

## CHAPTER 122

## SCHOOL DISTRICTS; ORGANIZATION; CONSOLIDATION; DISSOLUTION

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**122.01 SCHOOL DISTRICTS.** Subdivision 1. **How divided.** For school purposes the state is divided into common school districts, special school districts, independent school districts, consolidated school districts, ten-or-more-township school districts, county school districts, unorganized territories and associated districts, each of which shall be a public corporation. All school districts shall be numbered consecutively in each county, and each shall be known as ..... school district No. .... of ..... county. A district, when situated in two or more counties, shall be known as joint ..... school district No. .... of ..... county and No. .... of ..... county. Special school districts shall be known by the names or number given them at their organization.

**Subd. 2. Common school district.** A common school district is a district organized as such, with a board of three members, in which the electors determine the length of the school term and amount of the tax levy.

**Subd. 3. Special school district.** A special school district is a district established by a charter granted by the legislature. In such districts the number of board members and the powers and duties are prescribed by the charter. Unless otherwise provided, the board of such district has the powers of a board in an independent district.

**Subd. 4. Independent school district.** An independent school district is a district organized as such having a board of six members, which board is vested with the authority to determine the length of school term and the tax levy.

**Subd. 5. Consolidated school district.** A consolidated school district is a school district organized as such having the powers of an independent school district, containing at least 12 sections of land, and is entitled to receive reimbursement aid for the transportation or board of pupils.

**Subd. 6. Joint school district.** A joint school district is one lying in two or more counties.

**Subd. 7. County school district.** A county school district is a district comprising the entire area of the county with a board of five members which has the power to levy taxes.

**Subd. 8. Ten-or-more township district.** A ten-or-more township district is a common school district containing ten or more townships and operating under the provisions of one or more specific acts of the legislature.

**Subd. 9. Unorganized territory.** Unorganized territory comprises portions of a county which have not been included in organized districts, including territory heretofore ceded to the government of the United States, in which the schools are administered by a county board of education for unorganized territory consisting of the county superintendent of schools, chairman of board of county commissioners, and county treasurer, each acting as ex officio member of the board, which board is vested with the authority to levy taxes.

**Subd. 10. Associated school district.** Two or more contiguous school districts or portions thereof situated in any county having a population of not less than 20,000 nor more than 30,000 inhabitants according to the 1940 federal census, and having not more than 35 nor less than 20 full and fractional congressional townships, and having a 1946 taxable valuation exclusive of moneys and credits of not less than \$12,500,000 and not more than \$16,000,000, may establish an associated school district without in any manner disturbing the organization or powers of such existing districts, which associated school district may maintain secondary schools, but may not maintain elementary schools.

[R. L. s. 1280; 1941 c. 169 art. 3 s. 1; 1947 c. 150 s. 1; 1947 c. 588 s. 1] (2742)

**122.015 ORGANIZATION OF ASSOCIATED DISTRICT.** An associated district may be organized by the following procedure:

A majority of the persons, qualified to vote at school meetings or elections, residing in each existing school district in an area therein specified may petition the county board to make such territory an associated school district.

The petition shall contain all of the information required in a petition provided in Minnesota Statutes 1945, Section 122.06.

Upon presenting such petition to the county board the procedure required in Minnesota Statutes 1945, Section 122.07, shall be observed.

At the hearing, the county board shall observe the procedure required in Minnesota Statutes 1945, Section 122.08.

Upon such associated district being established it shall have all the powers of and be governed as an independent school district except that it is without power to maintain elementary schools.

[1947 c. 588 s. 2]

**122.02 CERTAIN DISTRICTS DEEMED LEGALLY ORGANIZED.** Every school district which for one year shall have exercised the powers and franchises of a school district shall be deemed legally organized.

[R. L. s. 1304; 1941 c. 169 art. 3 s. 2] (2792)

**122.03 COMPOSITION OF DISTRICTS.** All districts shall be composed of adjoining territory and any part of a district not so situated and not containing a school house used as such shall be, by the board of county commissioners, upon notice as in other cases, attached to a proper district.

[R. L. s. 1302; 1941 c. 169 art. 3 s. 3] (2790)

**122.04 PLATS AND DESCRIPTION OF DISTRICTS.** The county auditor shall keep in his office books containing a correct plat and description of each school district, whether wholly or partly in his county, and of the unorganized territory. The county auditor shall submit, on or before December 31 of each year, to the state department of education a description and plats showing changes made in school district boundaries during the calendar year.

[R. L. s. 1303; 1941 c. 169 art. 3 s. 4] (2791)

**122.05 FORMATION OF DISTRICTS.** A majority of the freeholders, qualified to vote at school meetings or elections, residing in an incorporated village wherein there is no school house, or upon any territory not less than four sections in extent, and in which reside not less than 20 children of school age, whether or not such territory be in whole or in part included in any existing common, independent, or special school district, may petition the board of county commissioners of the proper county to make such territory a school district, common or independent.

[R. L. s. 1281; 1923 c. 71 s. 1; 1941 c. 169 art. 3 s. 5] (2743)

**122.06. PETITION.** The petition shall contain:

- (1) A correct description of the territory to be included in such proposed district;
- (2) The number of persons residing therein;
- (3) The names and ages of all children of school age residing therein, and the existing district in which each such child lives;
- (4) The districts in which such territory lies, and the number of such children in each such district; and
- (5) The reasons for the formation of the proposed district.

The petition shall be acknowledged by the petitioners and submitted to the county superintendent and, if he approve the same, he shall endorse his approval in writing upon the petition, stating his reasons therefor; and, if he disapprove of same, he shall endorse thereon in writing his reasons for such disapproval.

[R. L. s. 1282; 1907 c. 110 s. 1; 1941 c. 169 art. 3 s. 6] (2744)

**122.07 NOTICE OF HEARING.** Upon the presentation of such petition, the board of county commissioners shall appoint a time and place for hearing thereon and cause two weeks' published notice thereof to be given in the county and ten days' posted notice in each district affected. Such notice shall also be served on the clerk of each district by mail at least ten days before the time set for hearing and the county auditor's certificate shall be proof of the mailing.

[R. L. s. 1283; 1941 c. 169 art. 3 s. 7] (2745)

**122.08 PROCEEDINGS ON HEARING.** At the hearing, the board shall receive any evidence and consider any arguments for and against such proposed organization and make an order either granting or denying the petition; and, if the petition be granted, the order shall particularly describe the district, state its name or number, shall be signed by the chairman, attested, and filed with the auditor, who shall mail to the clerk of each district affected a copy thereof and cause ten days' posted notice to be given of a meeting to organize such district. The board may adjourn the hearing from time to time and, upon the recommendation or with the written approval of the county superintendent, enlarge or change the boundaries proposed in the petition.

[R. L. s. 1284; 1941 c. 169 art. 3 s. 8] (2746)

**122.09 CHANGING BOUNDARIES OF DISTRICTS.** Upon petition of not less than 20 per cent of the freeholders of each district affected, and otherwise proceeding in the manner prescribed for the formation of districts, the boundaries of any existing district may be changed, or two or more districts united, or one or more districts annexed to an existing district.

[R. L. s. 1286; 1907 c. 188 s. 1; 1909 c. 13; 1911 c. 264; 1913 c. 435 s. 1; 1923 c. 304; 1931 c. 81; 1941 c. 169 art. 3 s. 9; 1947 c. 249 s. 1] (2748)

**122.10 LIMITATIONS.** No change in the boundaries of a district by organization of a new district, by detachment of land on petition of the owners, or otherwise shall be made so as to leave the old district without at least one school house used for school purposes and without at least four sections of land, if not a consolidated district, and not less than 24 sections, if a consolidated district. No change of districts shall in any way affect the liabilities of the territory so changed upon any bonded indebtedness; but any such real estate shall be taxed for such outstanding liability and interest as if no change had been made.

[R. L. s. 1286; 1907 c. 188 s. 1; 1909 c. 13; 1911 c. 264; 1913 c. 435 s. 1; 1923 c. 304; 1931 c. 81; 1941 c. 169 art. 3 s. 10] (2748)

**122.11 CLAIMS AGAINST DISTRICTS.** If, in case of the union or annexation or change of boundaries of districts under the provision of any law, an action is brought by or against the new or remaining district upon any cause existing in favor of or against any discontinued district, any money collected in behalf of the discontinued district shall be placed in the treasury of the new district, but any judgment in such action against such existing district shall be satisfied only from taxes upon the real property included in the discontinued district when the liability was incurred. If there are any debts or obligations chargeable against the discontinued district, any funds collected in behalf of the discontinued district shall be applied on such debts or obligations.

[R. L. s. 1286; 1907 c. 188 s. 1; 1909 c. 13; 1911 c. 264; 1913 c. 435 s. 1; 1923 c. 304; 1931 c. 81; 1941 c. 169 art. 3 s. 11] (2748)

**122.111 DETACHMENT OF TERRITORY.** Subdivision 1. Any school district in the State of Minnesota whose boundaries are coterminous with or which are wholly within the boundaries of any city may detach any part of its territory, and with the consent of an adjoining school district, transfer it to such adjoining district.

Subd. 1a. Whenever such transfer has been made pursuant to this section, all acts based on the classifications of districts coterminous with the city remain valid in every way as if the transfer had not been made, and the validity of all obligations, commitments, and contracts previously made or that may hereafter be made pursuant to laws based on the above classification shall not be affected in any way whatsoever.

Subd. 2. The school board of each of the school districts to be affected by the transfer may pass a resolution authorizing the filing of a joint petition to the county board in which is situated the whole or larger portion of the school district from which said lands are to be detached, which petition shall pray for the transfer of the territory from the district whose boundaries are coterminous with or already within any city limits to the consenting adjoining school district.

Subd. 3. Such petition, in addition to any other pertinent and relevant facts, shall contain: (1) A correct description of the territory to be so transferred. (2) The number of persons residing in said territory. (3) The assessed value thereof. (4) The reasons for such change, including the advantages, if any, for educational opportunities or convenience of the pupils in the territory affected. (5) The total number of pupils residing in such affected territory and the place or school wherein such pupils are enrolled at the time of such petition, and, (6) Such apportionment of the money, funds, credits, property of the districts and such apportionment of the outstanding obligations and indebtedness of the detaching district as may have been mutually agreed upon between the governing boards of the respective districts.

Subd. 4. Upon the presentation of such petition, the county board shall appoint a time and place for a hearing thereon and shall cause two weeks' published notice thereof to be given in a duly qualified newspaper of general circulation in such district. Such notice shall also be served on the Clerk of each school district affected by such proceedings by mail at least ten days before the time for hearing, and the auditor's certificate shall be sufficient proof of such services by mail.

Subd. 5. At the hearing, the board shall receive any evidence and consider any arguments for or against such proposed change in boundaries and shall make an order either granting or denying the petition; and if the petition be granted, the order shall particularly set forth the change provided for and shall provide for a division of all moneys, funds, credits and property belonging to such districts and for an apportionment of the outstanding obligations other than bonded indebtedness which said division shall be such as has been agreed upon by the districts affected as hereinbefore provided. A copy of such order shall be filed with the auditor and a copy mailed to the clerk of each of the districts affected. The change set forth in such order shall become effective 60 days after mailing such notice, the county board shall grant the petition if such change in boundaries will be for the best interests of a majority of the pupils of the districts affected.

Subd. 6. Any person aggrieved by the order of the county board may appeal from such order to the district court of the county upon the following grounds:

(1) That the county board's order did not conform to the contents or prayer of the petition.

(2) That the order of the county board is contrary to the best interests of the school districts involved and contrary to the interests of a majority of the pupils of the districts affected.

Such appeal shall be taken by serving upon the county auditor within 30 days of the making of the order a Notice of Appeal specifying the grounds thereof. Such further proceedings shall be had upon such appeal as upon other appeals from the county board.

[1947 c. 217 ss. 1-6; 1949 c. 613 s. 1]

**122.12 BOUNDARIES OF DISTRICTS ENLARGED IN CERTAIN CASES.** When any incorporated borough, village, or city of 7,000 or less inhabitants has within its limits a school district, however organized, or is wholly or partly included within the boundaries of any school district, however organized, or when any such school district shall include within its boundaries part, or the whole of, any incorporated borough, village, or city of 7,000 inhabitants, or less, the boundaries of any such district may be enlarged or changed so as to include all lands within the

corporate limits of such borough, city, or village or so as to include lands within and outside of such borough, city, or village but contiguous to the district in the following manner.

When a majority of the legal voters residing within such school district and a majority of the legal voters residing upon the lands proposed to be attached or annexed to such school district shall petition the board of county commissioners of the county wherein such district is situated for an enlargement of such district and file a petition with the auditor of the county, it shall be the duty of the board of county commissioners at its next regular meeting or a special meeting to set a time and place for hearing upon such petition, and it shall cause a copy of the notice of such hearing to be posted in some public place in each district to be affected by the proposed change and a copy thereof to be served upon the clerk of each district at least ten days before the time appointed for such hearing. The posting of such copy of notice shall be proved by the affidavit of the person posting the same, which shall state the time and place of posting and serving of the copy of notice as herein specified; and upon filing proof of the posting and serving of such notice in the office of the county auditor, the board of county commissioners shall, at the time and place fixed, proceed with the consideration of such matter and hear all evidence offered by any person interested tending to show what territory should be included within such district; and having heard the evidence they shall, if they find it conducive to the good of the inhabitants of the territory affected, proceed to enlarge the school district as asked for in the petition and to fix the boundaries thereof and of all the remaining school districts thereby affected, attaching or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interest of the persons and districts thereby affected may require. No action or order changing any boundaries of any school district shall be valid unless and until the foregoing requirements as to posting and serving of notices have been observed. When the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected and no order in such proceedings shall be valid unless concurred in by the board of county commissioners of each county affected.

[*R. L. s. 1286; 1907 c. 188 s. 1; 1909 c. 13; 1911 c. 264; 1913 c. 435 s. 1; 1923 c. 304; 1931 c. 81; 1941 c. 169 art. 3 s. 12*] (2748)

**122.13 REHEARINGS.** When the boundaries of any district have been changed by order of the board of county commissioners, if there shall be filed with the auditor a petition to such board for rehearing signed by not less than five freeholders, legal voters in the district, the auditor shall present the same to the board at its next meeting. The board shall thereupon set a time and place for rehearing and cause notice thereof to be served on the clerks of the districts affected by such change and posted as in case of the original petition. The hearing may be adjourned from time to time and the board shall make such order in the premises as it shall deem just.

[*R. L. s. 1300; 1941 c. 169 art. 3 s. 13*] (2788)

**122.14 DISTRICTS IN TWO OR MORE COUNTIES.** When the territory affected by the change of boundaries of school districts lies in two or more counties proceedings as in the formation of new districts or change of boundaries shall be had in each county affected and no order in such proceedings shall be valid unless concurred in by the county boards of all such counties.

[*R. L. s. 1287; 1941 c. 169 art. 3 s. 14*] (2750)

**122.15 ANNEXATION OF LAND TO SCHOOL DISTRICTS.** When any freeholder shall present to the board of county commissioners of any county a petition, verified by him, stating that he owns land adjoining any district or separated therefrom by not more than one-quarter section and that the intervening land is vacant and unoccupied or that its owner is unknown and that he desires his land, together with the intervening land, annexed to such adjoining district, and his reasons for asking such change, the board, upon notice and hearing as in the case of the formation of a new district and upon proof of all the allegations of the petition, may make its order granting the same, and like notice of such change shall be given as in the case of the formation of a new district; provided, that if the land, or any part thereof, sought to be annexed and the adjoining district lie in different counties such annexa-

tion shall not be effective until such petition has been presented to the board of county commissioners of each county and each such board has made its order granting the same in the manner herein provided.

[R. L. s. 1301; 1915 c. 113 s. 1; 1931 c. 189; 1941 c. 169 art. 3 s. 15] (2789)

**122.16 DISTRICTS MAY UNITE IN CERTAIN CASES.** Subdivision 1. **Kinds of districts.** When an incorporated village or a city of the fourth class contains two or more school districts of any kind situated wholly or in part within the corporate limits of such village or city, when only one of such districts maintains a state high school, such districts may be united to form one district in the manner hereinafter provided.

Subd. 2. **Petition; election.** When a petition signed and acknowledged by at least 25 per cent of the legal voters of each school district affected shall be presented to the state commissioner of education requesting that the district be united to form one district, and requesting the state commissioner to call an election within each affected district, to vote upon the union of such districts, the state commissioner of education shall make proper inquiry as to the advisability of such proposed union and, if he shall deem it for the best interest of education therein and of the territory affected, he shall order an election to determine the question of such proposed union to be held within each of the districts affected. Notice of such election shall be given by posted and published notice as required by law for the consolidation of school districts. Such elections shall be conducted in the same manner as are annual school elections in independent districts. The vote shall be by ballot which shall read: "For Union of School Districts" or "Against Union of School Districts."

Subd. 3. **Result of election.** The officers of such election shall certify and make return of the result of the election to the state commissioner of education. If a majority of the legal votes cast at such election in each school district shall be in favor of such union, such districts shall be united and the state commissioner of education, within ten days after the result of such certification and return, shall make an order to give effect to such vote and declare the union, specifying the number of such new district, and transmit a copy thereof to the auditor of each county in which any part of any district affected lies and to the clerk of each district affected.

Subd. 4. **Appeals.** After the formation of any school district so united according to the provisions of this section, any person aggrieved may appeal from said order to the commissioner declaring such union to the district court of the county as now provided by law in connection with the formation of other school districts.

Subd. 5. **Liabilities not transferred.** Nothing in this section shall be construed to transfer the liability of existing indebtedness from the district or territory against which it was originally incurred.

Subd. 6. **Requirements for state aid.** A district formed under the provisions of this section shall not be entitled to state aid as a consolidated district unless it conforms in all respects to the legal requirements for consolidated school districts.

[1917 c. 453 ss. 1, 2, 3, 4, 5; 1921 c. 441 ss. 1, 3; 1941 c. 169 art. 3 s. 16] (2776, 2777, 2778, 2779, 2780)

**122.17 DIVISION OF FUNDS ON CHANGE OF DISTRICT.** Subdivision 1. **County board to make.** When the boundaries of any school districts are changed by formation of new districts, union of districts, annexation, enlargement, or otherwise, the board of county commissioners shall make a division of all money, funds, credits, and property belonging to such districts and make an award of such money, funds, credits, and property to the districts affected by such change. The board of county commissioners shall apportion outstanding obligations other than bonded indebtedness as they may deem just and equitable.

Subd. 2. **Duties of auditor.** When the board of county commissioners has, by resolution, made a division of the money, funds, credits, and property belonging to such districts, the auditor of the county shall be required to make a division of all the money, funds, credits, and property evidenced by the records in his office pursuant to and as required by the resolution.

Subd. 3. **Order making division of assets and obligations shall describe the real property; conveyance; certified copy recorded.** When a school district is dissolved by any action or proceeding authorized by law, and its territory attached to one or

more existing districts, or to unorganized territory, the order of the board of county commissioners making a division of the assets and obligations referred to in Subdivision 1 shall describe the real property owned by said dissolved district, and said order shall be deemed a conveyance in fee of said real property to the district to which it was awarded. A certified copy of said order shall be recorded in the office of the register of deeds at the expense of the county.

[1907 c. 109 s. 1; 1941 c. 169 art. 3 s. 17; 1947 c. 506 s. 1] (2774)

**122.18 SCHOOL DISTRICTS.** For purposes of consolidation under the provisions of sections 122.18 to 122.27, the words "school district" mean school districts however organized as well as unorganized territory.

Consolidation of districts or parts of districts may be effected by consolidation of (1) two or more school districts, or (2) one or more school districts and parts of one or more school districts, or (3) parts of two or more school districts.

[1941 c. 169 art. 3 s. 18]

**122.19 APPROVAL OF PLAT BY STATE COMMISSIONER OF EDUCATION.**

A consolidated district established after June 30, 1941, must contain not less than 24 sections of land, except in cases where 24 sections are not available, in which case the commissioner of education may approve a consolidation of a fewer number of sections, but not less than 18 sections; provided, that in any county containing more than 500,000 inhabitants, a consolidated district may contain not less than 12 sections of land, provided there is located within such consolidated district a village containing not less than 6,000, nor more than 7,000, inhabitants according to the 1940 federal census. Before any steps are taken to organize a consolidated school district, the superintendent of the county in which the major portion of territory is situated, from which it is proposed to form a consolidated school district, shall cause a plat to be made showing the size and boundaries of the proposed district, the location of schoolhouses in the several districts, the location of other adjoining school districts and of schoolhouses therein, and the assessed valuation of property in the proposed district, together with such other information as may be required, and submit the same to the state commissioner of education, who shall approve, modify or reject the plan so proposed, and certify his conclusions to the county superintendent of schools.

[1941 c. 169 art. 3 s. 19; 1943 c. 422 s. 1; 1945 c. 80 s. 1]

**122.20 PETITION FOR CONSOLIDATION.** After approval by the commissioner of education of the plan for the formation of a consolidated school district, an election on consolidation shall be held upon presentation to the county superintendent of a petition asking for the formation of a consolidated school district in accordance with the plans approved by the commissioner of education, signed and acknowledged by at least 25 per cent of the resident freeholders of each school district and each portion of a district affected who are qualified to vote at school meetings or elections and who have been such freeholders for at least 30 days immediately preceding the signing and acknowledging of the petition.

[1941 c. 169 art. 3 s. 20]

**122.21 NOTICE OF CONSOLIDATION; ELECTION BALLOT.** The county superintendent shall, upon receipt of such petition, within ten days cause ten days' posted notice to be given in each district, or portion of district, affected, and one week's published notice, if there be a newspaper published in such district, of an election or special meeting to be held within the proposed district at a time and place specified in such notice to vote upon the question of consolidation. The county superintendent shall act as temporary chairman and preside at such meeting until the electors shall have elected a chairman and clerk. At such meeting the electors shall elect from their number a chairman and clerk who shall be the officers of the meeting. The chairman shall appoint two tellers and the meeting or election shall be conducted as are annual meetings or elections. The vote at such election or meeting shall be by ballot, which shall read "For Consolidation" or "Against Consolidation." The officers at such meeting or election shall within ten days thereafter certify the result of the vote to the superintendent of the county in which a majority of residents of such new district reside and deliver to him for safe-keeping all marked ballots in a sealed container. In the case of consolidation of one or more rural districts, or parts of districts, with a school district in which there is maintained a state high or graded elementary school, election on consolidation shall be effected by a vote of the rural school districts or portions of districts only, in the

manner provided by this section, and by the approval of such consolidation by the school board of the district in which is maintained a state graded or high school.

Upon the submission of a plat and its approval by the state commissioner of education, any portion of an unorganized territory of a county may be consolidated with an existing district in which is maintained a state graded elementary or high school, by a vote of the board of education for unorganized territory in the county in which is located such unorganized territory and by the approval of such consolidation by the school board of the district in which is maintained a state graded elementary or high school.

After the formation of any consolidated school district, appeal may be taken as now provided by law in connection with the formation of other school districts.

[1941 c. 169 art. 3 s. 21]

**122.22 ORDER OF CONSOLIDATION.** If a majority of the votes cast be for consolidation, the county superintendent within ten days thereafter shall make proper orders to give effect to such vote and thereafter transmit a copy thereof to the auditor of each county in which any part of any district affected lies, and to the clerk of each district affected, and also to the state commissioner of education. The order shall specify the number assigned to such district.

[1941 c. 169 art. 3 s. 22]

**122.23 CONSOLIDATED INDEPENDENT DISTRICTS.** When consolidation is effected by a vote of two or more districts or parts of districts, the new district shall thereby become an independent district with the powers, duties, and privileges now conferred by law upon independent districts. The county superintendent of schools shall cause a ten days' posted notice and one week's published notice, if there be a newspaper published in such district, to be given of a meeting to elect officers of the newly formed consolidated district. The new board shall be elected in the same manner as now provided when a common district changes to an independent district. When such consolidation is with a district maintaining a graded elementary or high school the school board of the latter shall continue to govern the consolidated district until the next annual school election when the successors to the members whose terms then expire shall be elected by the legally qualified voters of the consolidated school district. Within ten days after election and qualification of members of the school board in the consolidated school district, the officers of the several districts dissolved by the forming of the consolidated school district shall turn over to the proper officers of the newly elected school board, or to the proper officers of the school board in the district maintaining the state graded elementary or high school, all records, funds, credits, buildings, property, and other effects of their several districts.

[1941 c. 169 art. 3 s. 23]

**122.24 EXISTING DISTRICT MAY BECOME CONSOLIDATED.** Any existing school district having the required area may be granted the rights and privileges of a consolidated school district upon formal application to the commissioner of education pursuant to resolutions adopted by a vote of not less than two-thirds of the full school board accompanied by a plat prepared by the county superintendent of schools of the county in which the school is located. This chapter shall not affect the rights or status of any consolidated school district now organized.

[1941 c. 169 art. 3 s. 24]

**122.25 DIVISION OF ASSETS.** When a portion of a district is included in a consolidation the board of county commissioners shall make a division of all the money, funds, credits, property, and obligations of such districts divided by consolidation as in the case of change of boundaries as provided in section 122.17.

[1941 c. 169 art. 3 s. 25]

**122.26 BONDED INDEBTEDNESS; TRANSFER OF LIABILITY.** Nothing in sections 122.18 to 122.27 shall be construed to transfer the liability of existing bonded indebtedness from the district or territory against which it was originally incurred.

(1) When a district or part of a district consolidates with a district which has incurred a bonded debt for the construction of buildings and purchase of equipment, such new territory shall become liable for its proportionate share of such indebtedness upon a majority vote of the electors of such new territory voting upon the question at a special election called at the request of 25 per cent of the resident freeholders of such new territory. The result of such election shall be filed with the county auditor.



(2) When a school district or part of a school district not located in an incorporated city or village shall become a part of a consolidated district and is bonded for the erection of a school building, the proceeds from the sale of the building and site, if sold, shall be applied on the payment of the bonds.

(3) The voters of a consolidated district, may, after its formation, by a majority vote take over and assume liability for the payment of the bonded debt of each district, or part of a district, entering into the consolidation except the bonded debt of any district containing in whole or in part an incorporated city or village. The clerk of the consolidated district shall, in case such bond assumption vote carries, give proper notice thereof to the auditor of each county in which any part of such consolidated district is situated.

[1941 c. 169 art. 3 s. 26]

**122.27 INDEBTEDNESS OF OLD DISTRICT.** Subdivision 1. **Existing.** When any school district or part of a school district has been included in a consolidated school district the bonded and floating indebtedness of such old school district existing at the time of the going into effect of such consolidation shall be paid in the manner set forth in subdivisions 2 to 7.

**Subd. 2. Tax levy for bonded debts.** Each year the county auditor shall extend a tax against the territory chargeable with the payment of any outstanding bond for an amount sufficient to pay the interest or instalment of principal due upon such bond in the year following. Such tax when so collected shall be turned over by the county treasurer to the treasurer of the consolidated school district, who shall keep the same in a separate fund and use the money so received for the payment of such interest or instalment of principal. In case, either because all of the taxes so levied are not paid or for any other reason, the amount so raised by such tax levy shall not be sufficient to pay such interest or instalment of principal, then the amount so remaining unpaid for such year shall be included in the levy to be made the following year.

Any district receiving special aid under Laws 1945, Chapter 368, which has contracted any debt prior to consolidation, and has been retiring such debt from the proceeds of taxes derived from Laws 1945, Chapter 368, shall continue to apply such proceeds on said debts until such debts shall be entirely liquidated.

**Subd. 3. Tax levy for other indebtedness.** The county auditor shall levy a sufficient tax against the territory which was included in the old school district at the time of the consolidation to pay the outstanding liability of such old district, excepting bonded indebtedness, as such outstanding liability may be represented by school district orders duly issued prior to such consolidation. The money collected from such tax levy shall be by the county treasurer paid over to the treasurer of the consolidated school district who shall keep the same in a separate fund and therefrom pay such outstanding school district orders with interest thereon. In case the money so collected shall not be sufficient to pay all of such outstanding orders with interest thereon, then the county auditor shall the following year levy a tax sufficient to pay such residuum so unpaid and so continue from year to year until full payment has been made.

**Subd. 4. Claims verified.** In case any such old school district included in a consolidated school district has outstanding obligations not represented by bonds or school district orders, the claims against such old school district may be presented to the board of the consolidated district and, if found correct, may be allowed by the board and school district orders issued therefor against the territory included in such old school district to be so designated, and money to pay the same shall be provided by tax levy, and the county auditor, county treasurer, and consolidated district treasurer shall take the same procedure and perform the same duties and acts as provided in subdivision 3.

**Subd. 5. Refunding bonds.** The school board of a consolidated district in which was included any school district having a bonded indebtedness may refund such bonded indebtedness by a three-fourths vote of the members of such school board and issue refunding bonds therefor which shall be chargeable against the territory that was chargeable with the payment of the bonds so proposed to be refunded. Such refunding bonds shall not run for a period shorter than five years nor longer than 20 years. The first refunding bond shall be due six years from the date of its issuance and shall be for not less than one-tenth of the bond issue in question nor more than one-fifth thereof and each subsequent bond shall be for a

like amount and payable one year from the due date of the bond to be paid the preceding year. The county auditor shall extend a tax against all the territory chargeable in the first instance with the payment of the old bonds sufficient to pay the interest on such refunding bonds and any instalment of principal that may be due in the following year. Such tax for the first year shall be 50 per cent in excess of the amount to be due the succeeding year and thereafter each yearly levy shall be in such amount in excess, not exceeding 50 per cent, of the amount to be due the succeeding year, as the auditor may deem necessary. The county treasurer, upon the collection of such tax, shall apply the proceeds thereof to the payment of such interest or instalment of principal and file with the county auditor receipts therefor, together with the canceled bonds so taken up. The state board of investment may invest the funds under its control in refunding bonds so issued under the provisions of this subdivision.

**Subd. 6. Actions when claims are disallowed.** When any person has a claim against a school district which has been included in a consolidated district, which claim is not represented by a bond or school district order, and which claim the consolidated district school board will not allow and issue a school district order therefor, as provided in subdivision 4, such person may institute action in the proper court against the territory included in such old school district at the time of the consolidation, by serving a summons and complaint upon the consolidated district school board, which board shall defend such action in behalf of the territory affected. In case judgment is secured by any such person on any such claim, then, upon filing a certified copy of such judgment with the county auditor, such county auditor shall proceed by tax levy substantially as provided in subdivision 3 and the money so received from such tax levy shall be paid by the county treasurer in payment of such judgment.

**Subd. 7. Liability of county and district treasurers.** Such money so received by the county treasurer and by the treasurer of the consolidated district shall be considered as county and school district money so received by them, respectively, and such treasurers and their bondsmen shall be liable for the proper care and distribution thereof to the same extent as they are liable for other county and school district funds that may be received by them.

[1941 c. 169 art. 3 s. 27; 1949 c. 464 s. 1]

**122.28 DISSOLUTION OF DISTRICTS.** Any district in which for two years no school has been held and no provision made by it for the education of its pupils may be dissolved by the board of county commissioners on its own motion; or such district, or any other district, may be dissolved by the board of county commissioners on a petition signed by a majority of the resident freeholders of the district, or on presentation of resolutions passed by a majority vote at a legal meeting of the electors of the district. The territory of a district so dissolved shall be attached by order of the board to one or more existing districts, or to unorganized territory, upon notice as in other cases of change of boundaries, as in its judgment shall seem most equitable having regard to the convenience of the inhabitants. If there be no unorganized territory in the county, the board may, by such dissolution, create unorganized territory to be governed by the laws relating to such territory.

[R. L. s. 1288; 1931 c. 367; 1941 c. 169 art. 3 s. 28] (2753)

**122.29 DISSOLUTION OF DISTRICTS.** Subdivision 1. **Procedure.** When all of the taxable lands within any school district in this state, however organized, have been acquired and are under the control of the State of Minnesota or the United States and no school has been held therein for more than six months and such district has on hand sufficient money to pay and discharge all of its legal liabilities and obligations, such district may be dissolved by resolution adopted by the school board thereof, without notice, and its school property may be sold and disposed of by such board without notice, to the State of Minnesota or the United States as such board may determine; a certified copy of the resolution of dissolution adopted by such board shall be filed with the auditor of the county wherein such district is located. No such dissolution shall become effective unless all of the obligations or liabilities of such district shall have been paid and discharged.

**Subdivision 2. Disposal of funds.** The remaining funds thereupon shall be paid to the county treasurer and the same placed to the credit of the unorganized

district. If there is no unorganized district within such county, such funds shall be proratably distributed by the county treasurer to the school districts within such county adjoining such dissolved district.

**Subdivision 3. Statement of obligations in certificates.** The school board shall attach to such certified copy of resolution dissolving such district a statement setting forth all of the obligations or liabilities and property of such district before such resolution was adopted, the disposition made of such property, and receipts from the creditors of such school district showing that all such obligations or liabilities have been paid.

[1933 c. 240 ss. 1, 2; 1941 c. 169 art. 3 s. 29] (2768-3, 2768-4)

**122.30 COMMON OR SPECIAL TO INDEPENDENT DISTRICT.** Subdivision 1. **Change.** Any common or special district may be changed to an independent district as provided in subdivisions 2 to 4.

**Subdivision 2. Notice of meeting.** To effect such change, ten days' posted notice of a meeting shall be given, signed by six or more resident freeholders, stating the object of the meeting and notifying the voters of the district to assemble upon a specified day at a place in the district named in the notice, then and there to vote by ballot upon the question of organization as an independent district.

**Subdivision 3. Vote upon change.** At the time and place mentioned in the notice, the electors assembled shall appoint a chairman, assistant chairman, and clerk, who shall be the judges of such election. The voting shall be by ballot and those favoring such change shall write upon their ballots, "Independent district—Yes," and those against, "Independent district—No."

**Subdivision 4. Meeting to elect officers.** If a majority of votes cast be in favor of the change, the clerk shall forthwith give notice thereof to the county auditor and, within 20 days thereafter, call a meeting to elect officers, upon ten days' posted notice, and the same proceedings shall thereafter be had as in the organization of other independent districts; and the officers of the common or special district shall act as officers of the new district until the qualification of officers and organization of the new board.

[R. L. ss. 1295, 1296, 1297, 1298; 1913 c. 356 s. 1; 1941 c. 169 art. 3 s. 30] (2783, 2784, 2785, 2786)

**122.31 CHANGING INDEPENDENT DISTRICTS.** Any independent district may change its organization to that of a common school district by a vote by ballot of two-thirds of the electors voting upon the question at any annual or special meeting; notice having been given that such question would be submitted at such meeting. In case of such affirmative vote, the meeting shall elect the proper officers in the same manner as in the organization of a common school district and the chairman, treasurer, and clerk of the independent district shall be the chairman, treasurer, and clerk, respectively, and constitute the board of the common district until their successors qualify and the common district shall in all things be the successor of the independent district.

[R. L. s. 1299; 1941 c. 169 art. 3 s. 31] (2787)

**122.32 APPEAL FROM ORDER.** Any school district officer or any other person aggrieved by any order of the board of county commissioners made pursuant to the provisions of this chapter may appeal from such order to the district court of the county upon the following grounds:

- (1) That the board of county commissioners had no jurisdiction to act;
- (2) That it exceeded its jurisdiction;
- (3) That its action is against the best interest of the territory affected.

Such appeal shall be taken by serving upon the county auditor within 30 days from the making of the order a notice of appeal specifying the grounds thereof. The appellant shall execute and deliver to the auditor a bond to the county in the sum of \$100, to be approved by the county auditor, conditioned for the payment of all costs taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the board of county commissioners.

[R. L. s. 1285; 1941 c. 169 art. 3 s. 32] (2747)

**122.40 SURVEY FOR REORGANIZATION OF SCHOOL DISTRICTS.** Subdivision 1. **Definitions.** For the purposes of sections 122.40 to 122.54, unless a different meaning is indicated by the context, the words, terms, and phrases defined in this section shall have the meanings given them:

Subd. 2. "Committee" means the school survey committee hereinafter authorized to be created in all counties of the state.

Subd. 3. "State Commission" means the state advisory commission on school reorganization herein created.

Subd. 4. "Rural School District" means a school district which maintains an ungraded elementary school as defined in Minnesota Statutes, Section 131.01, Subdivision 2, Clause (2).

Subd. 5. "Urban School District" means a school district which maintains a graded elementary or secondary school as defined in Minnesota Statutes, Section 131.01, Subdivision 2, Clauses (1), (3), (4), (5), (6), (7), and (8).

Subd. 6. "Reorganization" means the merger, consolidation or union of two or more school districts or the change of boundaries of any school district or school districts.

[1947 c. 421 s. 1; 1949 c. 666 s. 1]

**122.41 MEMBERSHIP; TERM.** A school survey committee of nine members may be created in any county of the state, the members of such committee to be selected within the time and in the manner hereinafter set forth. The members of the committee shall be voters of the county. Members of the committees and the committees elected hereafter shall hold their office for a term beginning on the date of their election and expiring July 1, 1953.

In case of any vacancy on the committee, the remaining members shall select some qualified person to fill the vacancy until the next county meeting of school boards.

[1947 c. 421 s. 2; 1949 c. 666 s. 2]

**122.42 MEETINGS OF SCHOOL BOARDS.** Not later than December 1, 1947, the county superintendent of each county shall hold a public meeting of all members of school boards within such county. In case a school district lies in more than one county the school board members of such district shall attend the meeting in the county in which the school building or buildings thereof are situated; provided that in case the buildings of any such district are situated in more than one county then the school board members in such district shall attend the meeting in the county in which the major portion of the area of such district is located. The county superintendent shall give notice of the time, place and purpose of such meeting at least ten days prior thereto by publication in one or more newspapers having general circulation in the county and by mail addressed to each school board member in the county.

At such meeting the county superintendent shall have the provisions of sections 122.40 to 122.54 explained, and shall afford an opportunity for discussion of the question whether or not a school survey committee shall be established in the county in accordance herewith.

The county superintendent, at such meeting or an adjourned meeting of the school board members of the county, held not later than December 15, 1947, shall submit the question of the establishment of a county school survey committee. If a majority of such school board members voting shall be favorable thereto, the county superintendent shall forthwith divide the school board members into two groups and shall appoint a chairman and a secretary for each group. One group shall consist of all the school board members of the county from rural school districts and the other group shall consist of all the school board members of the county from urban school districts. A meeting of the members of each such group may be held immediately following the adjournment of the joint county wide meeting or the county superintendent may fix the time and place for, and call, a meeting of the members of each such group for some certain day not more than 30 days thereafter, and in such case the county superintendent shall give at least five days' written notice thereof.

Each county superintendent shall notify the commissioner of education not later than December 20, 1947 as to whether or not a school survey committee is to be established for his county.

[1947 c. 421 s. 3]

**122.43 ELECTION OF COMMITTEE.** At the meeting of the rural members not less than five persons shall be elected to the committee, one committeeman from each commissioner district not exclusively urban. If any commissioner district is exclusively urban, no committeeman residing therein shall be elected by the rural members but they shall then elect a committeeman at large in lieu thereof. The

urban members shall at their meeting elect four committeemen of whom not more than one shall reside in a single urban school district unless there shall be less than four urban school districts in the county, when not more than two shall be from a single urban school district. Such nine committeemen shall constitute the committee. None of the members of the school survey committee shall be persons who are professionally engaged in education or elective state or county officers or who are employees of any school district. Subject always to the limitations and qualifications above stated, nominations for members of the committee may be made from the floor by any school board member in the respective groups. Twenty-five per cent of the school board members in each group shall constitute a quorum at any meeting and a majority of those present at any meeting shall control the action and proceedings of the group. Election of members of the committee shall be by secret ballot. A majority vote shall be necessary to elect. Where necessary to cast a second or more ballots for any specific membership for said committee, the person receiving the lowest vote on any announced ballot shall be removed from the succeeding ballot, until election has resulted. The persons so elected shall be certified by the chairman and secretary of the group to the county superintendent.

[1947 c. 421 s. 4; 1949 c. 666 s. 3]

**122.44 ONE VOTE FOR EACH DISTRICT.** Each school district shall have one vote for each member of the committee to be elected. Voting by proxy shall not be allowed. In the event a quorum of either group should not be present at the time and place fixed by the county superintendent for the first meeting of the school board members, the meeting of that group shall be adjourned to a date not more than 10 days later and the county superintendent shall give each of the school board members notice of the time and place of the meeting.

[1947 c. 421 s. 5]

**122.45 ORGANIZATION OF COMMITTEE.** Subdivision 1. Within ten days after the election of members of the school survey committee in any county the committee shall meet at the call of the county superintendent at a time and place within the county fixed by the county superintendent. At such meeting the committee shall organize and shall elect one of its members as chairman and another of its members as vice-chairman. Annually thereafter, at a meeting to be held in January, the committee shall elect a chairman and a vice-chairman. The county superintendent ex-officio, shall serve as executive secretary of said committee. Members of the committee shall serve without compensation but shall be reimbursed to the extent moneys are available, from the fund hereinafter provided, for their actual expenses incurred in the discharge of their duties as members of the committee. The county superintendent shall provide clerical assistance and supplies and other facilities for the committee to the extent that the same are available in his office and necessary expenditures for additional clerical assistance and supplies and facilities for the committee shall be paid from the fund hereinafter provided.

The committee shall meet regularly on a day and at a time and place to be fixed by the committee. Special meetings of the committee may be called by the chairman and shall be called by the executive secretary upon request in writing signed by three members of the committee. A majority of the members of the committee shall constitute a quorum for the transaction of business.

Subd. 2. When there are proposed districts which include territory in more than one county, the school survey committees of such counties shall organize subcommittees of three members from each county survey committee who shall cooperate and work with the subcommittees of the adjoining counties and shall prepare recommendations for the improvement of school districts for the consideration of their respective county survey committees.

Subd. 3. When a proposed larger administrative district should extend into one or more counties and one or more of such counties have no official survey committee, then the survey committee of the adjoining county in which a portion of such proposed district will lie may request the superintendent of schools of the county having no survey committee to call a meeting of the school board members of the school districts that logically belong in the proposed larger administrative district for the purpose of organizing a committee to represent the area in the county without an official committee which is proposed to be included in the larger district. Within 20 days after receiving such request the county superintendent shall call a meeting of the school board members of the districts concerned.

The matter of establishing a committee of three members to represent the area and to work cooperatively with the subcommittee of the adjoining county in the preparation of a joint recommendation for the reorganization of school districts shall be presented to the school board members of the districts affected. The question of establishing such a committee shall be submitted to the school board members, and, if a majority of the school board members present and voting shall be in favor thereof, a committee of three members shall be elected. The three committee members shall be elected in the manner prescribed in this statute for the election of members of county survey committees.

The committee elected shall cooperate with the subcommittee of the adjacent county or counties in developing recommendations to be submitted to the people in the proposed district in the same manner as provided for regular school survey committees, and the vote on the recommendations shall be in accordance with the provisions of the act providing for the reorganization of school districts.

[1947 c. 421 s. 6; 1949 c. 666 s. 4]

**122.46 DUTIES OF COMMITTEE.** The committee shall have power and it shall be its duty; (1) To study the school districts of the county and their organization for the purpose of recommending desirable reorganization which in the judgment of the committee will afford better educational opportunities for the pupils and inhabitants of the county, a more equitable, efficient, and economical administration of public schools and a more equitable distribution of public school revenues; and (2) To confer with school authorities and residents of the school districts of the county, hold public hearings, and furnish to school board members and to the public information concerning reorganization of school districts in the county; and (3) To make reports of its study and recommendations, including a map or maps showing existing boundaries of school districts and the boundaries of proposed or recommended school districts, concerning the reorganization and financing of the school districts of the county.

[1947 c. 421 s. 7]

**122.47 TENTATIVE REPORT OF COMMITTEE; HEARINGS.** Prior to December 1, 1950, the committee shall prepare a tentative report with recommendations and shall file the same in the office of the county superintendent of schools and furnish a copy thereof to each member of a school board in the county. No change shall be made in the tentative recommendations by the county school survey committee for any proposed area until after completion of the hearings affecting that area. Fifteen copies thereof shall also be filed with the commissioner of education, who shall forward a copy to each of the members of the state commission. The county superintendent shall give notice by publication at least once in one or more newspapers of general circulation in the county of the filing of such tentative report and that the same may be examined in his office, and shall fix the time or times not less than 15 days after the filing thereof with the county superintendent, of the place or places at which any resident of the county desiring to be heard with reference to the report or any part thereof may appear before the committee. Upon the date so fixed by the county superintendent of schools and such subsequent dates as may be necessary the committee or subcommittee thereof shall hold a public hearing or hearings at which residents of the county shall be afforded an opportunity to appear before the committee and be heard with reference to such tentative report. At such hearing, the committee shall explain the benefits and advantages and any disadvantages resulting from the reorganization of the district as the same appear to the committee. Any resident of the county or of any affected district shall at his request be heard with reference to the reorganization of any such district. Voters of the affected rural districts may petition the survey committee indicating their desire for and justified need of available attendance units in rural areas.

The committee shall also receive and consider such suggestions as may be made by the state commission concerning the committee's tentative report and the recommendations made therein.

[1947 c. 421 s. 8; 1949 c. 666 s. 5]

**122.48 FINAL REPORT OF COMMITTEE.** Subdivision 1. The committee shall consider the matter presented at the several hearings held by it and the recommendations of the state commission and shall prepare a final report. On or before June 1, 1951, the final report of the committee with recommendations and with a map or maps showing the boundaries of the present school districts in the county and the boundaries of the proposed school districts in the county shall be filed with the

county superintendent. Fifteen copies of such report shall at the same time be filed with the commissioner of education and a copy thereof shall be furnished to each school board member in the county by the county superintendent of schools. The report shall be available for public inspection in the office of the county superintendent and the office of the commissioner of education.

Subd. 2. The county survey committee may amend its final report at any time not later than 90 days before the notice for election is given.

Subd. 3. In case the people of any district feel aggrieved by the proposed division of the district, or by assignment to a proposed district other than the one which includes the high school by which they have previously been served, or by assignment to a proposed district which in their opinion would create a gross injustice, the school board of such district may appeal to the state commission by filing a written brief of such grievances, a copy of which shall be filed with the survey committee in the county or counties affected. Such appeal must be made within 60 days after the passage of this act or filing of the final report or any revision or amendment to the final report.

The state commission upon receipt of such brief shall provide for a hearing before a board of appeal to be selected by the state commission. Such board of appeal shall consist of five competent members who are not residents of the county or counties affected, but who shall come from the section of the state affected. It shall be the duty of such board of appeal to consider the facts in the case and to render a decision. A copy of the decision shall be furnished to each affected school district, to the survey committee of the county or counties affected, and to the state commission. The survey committee shall make any changes necessary to incorporate the findings of the board of appeal in the proposal which is to be submitted to the voters.

Members of the board of appeal shall be entitled to compensation of \$10 per day plus sustenance and traveling expense, which, together with necessary clerical help, shall be paid 50% from state funds and 50% from the funds of the district or districts initiating the appeal.

[1947 c. 421 s. 9; 1949 c. 666 s. 6]

**122.49 STATE COMMISSION MEMBERSHIP; SELECTION.** The state advisory commission on school reorganization is hereby created, consisting of nine members appointed by the state board of education. The members of such commission shall be citizens of this state who are well informed concerning the problem of Minnesota schools and school organization, shall be representative of the various sections and interests of the state, and shall be appointed after consultation with persons and representatives of organizations interested in the reorganization and improvement of the school system of the state. No more than three members of such commission shall be persons who are professionally engaged in education or employees of any school district. Such commission shall elect a chairman from its membership. The commissioner of education shall be ex-officio secretary and executive officer of the state commission. Members of such commission shall hold office until January 1, 1953, at which time the commission shall terminate. The state board of education is authorized to fill any vacancies which may occur in the membership of such commission. Members of such commission shall serve without compensation but may be reimbursed for their necessary expenses incurred in attending meetings of the commission or while engaged in work authorized by the commission.

[1947 c. 421 s. 10]

**122.50 DUTIES OF STATE COMMISSION.** The state commission shall assist the commissioner of education in formulating the aims, goals, principles and procedures of public school reorganization in Minnesota. The commissioner of education with the assistance and advice of said commission shall prepare a manual setting forth principles and procedures for the use of the county school survey committees in performing their duties. Such commission shall review the tentative reports of the several county school survey committees and make such suggestions to the respective committees concerning their reports as may seem appropriate, giving due consideration to the educational needs of local communities, to economical transportation and administration, to the future use of existing satisfactory school buildings and sites, to the convenience and welfare of pupils, to the ability of the several communities to support adequate schools, to equalization of educational opportunity and to any other matters which in their judgment seem to be advisable.

In the employment of personnel to work with the several committees and in the allocation of state funds for work in the several counties, the commissioner of education shall advise with and consult the commission.

Said commission shall file a report of its activities and recommendations concerning school reorganization with the legislature at each regular session thereof, during the life of said commission.

[1947 c. 421 s. 11]

**122.51 DUTIES OF COMMISSIONER OF EDUCATION; TERRITORY IN MORE THAN ONE COUNTY.** To the extent that he has available personnel and facilities the commissioner of education shall, upon request, assist the school survey committees in the respective counties in the discharge of their duties and provide them with information. He shall inform in writing the county school survey committees concerning the recommendations and suggestions of the state commission.

[1947 c. 421 s. 12; 1949 c. 666 s. 7]

**122.52 ELECTIONS ON REORGANIZATION.** (1) In the event the final report of any committee recommends the reorganization of school districts, then the question of reorganizing such school districts, as recommended by the committee, shall be submitted to the legal voters residing in the proposed district only, at an election to be called prior to April 1, 1953, by the county superintendent of the county in which such district or territory, or the major portion thereof is located. When a recommendation includes an existing joint district, a part of which lies in a county which has no survey committee, the entire joint district shall be included in the proposed larger school district by the survey committee making the recommendations. The county school survey committee shall hold public hearings for the purpose of discussing the final recommendations in each school district in the area affected and wherever possible in the school building thereof, and the election date shall not be determined until at least 30 days after the last public meeting on such recommendations. A notice of election shall be given, the question submitted, the election held and the vote canvassed and reported in accordance with the provisions of Minnesota Statutes, section 122.21, for the submission of a similar or like proposal except that the filing of a petition shall not be required, and the ballot shall read "For Reorganization" and "Against Reorganization," and the entire area of such proposed district or territory shall vote as a unit; provided, that if any school district maintaining a graded elementary or high school, or both is located within any such proposed district or territory, then one or more voting precincts shall be established wholly within the limits of such urban school district and one or more voting precincts shall be established wholly within that part of the district or territory lying outside the limits of such urban school district and the proposition to reorganize such school district shall not be deemed to have received a majority of the votes cast on the proposition or to carry, unless a majority of the votes cast within such urban school district and a majority of the votes cast in such territory outside of such urban school district, the count to be taken separately, each are in favor of establishing such school district.

(2) The county superintendent, with the approval of the county survey committee, shall determine the date of the election, the number of voting precincts, the polling places where such voting shall be conducted and the hours the polls will be open. Wherever possible the election shall be held in the school building of the school districts included in the proposal. The polls shall be open for at least two hours, and may be open for a longer period, not to exceed 12 hours, if so designated in the posted and published notices. The county superintendent, with the approval of the county survey committee, shall appoint three election judges who shall be school board members if available for each polling place, which judges shall act as clerks of election, and canvass the ballots cast and thereafter submit the same to the county superintendent and the county survey committee.

(3) In case an election for reorganization has been held in accordance with the provisions of sections 122.40 to 122.57, and such election has failed, the county superintendent, with the approval of the county survey committee, may call another election in any proposed district at which time the same recommendation or a revised recommendation, approved by the state advisory commission, shall be submitted to the voters. Such election shall be conducted in accordance with the provisions of sections 122.40 to 122.57.

(4) If a majority of the votes cast be for reorganization, the county superintendent within ten days thereafter shall make proper orders to give effect to such



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vote and thereafter transmit a copy thereof to the auditor of each county in which any part of any district affected lies, and to the clerk of each district affected, and also to the state commissioner of education. The order shall specify the number assigned to the reorganized district.

[1947 c. 421 s. 13; 1949 c. 666 s. 8]

**122.53 ASSETS AND LIABILITIES.** When two or more existing districts or parts of districts, however organized, including common, independent or special, are reorganized into a larger school district under the provisions of this act, the reorganized district shall thereby become an independent school district.

Districts organized under the provisions of this act having the land area specified in Minnesota Statutes, Section 122.19, shall have the powers, duties and privileges of a consolidated district.

In case of the reorganization of two or more districts or parts of districts into a larger district, any portions or parts of divided districts which have less than four sections of land shall be attached to one or more adjoining districts by the board of county commissioners upon due notice and hearing as provided in Minnesota Statutes, Section 122.03.

When two or more existing districts or parts of districts are united by proceedings herein authorized, Minnesota Statutes, Section 122.16, Subdivisions 5 and 6, and Sections 122.17, 122.18, 122.25, 122.26 and 122.27, as modified by Laws 1949, Chapter 666, shall apply.

In the event the final report of any county survey committee established and organized under the provisions of Laws 1947, Chapter 421, recommends that a reorganized or consolidated district, to be established upon a recommendation of said survey committee, should assume the liability for bonded indebtedness originally incurred by one or more of the districts which would become a part of such new reorganized or consolidated district, the voters of the reorganized or consolidated district may, after its formation by a majority vote take over and assume liability for the payment of the bonded debt of each district or part of district entering into the reorganization or consolidation and the recommendation of the county school survey committee shall be the authority for the school board of the reorganized or consolidated district to call such an election within 90 days after the establishment of the new reorganized or consolidated district. Such election to be conducted in the manner prescribed in Section 122.52. The clerk of the reorganized or consolidated district shall, in case such bond assumption vote carries, give proper notice thereof to the auditor of each county in which any part of such reorganized or consolidated district is situated.

[1947 c. 421 s. 14; 1949 c. 666 s. 9]

**122.54 APPROPRIATIONS FOR STATE COMMISSION; COUNTY BOARD TO DEFRAY EXPENSE OF COMMITTEE.** The sum of \$25,000 for the fiscal year ending June 30, 1948, and the sum of \$25,000 for the fiscal year ending June 30, 1949, or so much thereof as may be necessary during either of said fiscal years is hereby appropriated out of the general revenue fund, not otherwise appropriated, to the state department of education for the purpose of carrying out the provisions of sections 122.40 to 122.54 and defraying the expenses of the state advisory commission on school reorganization.

The county board shall, and is hereby authorized to levy sufficient taxes in excess of any existing limitations to defray the necessary expenses incurred under the provisions of this act by the county superintendent and the county survey committee including travel expenses, sustenance or clerical assistance, forms, reports, publications and other expense in connection with the conduct of the survey.

[1947 c. 421 s. 15]

**122.55 SCHOOL BOARD; ELECTION OF.** Subdivision 1. Upon reorganization, candidates for school board may be nominated in the manner provided in Minnesota Statutes, Section 124.05, the superintendent of the county who issued the order of reorganization performing the duties therein specified to be performed by the clerk.

Subd. 2. Not later than 30 days following the order of reorganization, the county superintendent shall give notice for election for the purpose of electing a school board for terms as specified in Minnesota Statutes, Section 124.02, Subdivision 3, Clause (4). The distribution of the representation of the first school board shall provide for one member residing within the incorporated villages or cities and one residing outside the incorporated villages or cities of the new district for the short

term; the board members elected for the middle-length term shall be elected in the same manner; and the board members elected for the long term shall be elected without regard to place of residence within the reorganized district. Following the first election, the distribution of board representation shall be on the basis of two from the rural areas, two from the incorporated villages or cities, and two from the district at large. If the reorganized district is exclusively rural or is wholly within the corporate limits of cities or villages, all six members shall be elected at large.

Subd. 3. In the conduct of the special school board election, the county superintendent shall, with the approval of the county survey committee, determine the date of election, the hours the polls shall be open, the number of voting precincts, the appointment of three election judges, and provide the official ballots. The election judges, who shall serve as clerks of the election, shall return all marked ballots with a certificate of the results of the precinct election to the county superintendent and the county survey committee for canvass and tabulation.

Subd. 4. No election of a new school board shall be held within 60 days prior to the annual election for independent districts. In such case the election of the new school board members shall be held at the time of the annual election, the third Tuesday in May. The filings and the election shall be held in the manner prescribed in this section.

[1947 c. 421 s. 16; 1949 c. 666 s. 10]

**122.56 PUBLIC MEETINGS.** In counties in which no official survey committees were organized prior to December 15, 1947, the county superintendent shall hold a public meeting of all school board members within such county prior to December 1, 1949. At such meeting or adjourned meeting held not later than December 15, 1949, the provisions of Laws 1947, Chapter 421, as amended by the 1949 Legislature, shall be explained to the school officers and the question of the establishment of a survey committee shall be submitted. The notices of the meeting, voting on the creating of a survey committee and other applicable provisions of section 122.42 are made effective to December 20, 1949. In case the survey committee of a county has failed to file a final report, then the school board members of such county at a county meeting held prior to December 1, 1949, may vote on the question of continuing such committee.

[1947 c. 421 s. 17; 1949 c. 666 s. 11]

**122.57 STATE ADVISORY COMMITTEE; TERM OF OFFICE.** The term for the members of the state advisory commission on school reorganization is hereby extended until July 1, 1953, and the commission shall continue to perform the duties as prescribed by Laws 1947, Chapter 421, as amended by the 1949 Legislature, until that date.

[1947 c. 421 s. 18; 1949 c. 666 s. 12]

**122.58 CLASSIFICATION OF SPECIAL SCHOOL DISTRICTS; CONVERSION INTO INDEPENDENT DISTRICTS.** Subdivision 1. For the purpose of sections 122.58 to 122.67, 125.01, all special school districts in this state are divided into two classes. Class 1 includes all special school districts in cities of the first class. Class 2 includes all other special school districts.

Subd. 2. All Class 1 special school districts not governed by a separate school board or board of education are converted into independent school districts and all laws and municipal charter provisions, insofar as they relate to such Class 1 special school districts, are repealed effective July 1, 1949, unless the electors of such school district shall determine, by a majority vote at a special election called for such purpose, that sections 122.58 to 122.67, 125.01 shall not apply to such school district. Such special election shall be held on Tuesday June 14, 1949, on which day no other measure may be voted upon in any such district.

The question submitted at such election shall be:

Do you favor the conversion of this city's schools from a special school district to an independent school district under Chapter 716, Laws of Minnesota 1949?

Yes ☐

No ☐

Subd. 3. All Class 2 special school districts, subject to the provisions of this subdivision, are hereby converted into independent school districts. In any Class 2 special school district, where no election is called as hereinafter provided, the governing body may, within 45 days after the effective date of sections 122.58 to 122.67, 125.01, by resolution, elect that sections 122.58 to 122.67, 125.01 shall not apply to

such school district, in which case they shall not. The governing body of such district, within 45 days after the passage of sections 122.58 to 122.67, 125.01, shall cause a notice of the provisions of sections 122.58 to 122.67, 125.01 to be published for three successive weeks in a legal newspaper of such district. If, within 30 days after the last published notice, at least 15 per cent of the voters of the district or 200 voters, whichever number is smaller, shall petition the body to hold an election on the question of changing to an independent school district, then the question in the form of the question in Subdivision 2 of this section shall be submitted to the voters of the district at a special election called for the purpose by the governing body to be held not less than 15 nor more than 30 days after the filing of such petition with the clerk of the district. If the majority of those voting on the question at such election vote in the affirmative, sections 122.58 to 122.67, 125.01 shall apply to such district, otherwise they shall not. Any law or charter provision governing any Class 2 special school district becoming an independent school district under sections 122.58 to 122.67, 125.01 is repealed to the extent that such law or charter provision is inconsistent with the status of an independent school district or powers common to independent school districts or with sections 122.58 to 122.67, 125.01. Sections 122.58 to 122.67, 125.01 shall in no way invalidate remaining portions of such laws or home rule charters. When sections 122.58 to 122.67, 125.01 apply to any Class 2 special school district, such districts shall be an independent school district.

[1949 c. 716 s. 1]

**122.59 RIGHTS AND POWERS OF CONVERTED DISTRICTS.** An independent school district which succeeds a special school district shall exercise all the governmental rights and powers of an independent school district, including the right to sell and convey over all property controlled by the special school district which it succeeds, including all public property within the district acquired for or dedicated to school use whether title is held in the name of the special school district or not. These rights and powers shall extend to all taxes levied for school purposes in the district, and all funds appropriated or dedicated for school use in the calendar year 1949.

[1949 c. 716 s. 2]

**122.60 GOVERNMENT OF CONVERTED DISTRICT.** Subdivision 1. In Class 1 special school districts hereby converted into independent school districts, the mayors of such cities, with the approval of the governing body thereof, shall appoint six directors, who shall be electors of the district, to act as the first school board, three of whom shall serve from July 1, 1949, to July 1, 1950, and three of whom shall serve from July 1, 1949, until July 1, 1952. In such districts three directors shall be elected at the school election held in 1950 for a term of four years. Thereafter, three directors shall be elected biennially for a term of four years.

Subd. 2. Members of school boards and boards of education or other governing bodies of Class 2 special school districts who hold office or have been elected to office when sections 122.58 to 122.67, 125.01 take effect shall constitute the personnel of the first school board of such successor independent school districts hereby created until their terms expire as herein provided and new directors are elected and qualify.

[1949 c. 716 s. 3]

**122.61 ELECTION OF DIRECTORS.** Subdivision 1. In Class 2 special school districts, hereby converted to independent school districts, two directors shall be elected annually to the boards of each of the successor independent school districts at the time and for the terms now provided by laws applicable to independent school districts. The first election shall be held on the third Tuesday of May, 1950.

Subd. 2. Directors on existing boards whose terms expire between July 1, 1949, and July 1, 1950, for whose positions no successors have been elected under existing law, shall continue to hold office as members of the boards of the successor independent school districts, until July 1, 1950.

Subd. 3. The terms of directors on existing boards whose terms under existing law first expire subsequent to the effective date of sections 122.58 to 122.67, 125.01 shall terminate on July 1, 1950. The terms of directors on existing boards whose terms under existing law next expire shall terminate on July 1, 1951. The terms of the remaining directors, if any, on existing boards shall terminate on July 1, 1952.

Subd. 4. In the event that the foregoing procedure would result in a board of less than the prescribed membership such additional members shall be elected for such terms as may be required to maintain such membership.

Subd. 5. Vacancies occurring prior to July 1, 1952, shall be filled as provided by Minnesota Statutes 1945, Section 125.03, except that during said period no vacancies shall be filled so long as the remaining number of school board members is not less than the prescribed membership.

[1949 c. 716 s. 4]

**122.62 NUMBER OF DIRECTORS.** In the successor independent districts the number of directors shall be six, but if the electors of the district shall have indicated their desire to have a board of seven, by a vote on the proposition duly submitted to them, then the prescribed number of directors shall be seven. The provisions of this section shall apply to both Class 1 and Class 2 special districts when succeeded by independent districts.

[1949 c. 716 s. 5]

**122.63 TIME OF HOLDING ELECTIONS.** Subdivision 1. In any school district within the limits of which a city or village is located, in which city or village elections are held between March 1, and June 30 in any year, the school board with the consent of the city or village may by resolution provide for holding its school election at the same time and at the same places and with the same election personnel and equipment as the city or village election.

Subd. 2. In school districts now or hereafter having a population of 20,000 or more, there shall be a primary election for school board directors to be held at a date fixed by the board at least four weeks prior to the election. At such primary, twice the number of directors to be elected shall be nominated and such primary election shall in all respects be conducted in conformity with the law governing such city primary election. In cases where the school election is held with a city election, the school primary election shall be held at the same time as the city primary election.

[1949 c. 716 s. 7]

**122.64 EXISTING PENSION LAWS CONTINUED.** In any municipality where an existing pension law is applicable to employees of a special school district such law shall continue to be applicable to the same extent to employees of the successor district.

[1949 c. 716 s. 8]

**122.65 CIVIL SERVICE PROVISIONS.** In any municipality where existing civil service provisions of any law or charter are applicable to special school district employees, such provisions shall continue to be applicable in the same manner and to the same extent to employees of the successor district.

Such school districts shall contract with the cities in which located for such facilities as are furnished by the Civil Service Bureau, purchasing department, comptroller, legal department and other services supplied by such cities, provided, however, that the school board may contract for other legal services when the interests of such school district and such city are in conflict in any legal matter and provided further that such school board may contract for architectural services for the planning and construction of new school buildings when funds have been made available for construction of such school buildings.

[1949 c. 716 s. 9]

**122.66 TAX LEVY.** In Class 1 special school districts hereby converted into independent school districts, the school board may levy taxes as provided by Minnesota Statutes 1945, Section 125.08, Subdivision 5; but the levy in any one year shall not exceed \$18.50 per capita, including the county one mill tax for schools. The provisions of Minnesota Statutes 1945, Section 127.04, shall not apply to such districts. In addition, the school boards in such districts may levy for the payment of principal and interest on any bonds issued by the school district or by its predecessor district and may levy for the payment of employees' pensions as such pensions may be authorized by law. Such independent school district, which is a successor to a special school district, shall assume all financial obligations incurred by or for the special school district, outstanding on the date such independent district comes into existence. In computing the statutory limitation upon such a city to contract public indebtedness, the obligation of a school district imposed in this subdivision shall be deducted from the obligation of the city.

[1949 c. 716 s. 10]

# MINNESOTA STATUTES 1949

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ORGANIZATION; CONSOLIDATION; DISSOLUTION 122.67

**122.67 BONDING PROVISIONS.** In Class 1 special school districts converted into independent school districts, the school board, by a majority vote thereof, may issue and sell not to exceed \$1,000,000 par value bonds of such district in each calendar year. The proceeds of the sale of such bonds shall be used only for the rehabilitating, remodeling, expanding and equipping of existing school buildings or for the acquisition of sites, construction and equipping of new school buildings. The provisions of this section shall apply to the issuance and sale of such bonds and to the purposes for which the same may be issued notwithstanding any provision to the contrary in any other existing law or city charter relating thereto; and no provision of any law of Minnesota enacted in 1949 or thereafter shall be construed as inconsistent or as repealing the provisions of this section unless such subsequent law shall specifically provide that the provisions of this section shall be superseded, modified, amended, or repealed.

[1949 c. 716 s. 11]