

Opinion No. 43-4431

December 30, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. E. B. Ortiz, County School Superintendent, Taos, New Mexico

Mr. Fred J. Federici, District Attorney, has requested that this office give you an opinion relative to the consolidation of certain school districts in Taos county, New Mexico, and the number of Directors which may be elected in such consolidated district.

In your letter to Mr. Federici, you state that several rural school districts were legally consolidated pursuant to the provisions of Sections 55-1901 and 55-1903 of the New Mexico 1941 Compilation. However, the ultimate objects of the consolidation have not as yet been achieved, due to the fact that a centrally located school building has not been built. As a result, there are approximately twelve schools within one consolidated district, and you are wondering whether a Director to represent each school could not be elected.

After a consolidation has legally been effected, the former school districts involved in the consolidation cease to exist except, possibly, for debt service. The new consolidated district becomes the only existing rural school district for the territory involved, and the general law applicable to election of rural school directors would apply.

Section 55-809 of the New Mexico 1941 Compilation provides for a Board of School Directors for rural school districts to be composed of three persons. In view of that fact, the election within the consolidated district should be pursuant to the general law relating to elections in rural school districts, and not more than three Directors should be elected.

Trusting that the foregoing sufficiently answers your inquiries, I am

By C. C. McCULLOH,

First Asst. Atty. General