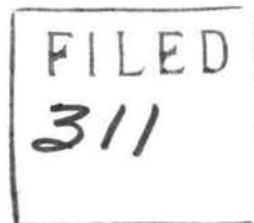


SCHOOL DISTRICTS:
BOUNDARIES:

Consolidation of municipalities does not affect boundaries of six-member school district including one of the municipalities to be consolidated.

OPINION NO. 311

June 28, 1971



Honorable Edna Eads
Representative, District 149
112 South Pine Street
Bonne Terre, Missouri 63628

Dear Representative Eads:

This official opinion is issued in response to your written request of May 24, 1971, in which you describe the proposed consolidation of six adjoining municipalities in a third class county, and ask about the effect of the proposed consolidation on the boundaries of a reorganized six-director school district which includes one of the six.

We assume that the other five municipalities in the proposed consolidation are included either in "common" or "six-director" districts as defined in Section 160.011(2) or (12), and Section 160.021, RSMo 1969.

Certain laws governing "six-director" districts are set out in Section 162.011 through 162.451, RSMo 1969. Section 162.421 provides in part as follows:

". . . 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, . . ."

The section contains exceptions which are not material in view of the conclusion we reach.

The proposed plan submitted with your request does not contemplate the "extension of the limits" of any of the included municipalities. It is rather a proposal for the "consolidation" of "cities,

Honorable Edna Eads

towns, or villages" as authorized by Sections 72.150 through 72.220, RSMo 1969, which permits consolidation in certain instances with the approval of the voters of each city, town and village to be included. Under these statutes, all of the consolidating municipalities stand on an equal legal footing. It cannot be said that the boundaries of any one of them would be "extended." The separate municipalities cease to exist after consolidation and a new entity, the consolidated municipality is created.

The only statute providing for automatic extension of boundaries of a six-director school district, by reason of extension of boundaries of a city or town, does not apply to the situation you describe.

CONCLUSION

It is the opinion of this office that a consolidation of cities, towns, or villages as authorized by Section 72.150 through 72.220, RSMo 1969, does not affect the boundaries of a six-director school district which includes one of the consolidating municipalities.

The foregoing opinion, which I hereby approve, was prepared by my Special Assistant, Charles B. Blackmar.

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. Danforth". The signature is written in a cursive style with a large, prominent initial "J".

JOHN C. DANFORTH
Attorney General