

Opinion No. 22-3628

November 17, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Mrs. Nelle Hauser, County School Superintendent, Tucumcari, New Mexico.

Distribution School Funds to Districts Consolidated With Districts of Other Counties.

OPINION

{*190} In reply to your letter of the 15th instant, asking how much money you shall instruct the county treasurer to set aside to Curry County for sixteen sections that have been consolidated with Curry County, I wish to advise:

I assume that you are referring to a consolidation of two rural school districts, one located in Curry County and one in Quay County under the provisions of Chapter 14, Laws 1919. I assume also, from the contents of your letter, although you do not so state, that the district in Curry County is the dominant district.

If the above assumptions are correct, the provisions for the apportionment of funds to the consolidated district is governed by the provisions of Section 11, Chapter 105, Laws 1917, and Section 2, Chapter 14, Laws 1919.

The two sections provide that the apportionment shall be based upon the number of school children residing in the district over five and under twenty-one years of age, as the same shall appear from the last annual report of the clerk of the said school district. The {*191} funds to be contributed to the consolidated district shall be based upon the said number of school children in the fraction of the said consolidated district that lies in Quay County. The apportionment should be made the same as if such fraction in Quay County were a separate school district therein.