. (2) Both the school district of St. Charles and the R-5 School District are wholly within the boundary of St. Charles County, a county of the second class. (3) There are no cities with a population of more than 75,000 in St. Charles County. (4) The R-5 School District maintains a high school.

You pose two questions which are as follows:

"1. If the proposed annexation of the City of St. Charles is successful in that area presently included in the R-5 School District, will the boundaries of the St. Charles School District be automatically extended into that same area?

"2. In the event that your opinion is that the extension of the boundary is not

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automatic upon annexation, may the inhabitants of the annexed area hold a special election to affect such an extension?"

I.

Regarding your first inquiry:

We are of the opinion that a proposed annexation is within one of the exceptions to the provisions of Section 162.421.

Subsection 1 of Section 162.421, RSMo. Supp. 1967 states as follows:

"Except districts containing a city or a part of a city having more than seventy-five thousand inhabitants and districts in counties of the first class, the extension of the limits of any city or town beyond the boundaries of a six-director school district in which it is included shall automatically extend the boundaries of that district to the same extent, effective on the first day of July next following the extension of the limits of the city or town, and except in counties of the second class if the extension of the limits of the city or town includes territory contained in another six-director school district which maintains a high school, then the school district boundary lines shall not be enlarged to include territory in said six-director district by reason of the extension of the city or town limits."

This statute provides for the automatic extension of six-director school district boundaries where the boundaries of the city or town in which the school district lies are extended. There are three exceptions to the automatic extension: (1) where the city has more than 75,000 inhabitants, (2) where the district is in a county of the first class, and (3) in certain instances in second class counties.

Since there are no cities of more than 75,000 involved and since St. Charles is not a county of the first class, we turn to consideration of the third exception. St. Charles is a county of the second class.

The third exception applies under the following conditions: (1) The districts are within a county of the second class. (2) The extension of the city or town includes territory contained in another six-director school district. (3) That district maintains a high school.

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From the information you have provided us: (1) The school districts involved are within a county of the second class. (2) The proposed extension of the city includes territory contained in a six-director school district. (3) That six-director school district maintains a high school.

Therefore, we are of the opinion that the proposed annexation extending the boundaries of the City of St. Charles will not automatically extend the boundaries of the St. Charles School District.

## II.

As to your second inquiry:

Subsection 2 of Section 162.421, RSMo. Supp. 1967 provides as follows:

"Whenever, by reason of the extension of the limits of any city or town, a portion of the territory of any school district adjacent thereto is incorporated in a six-director district, the inhabitants of the remaining parts of the district have the right to be annexed to the six-director district. When such part of a school district desires to be so annexed, a special election or an election at a special meeting shall be held as provided in Section 162.441, and if a majority of the votes cast favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the board of the six-director school district; whereupon the board of the six-director district shall meet and confirm the annexation by a proper resolution of record. When such part of a school district has no organization, any ten voters may call a meeting of the district and proceed as provided in Section 162.441; and the secretary of the meeting shall certify, if the majority votes for annexation, to the board of directors of the six-director district, and the same action shall be taken as provided above."

Annexation under this statute is possible only where the automatic extensions provisions of the first paragraph of Section 162.421 apply. Since we have held that the automatic extension provisions of Subsection 1 do not apply, it therefore follows that the annexation provisions of Subsection 2 do not apply to this situation.

We assume from your letter that the proposed city extension will include a part, but not all, of the territory within the R-5 School District.

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Section 162.431, RSMo. Supp. 1967, provides for the changing of boundary lines between two six-director school districts. By means of this procedure, the voters of the school district of the City of St. Charles and the R-5 School District could redesignate the boundaries between the districts to coincide with the proposed extended city boundaries. However, this procedure has no relation to the extension of city boundaries or the provisions of Section 162.421, RSMo. Supp. 1967.

Therefore, we are of the opinion that the boundaries of the school districts can be changed to coincide with the proposed new boundaries of the city under Section 162.431 but not under the provisions of Section 162.421, RSMo. Supp. 1967.

#### CONCLUSION

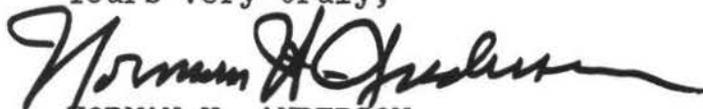
Therefore, it is the opinion of this office that:

1. The extension of the municipal boundaries of the City of St. Charles does not automatically extend the boundaries of the St. Charles School District under Section 162.421, RSMo. Supp. 1967, where the territory taken in by the extension of the city is contained within a six-director school district that maintains a high school.

2. The inhabitants of the area annexed by the City of St. Charles may not change the boundaries of the school district by election under Subsection 2 of Section 162.421, RSMo. Supp. 1967. However, the voters of the two school districts may change the boundaries between the school districts under the general change-of-boundary statute, Section 162.431, RSMo. Supp. 1967.

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

Yours very truly,



NORMAN H. ANDERSON  
Attorney General