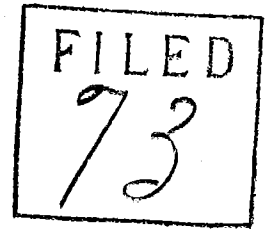


SCHOOLS:
CONSOLIDATED DISTRICTS:

Consolidated and Common
School Districts may
consolidate.

March 29, 1946



H-4

Honorable W. Oliver Rasch
Prosecuting Attorney
Jefferson County
Festus, Missouri

Dear Sir:

We acknowledge your request, which is as follows:

"The County Superintendent of Schools of this county desires advice concerning the formation of a school district, and I therefore request your opinion. The facts are substantially as follows:

"The tax rate in the Hillsboro Consolidated School District as it is now constituted is \$1.00, while the tax rate in the Common School District which the Hillsboro School District desire to absorb is 20¢. The Common School District which the Hillsboro District desires to attach has an enumeration of three children and an assessed valuation of \$50,000.00. No school is maintained in the Common School District, nor has there been any for several years. The children residing in the Common School District are transported to the Hillsboro School and are receiving their education there.

"Please let me have your opinion as to whether or not the Statutes will permit the Hillsboro Consolidated School District to completely absorb the Common

School District above mentioned.

"It would appear from reading Sections 10410 and 10485 that such a procedure is authorized. However, in view of some of the Court decisions, the legality of the procedure seems doubtful."

We construe your request to be, does the law authorize the consolidation of a Consolidated School District with an adjacent Common School District?

Replying thereto, you are referred to the law enacted by the 61st General Assembly, Session Acts 1941, page 545, which 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. * * * * *"

It appears that the above law answers your question, both as to the authority for the consolidation of the two districts and the procedure therein.

Conclusion.

It is our opinion that under the law the Hillsboro Consolidated School District and the Common School District adjacent thereto may be consolidated into one, if, as and when, the procedure is complied with.

Very truly yours,

DRAKE WATSON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

DW:ml