

HOUSE BILL NO. 1260
with Senate AmendmentsSixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1260

Introduced by

Representatives R. Kelsch, Haas, Hanson, L. Meier

Senator Wardner

1 A BILL for an Act to amend and reenact sections 15.1-12-24 and 15.1-12-27 of the North
2 Dakota Century Code, relating to the definition of a nonoperating school district and the
3 attachment of property in a school district dissolution.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-12-24 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-12-24. Nonoperating school district - Reorganization or dissolution.** A
8 school district that ~~ceases to provide educational services within the district~~ no longer operates
9 at least one school approved by the superintendent of public instruction under section
10 15.1-06-06 must become, within one year, through a process of reorganization or dissolution,
11 part of a district operating an approved school. If a school district affected by this section has
12 not become part of a district operating an approved school within the prescribed time limit, the
13 school district must be dissolved. This section does not apply to military installation school
14 districts.

15 **SECTION 2. AMENDMENT.** Section 15.1-12-27 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-12-27. Dissolution of school district - Notice - Hearing - Order of attachment.**

18 1. The county superintendent shall schedule and give notice of a public hearing
19 regarding the dissolution of the district and the subsequent attachment of the
20 property to other high school districts. The county superintendent shall publish the
21 notice in the official newspaper of each county that encompasses property in the
22 dissolving district and in the official newspaper of each county that encompasses
23 property in a high school district adjacent to the dissolving district, at least fourteen
24 days before the date of the hearing. The county superintendent shall provide

notice of the public hearing to the business manager of each high school district adjacent to the dissolving district.

2. At the hearing, the board of the dissolving district may propose a particular manner of dissolution.

3. The county committee shall consider testimony and documentary evidence regarding:

- a. The value and amount of property held by the dissolving school district;
- b. The amount of all outstanding bonded and other indebtedness;
- c. The distribution of property and assets among the high school districts to which the dissolved district is attached;
- d. The taxable valuation of the dissolving district and adjacent high school districts and the taxable valuation of adjacent high school districts under the proposed manner of dissolution;
- e. The size, geographical features, and boundaries of the dissolving district and of adjacent high school districts;
- f. The number of students in the dissolving district and in adjacent high school districts;
- g. The general population of the dissolving district and adjacent high school districts;
- h. Each school in the dissolving district and in adjacent high school districts, including its name, location, condition, accessibility, and the grade levels it offers;
- i. The location and condition of roads, highways, and natural barriers in the dissolving district and in adjacent high school districts;
- j. Conditions affecting the welfare of students in the dissolving district and in adjacent high school districts;
- k. The boundaries of other governmental entities;
- l. The educational needs of communities in the dissolving district and in adjacent high school districts;
- m. Potential savings in school district transportation and administrative services;

- 1 n. The anticipated future use of the dissolving districts' buildings, sites, and
2 playfields;
- 3 o. The potential for a reduction in per student valuation disparities between the
4 high school districts to which the dissolved district is attached;
- 5 p. The potential to equalize or increase the educational opportunities for
6 students from the dissolving district and for students in adjacent high school
7 districts; and
- 8 q. All other relevant factors.
- 9 4. After the hearing, the county committee shall make findings of fact. Subject to final
10 approval by the state board, the county committee may order the district dissolved
11 and its real property attached to one or more contiguous, operating high school
12 districts.
- 13 5. Any property ordered attached under this section must have at least one minor
14 residing within its boundaries.
- 15 6. The percentage of the dissolving district's taxable valuation which will be attached
16 to a particular school district must be within fifteen percentage points of the
17 percentage of children who reside within the boundaries of the dissolved district
18 who are younger than eighteen and who are expected to attend school in the
19 district to which the property is attached.
- 20 7. The county superintendent shall forward all minutes, records, documentary
21 evidence, and other information regarding the dissolution proceeding together with
22 a copy of the county committee's order to the state board for final approval of the
23 dissolution. The state board shall publish notice of its meeting at which it will
24 consider the dissolution, in the official newspapers of the counties required for
25 publication under subsection 1, at least fourteen days before the meeting.
- 26 ~~7.~~ 8. The order of dissolution becomes effective July first following approval by the state
27 board, unless the county committee provides for a different effective date.
- 28 ~~8.~~ 9. If the boundaries of the dissolving school district cross county lines, the proceeding
29 to dissolve the district must be conducted jointly by the county committees
30 representing counties containing twenty-five percent or more of the dissolving
31 district's taxable valuation. If, after the hearing, a majority of the county

committees are unable to agree upon an order of dissolution and attachment, the county superintendent of the county in which the administrative headquarters of the dissolving school district is located shall notify the state board. The state board shall conduct a public hearing, as required in this section, and order the dissolution of the district and the attachment of its real property to adjacent high school districts in the manner it deems appropriate. The state board shall publish notice of the public hearing in the official newspapers of the counties required for publication under subsection 1, at least fourteen days before the date of the hearing.

~~9.~~ 10. If any portion of the order providing for the attachment of real property is suspended or voided, the order of dissolution is likewise suspended or voided.

~~10.~~ 11. The state board shall provide a copy of its final findings of fact, conclusions of law, and order regarding the dissolution to job service North Dakota. If not otherwise included in the findings of fact, the state board shall also provide job service North Dakota with information on the distribution and valuation of property from the dissolving district to the receiving districts.