

CHAPTER 122

SCHOOL DISTRICTS, FORMATION AND ALTERATION

<p>122.23 Consolidation. 122.41 Policy. 122.43 Dissolution of districts not a part of independent districts. 122.44 Procedure for attachment to organized districts.</p>	<p>122.531 Levy limitations of reorganized districts. 122.535 Agreements for secondary education. 122.542 Repealed. 122.90 Repealed.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------

122.23 CONSOLIDATION.

[For text of subd 1, see M.S.1982]

Subd. 2. Upon a resolution of a school board in the area proposed for consolidation or upon receipt of a petition therefor executed by 25 percent of the voters resident in the area proposed for consolidation or by 50 such voters, whichever is lesser, the county auditor of the county which contains the greatest land area of the proposed new district shall forthwith cause a plat to be prepared. The resolution or petition shall show the approximate area proposed for consolidation. The resolution or petition may propose either that the bonded debt of the component districts will be paid according to the levies previously made for that debt under chapter 475, as provided in subdivision 16a, or that the taxable property in the newly created district will be taxable for the payment of the bonded debt previously incurred by any component district as provided in subdivision 16b. The resolution or petition may also propose that referendum levies previously approved by voters of the component districts pursuant to section 275.125, subdivision 2d, or its predecessor provision, be combined as provided in section 122.531, subdivision 2a or 2b, or that the referendum levies be discontinued. The resolution or petition may also propose that the board of the newly created district consist of seven members, and may also propose the establishment of separate election districts from which school board members will be elected, the boundaries of these election districts, and the initial term of the member elected from each of these election districts. If more than one request for a plat is received by a county auditor and the requests involve parts of identical districts, he shall forthwith prepare a plat which in his opinion best serves the educational interests of the inhabitants of the districts or areas affected. The plat shall show:

- (a) Boundaries of the proposed district, as determined by the county auditor, and present district boundaries,
- (b) The location of school buildings in the area proposed as a new district and the location of school buildings in adjoining districts,
- (c) The boundaries of any proposed separate election districts, in accordance with the provisions of section 123.32, and
- (d) Other pertinent information as determined by the county auditor.

[For text of subd 2a, see M.S.1982]

Subd. 3. A supporting statement to accompany the plat shall be prepared by the county auditor. The statement shall contain:

- (a) The adjusted assessed valuation of property in the proposed district,
- (b) If a part of any district is included in the proposed new district, the adjusted assessed valuation of the property and the approximate number of pupils

residing in the part of the district included shall be shown separately and the adjusted assessed valuation of the property and the approximate number of pupils residing in the part of the district not included shall also be shown,

(c) The reasons for the proposed consolidation, including a statement that at the time the plat is submitted to the state board of education, no proceedings are pending to dissolve any district involved in the plat unless all of the district to be dissolved and all of each district to which attachment is proposed is included in the plat,

(d) A statement showing that the jurisdictional fact requirements of subdivision 1 are met by the proposal,

(e) Any proposal contained in the resolution or petition regarding the disposition of the bonded debt or referendum levies of component districts,

(f) Any other information the county auditor desires to include, and

(g) The signature of the county auditor.

[For text of subds 4 to 16b, see M.S.1982]

Subd. 16c. **Bonds; election.** The board of the newly created district, when constituted as provided in subdivision 17, may provide for an election of that district on the issuance of bonds. It may issue and sell bonds authorized at the election, or bonds authorized at an election previously held in any pre-existing district wholly included within the newly created district, or bonds for a purpose for which an election is not required by law. The actions may be taken at any time after the date of the county auditor's order issued under subdivision 13, and before or after the date upon which the consolidation becomes effective for other purposes, and taxes for the payment of the bonds shall be levied upon all taxable property in the newly created district. No bonds shall be delivered to purchasers until 30 days after the date of the county auditor's order. If within this period a notice of appeal from the county auditor's order to the district court is filed in accordance with section 127.25, no bonds shall be delivered by the newly created district to purchasers unless the county auditor's order is affirmed by final order of the district court in the special proceeding, and a period of 30 days from the service of the final order expires without an appeal being commenced or, if an appeal is taken, the order is affirmed and the time for petitioning for further review has expired; except that if all of the territory of one and only one independent district maintaining a secondary school is included in the newly created district, and if the assessed valuation of taxable property in the territory comprises 90 percent or more of the assessed valuation of all taxable property in the newly created district, the board may issue, sell, and deliver any bonds voted by the pre-existing independent district and any bonds voted or otherwise authorized by the newly created district, notwithstanding the pendency of the appeal, and the bonds shall be paid by the levy of taxes upon the property within the territory of the pre-existing independent district and within the other areas, if any, that are finally determined to be properly included within the newly created district. In any election held in the newly created district as authorized in the preceding sentence, all qualified electors residing within the area of that district as defined in the county auditor's order shall be entitled to vote, but the votes cast by residents of former districts or portions of former districts included in the area, other than the independent district maintaining the secondary school, shall be received and counted separately. The bonds shall not be issued and sold unless authorized by a majority of the votes cast thereon by electors of the independent

district maintaining the secondary school, and also by a majority of the votes cast thereon by electors residing within the entire area of the newly created district.

[For text of subds 17 to 19, see M.S.1982]

History: 1983 c 247 s 56; 1983 c 314 art 7 s 9,10

122.41 POLICY.

The policy of the state is to encourage organization of school districts into units of administration to afford better educational opportunities for all pupils, make possible more economical and efficient operation of the schools, and insure more equitable distribution of public school revenue. To this end all area of the state shall be included in an independent or special school district maintaining classified elementary and secondary schools, grades one through 12, unless a district has made an agreement with another district or districts as provided in section 122.535 or 122.541.

History: 1983 c 314 art 8 s 5

122.43 DISSOLUTION OF DISTRICTS NOT A PART OF INDEPENDENT DISTRICTS.

Subdivision 1. Any organized school district not a part of an independent school district maintaining classified elementary and secondary schools, grades one through 12 is dissolved, unless the district has made an agreement with another district or districts as provided in section 122.535 or 122.541.

Subd. 2. The board of each district so dissolved shall continue to maintain school until all its territory has been attached to a proper district not later than July 1. Such boards shall only make such contracts and do such things as are necessary to maintain schools properly for the period they may be in session prior to the attachment.

History: 1983 c 314 art 8 s 6

122.44 PROCEDURE FOR ATTACHMENT TO ORGANIZED DISTRICTS.

Subdivision 1. Upon notice and hearing, as provided in section 122.22 for the attachment of dissolved districts, all territory of school districts dissolved by sections 122.41 to 122.52 and all area of the state not in a district maintaining classified elementary and secondary schools shall be attached by order of the county board to organized districts maintaining classified elementary and secondary schools, grades one through 12, unless a district has made an agreement with another district or districts as provided in section 122.535 or 122.541.

History: 1983 c 314 art 8 s 7

122.531 LEVY LIMITATIONS OF REORGANIZED DISTRICTS.

[For text of subds 1 and 1a, see M.S.1982]

Subd. 2. **Voluntary dissolution: referendum levies.** As of the effective date of the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section 122.22, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision 2d, or its predecessor provision, is canceled. However, if all of the territory of any independent district is included in the enlarged district, and if the adjusted assessed valuation of taxable property in

that territory comprises 90 percent or more of the adjusted assessed valuation of all taxable property in an enlarged district, the board of the enlarged district may levy the increased amount previously approved by a referendum in the pre-existing independent district upon all taxable property in the enlarged district. Any new referendum levy shall be certified only after approval is granted by the voters of the entire enlarged district in an election pursuant to section 275.125, subdivision 2d.

Subd. 2a. Consolidation; maximum authorized referendum levies. As of the effective date of a consolidation pursuant to section 122.23, if the plan for consolidation so provides, or if the plan for consolidation makes no provision concerning referendum levies, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision 2d, or its predecessor provision shall be recalculated as provided in this subdivision. The referendum levy authorization for the newly created district shall be the millage that would raise an amount equal to the combined dollar amount of the referendum levies authorized by each of the component districts for the year preceding the consolidation, unless the referendum levy authorization of the newly created district is subsequently modified pursuant to section 275.125, subdivision 2d. If the referendum levy authorizations for each of the component districts were limited to a specified number of years, the referendum levy authorization for the newly created district shall continue for a period of time equal to the longest period authorized for any component district. If the referendum levy authorization of any component district is not limited to a specified number of years, the referendum levy authorization for the newly created district shall not be limited to a specified number of years.

Subd. 2b. Alternative method. As of the effective date of a consolidation pursuant to section 122.23, if the plan for consolidation so provides, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision 2d, or its predecessor provision shall be combined as provided in this subdivision. The referendum levy authorization for the newly created district may be any millage provided in the plan for consolidation, but may not exceed the millage that would raise an amount equal to the combined dollar amount of the referendum levies authorized by each of the component districts for the year preceding the consolidation. If the referendum levy authorizations for each of the component districts were limited to a specified number of years, the referendum levy authorization for the newly created district shall continue for a period of time equal to the longest period authorized for any component district. If the referendum levy authorization of any component district is not limited to a specified number of years, the referendum levy authorization for the newly created district shall not be limited to a specified number of years. The referendum levy authorization for the newly created district may be modified pursuant to section 275.125, subdivision 2d.

Subd. 2c. If the plan for consolidation provides for discontinuance of referendum levies previously approved by voters of the component districts pursuant to section 275.125, subdivision 2d, or its predecessor provision, the newly created district shall not make a referendum levy unless the voters of the newly created district authorize a referendum levy pursuant to section 275.125, subdivision 2d.

[For text of subds 3a to 6, see M.S.1982]

Subd. 8. Interdistrict cooperation levy and aid. Any districts which consolidate pursuant to section 122.23 and which were eligible to make the levy and

receive aid pursuant to the provisions of sections 124.272 and 275.125, subdivision 8a prior to the effective date of the consolidation, shall continue to remain eligible to apply for interdistrict cooperation aid and levy after the effective date of the consolidation.

History: 1983 c 314 art 6 s 4; 1983 c 314 art 7 s 11-14

122.535 AGREEMENTS FOR SECONDARY EDUCATION.

Subdivision 1. Applicability. The provisions of this section shall apply to a district with fewer than 375 pupils enrolled in grades 7 to 12.

Subd. 2. Agreement. The school board may enter into one or more agreements providing for instruction of its secondary pupils in one or more districts. The agreement shall be effective on July 1 and shall be for a specified or indefinite number of years. The agreement shall set forth the obligations of transportation, the tuition to be paid to the providing district, and all additional charges and fees to be paid to the providing district. The amount of tuition shall not be subject to the provisions of section 124.18, subdivision 2. The agreement may provide for negotiation of a plan for the assignment or employment in a providing district as an exchange teacher according to section 125.13, or placement on unrequested leave of absence of teachers whose positions are discontinued as a result of the agreement. "Teacher" has the meaning given it in section 125.12, subdivision 1.

Subd. 3. Informational meeting. Before entering into agreements permitted by subdivision 2 of this section, the school board shall hold a public hearing. The board shall publish notice of the hearing in the newspaper with the largest circulation in the district. If the board proposes to enter into agreements with two or more districts, the board may conduct separate or consolidated hearings.

Subd. 4. Review and comment. After the hearing required by subdivision 3 of this section and before entering into an agreement, the board shall submit the agreement to the commissioner of education for review and comment.

Subd. 5. Aid payments. A district entering into an agreement permitted in subdivision 2 of this section shall continue to count its resident pupils who are educated in other districts as resident pupils in the calculation of pupil units for the purposes of state aids, levy limitations, and any other purpose. A district may continue to provide transportation and collect transportation aid for its resident pupils. For purposes of aid calculations, the commissioner of education may adjust the cost per eligible pupil transported to reflect changes in cost resulting from the agreement, if any.

History: 1983 c 314 art 8 s 8

122.542 [Repealed, 1983 c 314 art 9 s 13]

122.90 [Repealed, 1983 c 314 art 7 s 52]