

January 28, 1933.

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Miss Mary Brown,
County School Supt.,
Holbrook, Arizona.

My dear Miss Brown:

In reference to your oral request for the opinion of the Attorney General as to the procedure to be adopted in the attempted withdrawal of a school district from a union high school district, you are advised, as follows:

Your attention is directed to Chapter 50, Session Laws of 1931. This amendment authorizes a school district, embraced within a union high school district, to petition the County School Superintendent for exclusion from the union high school district. If the county school superintendent finds the following facts to exist, he must submit to the board of supervisors a statement of his findings and it shall thereupon become the duty of the board of supervisors to exclude the school district as prayed for.

The facts that must be found by the county school superintendent are, as follows:

1. The school house of the school district securing exclusion must be more than twenty five miles distant by the usually traveled road from the high school building;
2. If the school district were excluded, the remaining territory of the high school district must be contiguous;
3. The petition for exclusion must contain bona fide signatures of the heads of not less than two-thirds of all the families within such school district having children eligible for admission to the high school and, in no event, less than twenty-five such signatures.

The statute further provides:

"Such exclusion shall not be construed nor act to relieve the excluded school district from liability of bonded indebtedness incurred while it was a part of such union high school district."

Very respectfully submitted,

Attorney General.

ATL:H

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