

Introduced by

1 A BILL for an Act to create and enact two new sections to chapter 15.1-07 and one new section  
2 to chapter 15.1-12 of the North Dakota Century Code, relating to school district reorganization,  
3 long-term plans, and the closure of elementary schools; and to amend and reenact section  
4 15.1-12-26 of the North Dakota Century Code, relating to school district dissolution.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is  
7 created and enacted as follows:

8 **School district - Minimum enrollment - Educational services.**

- 9 1. Each school district in this state shall offer educational services to students from  
10 kindergarten through grade twelve and must consist of at least two hundred  
11 twenty-five full-time students, as determined by the district's fall enrollment.  
12 2. If a school district fails to meet the requirements of subsection 1, the  
13 superintendent of public instruction shall notify the superintendent of the district  
14 and the president of the school board that the school district must pursue  
15 reorganization as provided for in chapter 15.1-12.1.  
16 3. If the school district fails to become reorganized within three years from the  
17 July first immediately preceding the notification required by the superintendent of  
18 public instruction under subsection 2, the superintendent of public instruction shall  
19 direct a county committee to initiate proceedings to dissolve the district and attach  
20 the property to other operating districts.

21 **SECTION 2.** A new section to chapter 15.1-07 of the North Dakota Century Code is  
22 created and enacted as follows:

23 **Demographic changes - Long-term plan - Report.**

- 1        1. Between January 1, 2004, and June 30, 2004, and between January first and  
2        June thirtieth of every even-numbered year thereafter, the board of each school  
3        district shall hold a public hearing to consider the effects of changing demographics  
4        on the district and to consider appropriate responses to such changes.
- 5        2. The board of each school district shall prepare and file with the superintendent of  
6        public instruction a report that sets forth the district's plan for addressing the effects  
7        of demographic changes in the ensuing five, ten, and twenty years. The plan must  
8        include:
  - 9        a. Anticipated academic, athletic, and extracurricular program changes;
  - 10       b. Instructional and administrative staff changes; and
  - 11       c. Facility repairs, remodeling, closure, or new construction, and taxation  
12       changes.
- 13       3. The board of each school district shall publish a notice in the official newspaper of  
14       the district indicating that the report is available and shall make the report available  
15       upon request.

16        **SECTION 3.** A new section to chapter 15.1-12 of the North Dakota Century Code is  
17 created and enacted as follows:

18        **Elementary school - Closure - Appeal.**

- 19       1. Any elementary school operated by a school district that is required to reorganize  
20       under section 1 of this Act may not be closed by the board of the newly  
21       reorganized district unless the board determines that:
  - 22       a. The closure is based on financial exigency or that the continued operation of  
23       the school is not financially justifiable; and
  - 24       b. No student enrolled in the elementary school at the time of the reorganization  
25       would have to travel for more than forty-five minutes one way to reach another  
26       elementary school, using the most efficient and timely means of  
27       transportation, whether provided by the school district or by the student's  
28       family.
- 29       2. If the parent of a student enrolled in the elementary school at the time of the  
30       reorganization as required by section 1 of this Act believes that the closure of the  
31       elementary school would violate this section, the parent may appeal the closure

decision to the state board of public school education. If an appeal is filed under this section, the state board shall review the closure decision made by the board of the newly reorganized school district. If the state board determines that the decision to close the elementary school was made in violation of this section, the state board shall order that the board of the newly reorganized district rescind its decision to close the school.

**SECTION 4. AMENDMENT.** Section 15.1-12-26 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-12-26. Dissolution of school district - Grounds.**

1. A county committee shall initiate proceedings to dissolve a school district and attach the property to other operating school districts when it is notified in writing by the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district that:
  - a. The district is financially unable to effectively and efficiently educate its students;
  - b. The district has not operated a school as required by section 15.1-12-24; or
  - c. A school board has determined that dissolution is in the best interest of its students.
2. A county committee shall initiate proceedings to dissolve a school district and attach the property to other operating school districts when it is notified in writing by the superintendent of public instruction that:
  - a. The district does not provide or has ceased to provide educational services to students from kindergarten through grade twelve; or
  - b. The district does not enroll or fails to enroll at least two hundred twenty-five full-time students, as determined by a fall enrollment count.
3. Except as provided in subsection ~~3~~ 4, a county committee shall initiate proceedings under section 15.1-12-27 to attach real property to an operating school district when it is notified in writing by the county superintendent that:
  - a. Real property has been severed from its school district by the expansion of a city and the severed portion is not contiguous with its district; or
  - b. There exists real property that does not belong to a school district.

- 1       ~~3.~~ 4.   If a school district reorganization plan which does not include all real property in a  
2                   district is approved by the electors, the county committee shall, within forty-five  
3                   days after the election, hold a hearing under section 15.1-12-29 to attach the  
4                   remaining property to one or more operating districts.
- 5       ~~4.~~ 5.   Receipt of notice by a county committee under this section:
- 6                   a.   Renders an annexation petition involving any real property in the district void,  
7                   unless the annexation has already been approved by the state board; and  
8                   b.   Prohibits the acceptance of a new annexation petition involving any real  
9                   property in the district until all dissolution proceedings have been completed.
- 10      ~~5.~~ 6.   One or more annexation petitions may not be used to annex all of the real property  
11                   in a school district to surrounding school districts.