

Opinion No. 37-1508

January 21, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. Edwin C. Hawkins, Superintendent of Schools, Hope, New Mexico.

{*43} Your communication of January 18th requesting information as to the procedure necessary to form a Union High School District has been called to my attention.

If I understand your inquiry correctly, you desire to consolidate four school districts in Chavez county with the Hope Municipal School District in Eddy County and form a Union High School. I entertain serious doubts as to whether this can be done because of the fact some of the school districts are in one county and the remaining municipal district is in another.

Section 120-808, New Mexico Code Annotated, 1929 Compilation, provides for consolidation of rural school districts which may be in two counties. However, this section is not applicable to Union High School Districts.

Section 120-1002, New Mexico Code 1929, does provide that "two or more contiguous school districts" may unite for the purpose of forming a Union High School. But there is no provision in this section or any of the relative sections, nor in Chapter 119, Laws of 1931, amendatory thereof, which provide for custody and payment of the funds derived from taxation by the Union High School Districts where the proposed Union High School District might be comprised of districts situated in different counties.

I would, therefore, suggest that you take this matter up with the representative or senator from your district and ask him to introduce appropriate legislation permitting such procedure.

By: R. E. MANSON,

Asst. Atty. Gen.