

LS: Change of boundary lines may be voted on only at annual school election; no limit as to number of times such petitions may be presented and voted upon.



March 21, 1958

Honorable Eugene S. Heitman
Prosecuting Attorney
Bollinger County
Marble Hill, Missouri

Dear Mr. Heitman:

This is in response to your request for opinion of recent date, which reads as follows:

"About one year ago, one of the original rural school districts which is now a part of The Lutesville Consolidated School District, which original district adjoins Cape Girardeau County, Missouri, tried to withdraw from the Consolidated School in this county and become a part of the Jackson Consolidated District in Cape Girardeau Co. Mo. Cape County district voted to accept them and Bollinger County Consolidated voted no, and this matter was then submitted to arbitration as provided by law and the Board of Arbitrators decided against permitting them to go to Cape County, but determined that they should be and remain a part of the Lutesville Consolidated District.

"It is now rumored that they may again attempt to submit it to another vote and again have it referred to a Board of Arbitrators. Do they have a right to do this, or are they obliged to remain in the Bollinger County, Lutesville Consolidated District? And if they can have it submitted again, how many more times can they have this matter voted on and arbitrated."

Honorable Eugene S. Heitman

Change of boundary lines between six-director school districts is governed by Section 165.294, RSMo, Cum. Supp. 1957, which is too lengthy to set out here in full. This statute provides the steps which must be taken in order to effect such a change in boundaries, and, among other things, states that:

"The secretaries of the district boards of education shall post a notice of the desired change in at least five public places in each district affected at least fifteen days prior to the next annual school election, or publish notice for the same length of time in all the newspapers of the districts."

Since there is no provision for holding a special election on this issue, it can be presented only at the annual school election. Subject to this restriction, there is no limit as to the number of times a petition for change of boundary lines may be presented and voted upon.

In this respect, Section 165.294, supra, change of boundary lines, differs from Section 165.300, RSMo, Cum. Supp. 1957, annexation, in that in the latter it is provided that the election for annexation shall be held at a special meeting or election, but that after the holding of such special election no other such special election shall be called within a period of two years thereafter.

CONCLUSION

It is therefore the opinion of this office that petitions for changes of boundary lines between two six-director school districts may be presented and voted upon only at the annual school election, but that subject to this restriction there is no limitation as to the number of times that a petition for change of boundary lines may be presented and voted upon.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John W. English.

Yours very truly,

JOHN M. DALTON
Attorney General

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