

**Opinion No. 22-3409**

May 1, 1922

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Miss Lily Hennigan, County School Superintendent, Raton, New Mexico.

**Dissolving Consolidated School Districts.**

**OPINION**

{\*148} In reply to your letter of April 28th, stating that you desire to dissolve the consolidation heretofore effected between one of the school districts in your county and the Dedman School in Union County, and asking if there is any provision of law authorizing such a dissolution, I wish to advise you as follows:

Section 7 of Chapter 105 of the Laws of 1917 prescribes the procedure to be adopted for the change, abolishing, altering and consolidation of rural school districts.

In my opinion rendered to Miss Edith M. Coffeen, County School Superintendent of Harding County, under date of July 6th, 1921, bearing attorney general's number 3026, we held that the authority contained in this section was sufficient to authorize the dividing of school districts theretofore consolidated under the provisions of that law.

I am enclosing a copy of that opinion herewith for your guidance.

The question submitted by you in your letter, however, cannot be said to be governed entirely by this act. The consolidation of school districts which lie contiguous but in different counties is provided for by Chapter 14, Laws 1919. If this latter act can be said to be supplemental to Section 7, Chapter 105, Laws 1917, then it would follow that county boards of education would have authority to divide school districts previously consolidated under the provisions of Chapter 14, Laws 1919.

There is some doubt, however, whether the two acts can be so construed together as to justify the conclusion last above mentioned. It would appear as if the legislature should have provided a method for the dissolution of districts consolidated under the provisions of Chapter 14, if there had been any intent to permit such a practice.

The question involves so much of doubt, however, that I feel a hesitancy in expressing an unqualified opinion regarding the matter. I would be constrained to hold that the dissolution should be permitted under the provisions of Section 7, Chapter 105, but the courts might be inclined to disagree.

I would therefore suggest, in order that you may secure a final determination of the question, that you have a suit filed in the district court of your county, requesting

authority to separate the two districts and have someone represent the opposition to the division and in this manner secure a judicial decision which would be binding.

This would be the only method that could be relied upon in the event of a future question regarding the bonded indebtedness which you state exists in the said consolidated district.