

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 in the same county, or to a
9 non-high school district in the same county if there are no high school districts in the
10 same county adjacent to the district being dissolved, when it is notified in writing by the
11 county superintendent of schools whose jurisdiction includes the administrative
12 headquarters of the district that:

- 13 a. The district is financially unable to effectively and efficiently educate its students;
14 b. The district has not operated a school as required by section 15.1-12-24; or
15 c. A school board has determined that dissolution is in the best interest of its
16 students.

17 2. Except as provided in subsection 3, a county committee shall initiate proceedings
18 under section 15.1-12-27 to attach real property to an operating high school district in
19 the same county, or to a non-high school district in the same county if there is no high
20 school district in the same county adjacent to the district being dissolved, when it is
21 notified in writing by the county superintendent that:

- 22 a. Real property has been severed from its school district by the expansion of a city
23 and the severed portion is not contiguous with its district; or
24 b. There exists real property that does not belong to a school district.

- 1 3. 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 days
3 after the election, hold a hearing under section 15.1-12-27 to attach the remaining
4 property to one or more operating high school districts in the same county, or to
5 non-high school districts in the same county if there are no high school districts in the
6 same county adjacent to the district being dissolved.
- 7 4. Receipt of notice by a county committee under this section:
 - 8 a. Renders an annexation petition involving any real property in the district void,
9 unless the annexation has already been approved by the state board; and
 - 10 b. Prohibits the acceptance of a new annexation petition involving any real property
11 in the district until all dissolution proceedings have been completed.
- 12 5. One or more annexation petitions may not be used to annex all of the real property in
13 a school district to surrounding school districts.

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

16 **15.1-12-27. Dissolution of school district - Notice - Hearing - Order of attachment.**

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

- 1 2. At the hearing, the board of the dissolving district may propose a particular manner of
2 dissolution.
- 3 3. The county committee shall consider testimony and documentary evidence regarding:
 - 4 a. The value and amount of property held by the dissolving school district;
 - 5 b. The amount of all outstanding bonded and other indebtedness;
 - 6 c. The distribution of property and assets among the high school districts to which
7 the dissolved district is attached;
 - 8 d. The taxable valuation of the dissolving district and adjacent high school districts
9 and the taxable valuation of adjacent high school districts under the proposed
10 manner of dissolution;
 - 11 e. The size, geographical features, and boundaries of the dissolving district and of
12 adjacent high school districts;
 - 13 f. The number of students enrolled in the dissolving district and in adjacent high-
14 school districts;
 - 15 g. Each school in the dissolving district and in adjacent high school districts,
16 including its name, location, condition, accessibility, and the grade levels it offers;
 - 17 h. The location and condition of roads, highways, and natural barriers in the
18 dissolving district and in adjacent high school districts;
 - 19 i. Conditions affecting the welfare of students in the dissolving district and in
20 adjacent high school districts;
 - 21 j. The boundaries of other governmental entities;
 - 22 k. The educational needs of communities in the dissolving district and in adjacent
23 high school districts;
 - 24 l. Potential savings in school district transportation and administrative services;
 - 25 m. The anticipated future use of the dissolving districts' buildings, sites, and
26 playfields;
 - 27 n. The potential for a reduction in per student valuation disparities between the high-
28 school districts to which the dissolved district is attached;
 - 29 o. The potential to equalize or increase the educational opportunities for students
30 from the dissolving district and for students in adjacent high school districts; and
31 p. All other relevant factors.

- 1 4. After the hearing, the county committee shall make findings of fact. Subject to final
2 approval by the state board, the county committee may order the district dissolved and
3 its real property attached to one or more contiguous, operating high school districts in
4 the same county, or to non-high school districts in the same county if there are no high
5 school districtdistricts in the same county adjacent to the district being dissolved.
- 6 5. Any property ordered attached under this section must have at least one minor
7 residing within its boundaries.
- 8 6. The county superintendent shall forward all minutes, records, documentary evidence,
9 and other information regarding the dissolution proceeding together with a copy of the
10 county committee's order to the state board for final approval of the dissolution. The
11 state board shall publish notice of its meeting at which it will consider the dissolution,
12 in the official newspapers of the counties required for publication under subsection 1,
13 at least fourteen days before the meeting.
- 14 7. The order of dissolution becomes effective July first following approval by the state
15 board, unless the county committee provides for a different effective date.
- 16 8. If the boundaries of the dissolving school district cross county lines, the proceeding to
17 dissolve the district must be conducted jointly by the county committees representing
18 counties containing twenty-five percent or more of the dissolving district's taxable
19 valuation. If, after the hearing, a majority of the county committees are unable to agree
20 upon an order of dissolution and attachment, the county superintendent of the county
21 in which the administrative headquarters of the dissolving school district is located
22 shall notify the state board. The state board shall conduct a public hearing, as required
23 in this section, and order the dissolution of the district and the attachment of its real
24 property to adjacent high school districts in the manner it deems appropriate. The
25 state board shall publish notice of the public hearing in the official newspapers of the
26 counties required for publication under subsection 1, at least fourteen days before the
27 date of the hearing.
- 28 9. If any portion of the order providing for the attachment of real property is suspended or
29 voided, the order of dissolution is likewise suspended or voided.
- 30 10. The state board shall provide a copy of its final findings of fact, conclusions of law, and
31 order regarding the dissolution to job service North Dakota. If not otherwise included in

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1 the findings of fact, the state board shall also provide job service North Dakota with
2 information on the distribution and valuation of property from the dissolving district to
3 the receiving districts.