

CHAPTER 122

SCHOOL DISTRICTS; ORGANIZATION; CONSOLIDATION; DISSOLUTION

122.01 DUTIES OF COUNTY SUPERINTENDENT.

Amended by L. 1947 c. 588 s. 1; and by L. 1947 c. 154 s. 1.

School officers have under provisions of section 125.06, subdivision 14, discretionary power to furnish free transportation of pupils to and from school. School districts are governmental agencies given statutory powers relating to education of children. *Klimek v School District*, 204 M 279, 283 NW 397.

122.015 ORGANIZATION OF ASSOCIATED DISTRICT.

HISTORY. 1947 c. 588 ss. 1, 2.

122.03 COMPOSITION OF DISTRICTS.

All school districts shall be composed of adjoining territory. Any part of a district not so situated and not containing a schoolhouse shall be, by the county board, upon notice, attached to the proper district. 1944 OAG 98, April 26, 1944 (166-C).

122.06 PETITION.

The order establishing a district must be disposed of on appeal before the new district may function in any way. OAG Nov. 29, 1945 (166-D-3).

The petition was sufficient to give jurisdiction though the only reason given for desire to be annexed to another district was that taxes were lower. OAG Nov. 28, 1945 (166-c-8).

122.09 CHANGING BOUNDARIES OF DISTRICTS.

Amended by L. 1947 c. 249 s. 1.

A common school district may be annexed to an independent school district. The procedure is as outlined in sections 122.06 to 122.08. OAG Jan. 30, 1947 (166-c-9).

Where there is a division of a school district or a change of boundaries, if a common school district there must remain at least four sections of land and a schoolhouse in the old district, and not less than 24 sections in a consolidated district. It is not necessary to have four sections of land in an independent district organized by freeholders, residing in a village. OAG March 26, 1947, March 28, 1947 (166-c).

122.10 LIMITATIONS.

Change of boundaries of school districts does not change the liability of real estate to pay bonded or other indebtedness of the old district. The obligation remains unchanged although the boundaries of the district change. OAG June 13, 1946 (166-F-4).

122.11 CLAIMS AGAINST DISTRICTS.

Property detached from a town and joined to a city is taxable for the payment of town bonds. 1942 OAG 35, April 24, 1941 (159a-4).

Change of boundaries of school districts does not change the liability to pay bonded or other indebtedness of the district wherein the realty was formerly situated. OAG June 13, 1946 (166F-4).

122.111 DETACHMENT OF TERRITORY.

HISTORY. 1947 c. 217 ss. 1 to 6.

122.12 BOUNDARIES OF DISTRICTS ENLARGED IN CERTAIN CASES.

Where village and school district limits coincide and the village limits are extended to include territory within another school district, the two school districts affected may be changed so as to conform to the village limits as extended; and the village assessor should assess all property within the village including the property annexed. OAG May 2, 1947 (484-E-1).

122.14 DISTRICTS IN TWO OR MORE COUNTIES.

Where the district lies within two counties proceedings to change boundaries must be had before the county board of each county. 1944 OAG 97, Sept. 30, 1943 (166-c-6).

122.15 ANNEXATION OF LAND TO SCHOOL DISTRICTS.

Land cannot be separated from one and attached to another district if more than a quarter section separates it from the district to which annexation is proposed. OAG Feb. 15, 1943 (166-C).

The grounds or reasons must be stated in a petition for change of district. OAG Sept. 30, 1943 (166-C-6).

To detach land from one district and attach to another, where the district lies in two counties, hearings must be had before the county board of each county. 1944 OAG 97, Sept. 30, 1943 (166-c-6); 1944 OAG 99, July 25, 1944 (166-c-6).

In order to set land off from one district, and annex it to another, the board must act on a proper petition, give the statutory notice, and determine that the allegations of the petition are true. OAG May 1, 1946 (166-C-2).

This section affords a remedy to an individual rather than a group. The remedy is cumulative. Procedure fully outlined. OAG Nov. 27, 1946 (166-c-9).

122.17 DIVISION OF FUNDS ON CHANGE OF DISTRICT.

Amended by L. 1947 c. 506 s. 1.

122.18 SCHOOL DISTRICTS.

Where there is a division of a school district or a change of boundaries, if a common school district there must remain at least four sections of land and a schoolhouse in the old district, and not less than 24 sections in a consolidated district. It is not necessary to have four sections of land in an independent district organized by freeholders, residing in a village. OAG March 26, 1947, March 28, 1947 (166-c).

122.20 PETITION FOR CONSOLIDATION.

Upon consolidation, the salary of the superintendent is determined by the number of schools prior to consolidation. OAG Jan. 22, 1946 (390-H).

122.24 EXISTING DISTRICT MAY BECOME CONSOLIDATED.

A consolidated district may acquire a residence for its teachers, but an independent district has no such statutory authority. OAG July 9, 1946 (622-K).

122.26 BONDED INDEBTEDNESS; TRANSFER OF LIABILITY.

Municipal bond procedure. 20 MLR 583.

122.30 COMMON OR SPECIAL TO INDEPENDENT DISTRICT.

A ten or more township district cannot be converted into an independent district. OAG May 31, 1944 (166-D-1-A).

When the city charter sets up a government of the schools, a change from a special to an independent district must be made as defined in Minnesota Constitution, Article 4, Section 36. OAG March 4, 1947 (166-D-1-d).

122.32 APPEAL FROM ORDER.

The order establishing a district must be disposed of on appeal before the new district may begin to function. An appeal must be taken within 30 days of the making of the order. 1944 OAG 99, July 25, 1944 (166-c-6); OAG Nov. 29, 1945 (166-D-3).

122.40 SURVEY FOR REORGANIZATION OF SCHOOL DISTRICTS.

HISTORY. 1947 c. 421 s. 1.

122.41 MEMBERSHIP; TERM.

HISTORY. 1947 c. 421 s. 2.

122.42 MEETINGS OF SCHOOL BOARDS.

HISTORY. 1947 c. 421 s. 3.

122.43 ELECTION OF COMMITTEE.

HISTORY. 1947 c. 421 s. 4.

122.44 ONE VOTE FOR EACH DISTRICT.

HISTORY. 1947 c. 421 s. 5.

122.45 ORGANIZATION OF COMMITTEE.

HISTORY. 1947 c. 421 s. 6.

122.46 DUTIES OF COMMITTEE.

HISTORY. 1947 c. 421 s. 7.

122.47 TENTATIVE REPORT OF COMMITTEE; HEARINGS.

HISTORY. 1947 c. 421 s. 8.

122.48 FINAL REPORT OF COMMITTEE.

HISTORY. 1947 c. 421 s. 9.

122.49 STATE COMMISSION MEMBERSHIP; SELECTION.

HISTORY. 1947 c. 421 s. 10.

122.50 DUTIES OF STATE COMMISSION.

HISTORY. 1947 c. 421 s. 11.