

School Districts, Boundaries of Joint. Joint School Districts, Boundaries of. Boundaries, of Joint School District.

The boundaries of joint school districts may not be changed except by the concurrent action of the authorities of both counties. The boundaries of any school district may not be changed so as to leave less than ten school census children therein.

August 11, 1915.

Hon. H. A. Davee,
Superintendent of Public Instruction,
Helena, Montana.

Dear Sir:

I am in receipt of your letter wherein you inquire as to the method of procedure to be followed in case it is sought to change the boundaries of a joint school district lying partly in each of two counties where the territory affected is wholly within one of the counties?

The only legislation respecting joint school districts is found in Section 408, Chapter 76, Laws of 1913. The first paragraph relates to the formation of such districts, and the second to the control thereof. A concurrent action by the Superintendent of each county affected, is essential to the formation of a joint district, but the law is silent respecting procedure where boundaries are sought to be changed. When a joint district is once formed, each county in which a part thereof lies is equally interested in its welfare, and each lends its financial support thereto in proportion to the number of its school census children residing within its borders. It is manifest from these considerations that any change in the boundaries of an existing joint district necessarily affects both counties. Since it is the law that a joint district may not be formed without concurrent action, I am of the opinion that the boundaries of one already in existence may not be changed unless it be by the joint action of the county superintendents of both counties, with the qualification that if both reject the proposed change, appeals would lie to the respective boards of county commissioners of the counties involved.

In answer to your second question, I am of the opinion that the boundaries of no school district may be changed so as to leave less than ten census children in the district. This question is analogous to

that relating to the minimum of taxable property which must remain when a change is effected.

See Volume 5, Opinions Attorney General, page 472.

Yours very truly,

J. B. POINDEXTER,

Attorney General.