

School Districts, Consolidation Of. Consolidation, of School Districts. Trustees, Consolidated Districts.

Upon the consolidation of two or more school districts the districts thus consolidated lose their identity as such and a new district is created.

Upon consolidation of two or more districts the term of office of the trustees of the old district cease and the county superintendent should appoint trustees as in case of the establishment of a new district.

February 5, 1912.

Hon. W. E. Harmon,
Supt. of Public Instruction,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 27th ult., in which you submit for my opinion the following question:

In case of consolidation of two or more districts, who would constitute the board of trustees? Would the combined boards act until the next election?

By the provisions of Section 839, Rev. Codes, a school district is defined as "the territory under the jurisdiction of a single board of trustees." Sec. 868, Rev. Codes, provides that except in those cases otherwise provided for every school district is under the control of a board of trustees consisting of three members.

When a school district is once created it cannot be abandoned nor can the boundaries thereof be changed save and except in accordance with the provisions of Sec. 839, et seq. of the Revised Codes. Sec. 841 provides, however, that two or more contiguous districts may be united to constitute one district upon petition as therein provided. Within the definition of a school district as above stated, in view of the provisions of Sec. 868, that every school district is under the control of a board of trustees consisting of three members, and further in view of the provisions of Sec. 841, that two districts may be united to constitute but one district, it is my opinion that the only logical solution of the question propounded by you is to say that it was the intention of the Legislature in enacting Sec. 841, that upon the consolidation of two or more contiguous districts into one district that such districts thus united lose their identity as such and pass out of existence and that an entirely new district is formed. If then, the united districts form a new district the same provisions of law relating to the selection of officers for a newly created district would

apply and the terms of office of the trustees of the old district would cease and the county superintendent of schools should appoint trustees for the new district to hold office until the next general school election.

It is, therefore, my opinion that in the event of consolidation of two or more school districts, a board of trustees to be appointed by the county superintendent would constitute the board of trustees of such consolidated district, and that the term of office of the members of the former boards terminate.

Very truly yours,

ALBERT J. GALEN,

Attorney General.