

May 2002

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

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

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

9 **15.1-12-26. Dissolution of school district - Grounds.**

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

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- 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.