

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1434

Introduced by

Representatives Richter, Hatlestad, Magrum, Zubke

Senators Bekkedahl, Rust

1 A BILL for an Act to amend and reenact sections 15.1-12-26 and 15.1-12-27 of the North
2 Dakota Century Code, relating to dissolution of school districts.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-12-26 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-12-26. Dissolution of school district - Grounds.**

- 7 1. A county committee shall initiate proceedings to dissolve a school district and attach
8 the property to other operating high school districts, or to a non-high school district if
9 there are no high school districts adjacent to the district being dissolved, when it is
10 notified in writing by the county superintendent of schools whose jurisdiction includes
11 the administrative headquarters of the district that:
- 12 a. The district is financially unable to effectively and efficiently educate its students;
13 b. The district has not operated a school as required by section 15.1-12-24; or
14 c. A school board has determined that dissolution is in the best interest of its
15 students.
- 16 2. Except as provided in subsection 3, a county committee shall initiate proceedings
17 under section 15.1-12-27 to attach real property to an operating high school district, or
18 to a non-high school district if there is no high school district adjacent to the district
19 being dissolved, when it is notified in writing by the county superintendent that:
- 20 a. Real property has been severed from its school district by the expansion of a city
21 and the severed portion is not contiguous with its district; or
22 b. There exists real property that does not belong to a school district.
- 23 3. If a school district reorganization plan which does not include all real property in a
24 district is approved by the electors, the county committee shall, within forty-five days

1 after the election, hold a hearing under section 15.1-12-27 to attach the remaining
2 property to one or more operating high school districts, or to non-high school districts if
3 there are no high school districts adjacent to the district being dissolved.

4 4. Receipt of notice by a county committee under this section:

5 a. Renders an annexation petition involving any real property in the district void,
6 unless the annexation has already been approved by the state board; and

7 b. Prohibits the acceptance of a new annexation petition involving any real property
8 in the district until all dissolution proceedings have been completed.

9 5. One or more annexation petitions may not be used to annex all of the real property in
10 a school district to surrounding school districts.

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

13 **15.1-12-27. Dissolution of school district - Notice - Hearing - Order of attachment.**

14 1. The county superintendent shall schedule and give notice of a public hearing
15 regarding the dissolution of the district and the subsequent attachment of the property
16 to other high school districts, or to non-high school districts if there are no high school
17 districts adjacent to the district being dissolved. The county superintendent shall
18 publish the notice in the official newspaper of each county that encompasses property
19 in the dissolving district and in the official newspaper of each county that
20 encompasses property in a high school district adjacent to the dissolving district, or to
21 non-high school districts if there are no high school districts adjacent to the district
22 being dissolved, at least fourteen days before the date of the hearing. The county
23 superintendent shall provide notice of the public hearing to the business manager of
24 each high school district adjacent to the dissolving district, or to non-high school
25 districts if there are no high school districts adjacent to the district being dissolved.

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

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

29 a. The value and amount of property held by the dissolving school district;

30 b. The amount of all outstanding bonded and other indebtedness;

- 1 c. The distribution of property and assets among the high school districts to which
- 2 the dissolved district is attached;
- 3 d. The taxable valuation of the dissolving district and adjacent high school districts
- 4 and the taxable valuation of adjacent high school districts under the proposed
- 5 manner of dissolution;
- 6 e. The size, geographical features, and boundaries of the dissolving district and of
- 7 adjacent high school districts;
- 8 f. The number of students enrolled in the dissolving district and in adjacent high-
- 9 school districts;
- 10 g. Each school in the dissolving district and in adjacent high school districts,
- 11 including its name, location, condition, accessibility, and the grade levels it offers;
- 12 h. The location and condition of roads, highways, and natural barriers in the
- 13 dissolving district and in adjacent high school districts;
- 14 i. Conditions affecting the welfare of students in the dissolving district and in
- 15 adjacent high school districts;
- 16 j. The boundaries of other governmental entities;
- 17 k. The educational needs of communities in the dissolving district and in adjacent
- 18 high school districts;
- 19 l. Potential savings in school district transportation and administrative services;
- 20 m. The anticipated future use of the dissolving districts' buildings, sites, and
- 21 playfields;
- 22 n. The potential for a reduction in per student valuation disparities between the high-
- 23 school districts to which the dissolved district is attached;
- 24 o. The potential to equalize or increase the educational opportunities for students
- 25 from the dissolving district and for students in adjacent high school districts; and
- 26 p. All other relevant factors.
- 27 4. After the hearing, the county committee shall make findings of fact. Subject to final
- 28 approval by the state board, the county committee may order the district dissolved and
- 29 its real property attached to one or more contiguous, operating high school districts, or
- 30 to non-high school districts if there are no high school district adjacent to the district
- 31 being dissolved.

- 1 5. Any property ordered attached under this section must have at least one minor
2 residing within its boundaries.
- 3 6. The county superintendent shall forward all minutes, records, documentary evidence,
4 and other information regarding the dissolution proceeding together with a copy of the
5 county committee's order to the state board for final approval of the dissolution. The
6 state board shall publish notice of its meeting at which it will consider the dissolution,
7 in the official newspapers of the counties required for publication under subsection 1,
8 at least fourteen days before the meeting.
- 9 7. The order of dissolution becomes effective July first following approval by the state
10 board, unless the county committee provides for a different effective date.
- 11 8. If the boundaries of the dissolving school district cross county lines, the proceeding to
12 dissolve the district must be conducted jointly by the county committees representing
13 counties containing twenty-five percent or more of the dissolving district's taxable
14 valuation. If, after the hearing, a majority of the county committees are unable to agree
15 upon an order of dissolution and attachment, the county superintendent of the county
16 in which the administrative headquarters of the dissolving school district is located
17 shall notify the state board. The state board shall conduct a public hearing, as required
18 in this section, and order the dissolution of the district and the attachment of its real
19 property to adjacent high school districts in the manner it deems appropriate. The
20 state board shall publish notice of the public hearing in the official newspapers of the
21 counties required for publication under subsection 1, at least fourteen days before the
22 date of the hearing.
- 23 9. If any portion of the order providing for the attachment of real property is suspended or
24 voided, the order of dissolution is likewise suspended or voided.
- 25 10. The state board shall provide a copy of its final findings of fact, conclusions of law, and
26 order regarding the dissolution to job service North Dakota. If not otherwise included in
27 the findings of fact, the state board shall also provide job service North Dakota with
28 information on the distribution and valuation of property from the dissolving district to
29 the receiving districts.