

### CHAPTER 122

#### SCHOOL DISTRICTS, FORMATION AND ALTERATION

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#### DEFINITIONS AND CLASSIFICATION

**122.01** Subdivision 1. MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

Subd. 2. MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

Subd. 3. MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

Subd. 4. MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

Subd. 5. MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

Subd. 6. MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

Subd. 7. MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

Subd. 8. MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

Subd. 9. MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

Subd. 10. MS 1953 [ Repealed, 1955 c 862 s 14 ]

**122.01 DEFINITIONS.** For purposes of this chapter, the words defined in section 120.02, have the same meaning.

[ Ex1959 c 71 art 3 s 1 ]

**122.011-122.014** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**122.015** MS 1953 [ Repealed, 1955 c 862 s 14 ]

**122.016-122.019** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**122.02** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.02 CLASSES, NUMBER.** School districts shall be classified as common, independent, or special districts, each of which is a public corporation. Each district shall be known by its classification and each shall be assigned a number by the commissioner so that its title will be ..... school district number .....

[ Ex1959 c 71 art 3 s 2; 1974 c 406 s 11 ]

**122.021-122.029** MS 1957 [ Repealed, 1959 c 71 art 8 s 26 ]

**122.03** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.03 ASSIGNMENT OF IDENTIFICATION NUMBERS.** Subdivision 1. The commissioner of education shall, by order, assign an identification number to each district. The assignment shall be made so that each classified district has an identification number which is exclusive to it in its classification.

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Subd. 2. Upon making the assignment of an identification number, the commissioner of education shall forthwith notify the clerk of the district and the county auditors of the counties in which any part of the district lies of the identification number assigned. A certified copy of the order may be recorded in the office of the county recorder to show the new legal name of the district.

Subd. 3. From and after the making of the order, the legal identification of the district shall become and be as assigned. All records, correspondence, reports and references to the district shall thereafter refer to the district by its proper title as assigned.

Subd. 4. A number once assigned a district under section 122.02 or under any prior law, shall not be used again to identify any district in the same classification. As the need arises, and as required by law, as new districts are formed, the commissioner of education shall assign unused numbers as identification. When numbered districts are dissolved, the numbers assigned them will not be reassigned to any other district.

Subd. 5. [ Repealed, 1961 c 562 s 15 ]

[ 1957 c 947 art 10 s 1; 1961 c 562 s 1,2; 1976 c 181 s 2 ]

**122.031-122.039** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**122.04** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.041-122.049** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**122.05** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.051-122.059** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**122.06** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.061** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**122.062** Subdivision 1. MS 1957 [ Renumbered 122.03, subdivision 1 ]

Subd. 2. [ Renumbered 122.03, subd 2 ]

Subd. 3. [ Renumbered 122.03, subd 3 ]

Subd. 4. [ Renumbered 122.03, subd 4 ]

Subd. 5. [ Repealed, 1961 c 562 s 15 ]

**122.07** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.08** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.09** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.10** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.11** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.11** MS 1974 [ Repealed, 1975 c 162 s 42 ]

**122.111** MS 1953 [ Repealed, 1955 c 858 s 13 ]

**122.12** MS 1953 [ Repealed, 1955 c 858 s 13 ]

**122.12** MS 1969 [ Repealed, 1971 c 25 s 32 ]

**122.13** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.14** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.15** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.16** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.17** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.18** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.19** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.20** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

### ALTERATION OF DISTRICTS

**122.21** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.21 DETACHMENT AND ANNEXATION OF LAND.** Subdivision 1. The owner of land which adjoins any independent district, and whose land is not in a special district may petition the county board of the county in which the greater part of the area proposed for detachment and annexation lies to detach all or any part of his

land together with the intervening lands as defined in subparagraph (b) below, from the district it now is in, and to attach it, together with such intervening land, to the adjoining district. For purpose of this section, land is adjoining a school district if:

(a) The boundary of the area proposed for detachment and annexation is the same as the district boundary to which attachment is sought at any point, including corners, or

(b) The area proposed for detachment and annexation is separated at any point from the district to which annexation is sought by not more than one-half mile and the intervening land is vacant and unoccupied or is owned by one or more of the following: The United States, or the state of Minnesota or any of its political subdivisions, or an owner who is unknown or cannot be found or

(c) The area proposed by a land owner for detachment and annexation is adjoining (as defined in subparagraphs (a) and (b) above) any land proposed for detachment from and annexation to the same district in another pending petition.

Subd. 2. The petition shall contain:

(a) A correct description of the area proposed for detachment and annexation, together with such supporting data with regard to location and title to land as will establish facts conformable to subdivision 1.

(b) The reasons for the proposed change with facts showing that the granting of the petition will not reduce the size of any district to less than four sections, unless the district is not operating a school within the district.

(c) Consent to the petition, endorsed thereon at any time before the hearing by the board of the district from which the area is to be removed, if, at the time of the filing of the petition, any part of the area proposed for detachment is part of a district which maintains and operates a secondary school within the district.

(d) An identification of the district to which annexation is sought.

(e) Such other information as petitioners may desire to affix.

(f) An acknowledgment by the petitioner.

Subd. 3. The petition shall be filed with the auditor who shall present it to the county board at its next meeting. At the meeting, the county board shall fix a time and place for hearing the petition, which time shall be not more than 60 nor less than ten days from the date of the meeting. The auditor shall forthwith serve notice of the hearing on each district directly affected by the petition, by mail addressed to the clerk. If any area affected by the petition is in another county, he shall mail a notice of hearing to the auditor of such county. He shall also give one week's published notice of the hearing in the county wherein the hearing is to be held, and ten days' posted notice in each school district affected. Such posted and published notice may combine pending petitions. At the hearing on the petition, the county board shall receive and hear any evidence for or against the petition. The hearing may be adjourned from time to time.

Subd. 4. Within six months of the time when the petition was filed, the county board shall issue its order either granting or denying the petition, unless all or part of the land area described in the petition is included in a plat for consolidation which has been approved by the state board of education in which event, no order may be issued while consolidation proceedings are pending. No order shall be issued which results in attaching to a district any territory not adjoining that district, as defined in subdivision 1(a). No order shall be issued which reduces the size of any district to less than four sections unless the district is not operating a school within the district. The order may be made effective at a deferred date not later than July 1 next following its issuance. If the petition be granted, the auditor shall transmit a certified copy to the commissioner. Failure to issue an order within six months of the filing of the petition or termination of proceedings upon an approved consolidation plat, whichever is later, is a denial of the petition.

Subd. 5. Upon receipt by the commissioner of the order, he shall forthwith modify his records and any plats and petitions and proceedings involving districts affected by such order presently before him for action or record, to conform to the order.

Subd. 6. Upon the effective date of the order, the detachment and annexation ordered therein is effected. All taxable property in the area so detached and annexed remains taxable for payment of any school purpose obligations theretofore authorized by or on that date outstanding against the district from which detached. Such prop-

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erty is not by virtue of the order relieved from the obligation of any bonded debt theretofore incurred to which it was subject prior to the order. All taxable property in the area so detached and annexed is taxable for payment of any school district obligations authorized on or subsequent to the effective date of the order by the district to which annexation is made.

[ *Ex*1959 c 71 art 3 s 5; 1965 c 225 s 1; 1969 c 364 s 1; 1975 c 162 s 10,41; 1977 c 447 art 7 s 15 ]

**122.22** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.22 DISSOLUTION AND ATTACHMENT.** Subdivision 1. Any district may be dissolved and the territory be attached to other districts by proceeding in accordance with this section.

Subd. 2. Proceedings under this section may be instituted by:

(a) Resolution of the county board of the county containing the greatest land area of the district proposed for dissolution when such district is dissolved pursuant to sections 122.32 to 122.52.

(b) Petition executed by a majority of the resident freeholders of the district proposed for dissolution addressed to the county board of the county containing the greatest land area of the district.

(c) Certification by the clerk of the district proposed for dissolution to the county board of the county containing the greatest land area of the district to the effect that a majority of votes cast at an election were in favor of dissolving the district.

Subd. 3. A resolution adopted pursuant to subdivision 2(a) shall contain findings of necessary jurisdictional facts and shall set a date for hearing not less than ten nor more than 60 days from the date of the resolution.

Subd. 4. Petition executed pursuant to subdivision 2(b) shall be filed with the auditor and shall contain:

(a) A statement that petitioners desire proceedings instituted leading to dissolution of the district and other provisions made for the education of the inhabitants of the territory; and that petitioners are resident freeholders of the district.

(b) An identification of the district.

(c) The reasons supporting the petition which may include recommendations as to disposition of territory to be dissolved. Such recommendations are advisory in nature only and are not binding on any petitioners or county board for any purpose.

(d) The persons circulating the petition shall attach their affidavit swearing or affirming that the persons executing the petition are resident freeholders and that they signed in the presence of one of the circulators.

(e) The auditor shall present the petition to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing not less than ten nor more than 60 days from the date of that meeting.

Subd. 5. Certification executed pursuant to subdivision 2(c) shall be filed with the auditor and shall contain:

(a) A copy of the resolution initiating the election.

(b) A copy of the notice of election with an affidavit of publication or posting.

(c) The question voted on.

(d) The results of the election by number of votes cast for and number against the question.

(e) If an advisory ballot is taken on annexation, the question voted on and number of ballots cast for and against the proposal.

The auditor shall present the certification to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing not less than ten nor more than 60 days from the date of that meeting.

Subd. 6. When a hearing is ordered under this section, the auditor shall have ten days' posted notice of the hearing in the district proposed for dissolution, one week's published notice in the county, and ten days' mailed notice to the clerk of the district proposed for dissolution and to the clerk of each adjoining district and to the commissioner. If all or any part of the district proposed for dissolution or any adjoining district lies in another county, the auditor shall forthwith upon establishment of the hear-

ing date, mail notice of the hearing to the auditor of each county so situated.

Subd. 7. No order dissolving a district may be issued by the county board if the district to be dissolved is included in a plat for consolidation which has been approved by the state board of education and upon which plat final action has not been taken unless all of the district to be dissolved and all of the district or districts to which attachment is proposed are included in the approved plat.

Subd. 8. Within 90 days of the date set for the original hearing or within 30 days of the termination of a consolidation proceeding which stays the order under subdivision 7, the county board may issue its order:

(a) Dismissing the proceedings.

(b) Interlocutory in character, proposing the dissolution of the district and the annexation of the territory to adjoining districts, or the entire district as a unit may be attached to and become part of a district which maintains a secondary school located within the same high school area, and there is no intervening district maintaining a secondary school.

(c) If no order is issued within the limited time, the proceedings are dismissed.

Subd. 9. An interlocutory order issued under subdivision 8, clause (b) shall contain:

(a) A statement that the dissolution of the district is proposed.

(b) A description, by words or plat or both showing proposed disposition of territory in the district to be dissolved.

(c) The outstanding bonded debt of the district to be dissolved.

(d) A proposed effective date of the order. The effective date shall be at least three months after the date of the order, and shall be July 1 of an odd-numbered year.

(e) Such other information as the county board may desire to include.

The auditor shall within ten days from its issuance serve a copy of the interlocutory order by mail upon the clerk of the district proposed for dissolution and upon the clerk of each district to which it is proposed to attach any territory by the order and upon the auditor of each other county in which all or any part of the district proposed for dissolution or any district to which it is proposed to attach territory lies, and upon the commissioner.

Subd. 10. Within 45 days of the date of the interlocutory order, any district to which attachment of territory is proposed may, by resolution of the board, request an election in the area proposed for attachment on the question of assumption of debt in connection with that interlocutory order, such resolution shall contain:

(a) A request that an election be held in the area proposed for attachment, authorizing proportionate assumption of debt, or some specified part thereof, of the district requesting the election, and

(b) The total bonded debt, authorized and outstanding of the district requesting election, and

(c) The assessed valuation of the district requesting election. A copy of the resolution shall forthwith, upon issuance, be served personally or by mail on the auditor of the county issuing the interlocutory order.

Failure to make and serve such resolution within 45 days of the date of the interlocutory order is a consent to the terms of the order and a waiver of the requirement of debt assumption by the territory proposed for attachment.

Subd. 11. If the proceedings were instituted by petition, under subdivision 2(b), or by election, under subdivision 2(c) and an advisory recommendation was made in the petition or an advisory ballot taken at the election, as to annexation requested, and if the interlocutory order makes a different provision for annexation than requested, then the interlocutory order must be approved by a majority of those voting on the question at an election to be called in the district to be dissolved, under subdivision 13, the question voted on shall be:

"Shall the interlocutory order of the county board of ..... county, dated ..... proposing the dissolution of this school district be approved?" Yes ..... No .....

Subd. 12. If a resolution is made and served under provisions of subdivision 10 within the time allowed, the auditor shall so advise the board of the district proposed for dissolution. In such case, an election shall be held in the district to be dissolved on

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the question of debt assumption, or if the district to be dissolved is divided, the board shall, in such case, establish voting precincts in each area in which debt is proposed for assumption. The voters in such precincts shall vote on the question: "Shall the taxable property in the area proposed for attachment to ..... school district number ..... assume a proportionate share of the bonded debt of such district in accordance with the resolution of the board of such district, dated ....., and on file with the auditor of ..... county?" Yes ..... No .....

Subd. 13. If an election is required under subdivision 11 or 12, then upon the expiration of the 45 day period allowed in subdivision 10 or upon receipt of a demand for election on the question of debt assumption from each district to which it is proposed to attach territory, whichever is sooner, the auditor shall forthwith set a date and call the election by filing a written order therefor, and serving a copy thereof personally or by mail on the clerk of the district in which the election is to be held, which date shall be not less than 15 nor more than 30 days after the date of the order, upon which date a special election shall be held in the district proposed for dissolution. The auditor shall cause notice of such election to be posted and published according to law. Upon receipt of such notice, the board shall conduct the election.

Subd. 14. The results of each election shall be certified by the board to the auditor. If a majority of all votes cast on each question at the election approve the interlocutory order and favor the assumption of the debt, the interlocutory order becomes final and effective as of the date specified in the order. Each person served with the interlocutory order shall be so notified.

Subd. 15. If a majority of votes cast at an election held on any resolution are in the negative on the issue of debt assumption, the auditor shall forthwith certify such results to the clerk of the district which made the resolution voted upon. The district making the resolution under subdivision 10 may then within ten days make and serve upon the auditor a resolution of its board withdrawing its objection to the interlocutory order and consenting to its terms and consenting to the attachment of territory without debt assumption and cancelling its resolution under subdivision 10. The auditor shall present the resolution to the county board at its next meeting and at that meeting the county board may order its interlocutory order made final and effective.

Subd. 16. If a majority of votes cast at an election held on any resolution are in the negative on the issue of debt assumption, and if the resolution of waiver provided for in subdivision 15 is not filed within the time prescribed, or if a majority of votes cast on the question of approval of the interlocutory order are in the negative, the proceedings are dismissed and terminated and the interlocutory order becomes void and of no further effect for any purpose.

Subd. 17. [ Repealed, 1975 c 162 s 42 ]

Subd. 18. The bonded debt of a district dissolved under provisions of this section shall be paid according to levies made therefor under provision of chapter 475. The obligation of the taxable property in the dissolved district with reference to the payment of such bonded debt is not affected by this section.

Subd. 19. [ Repealed, 1975 c 162 s 42 ]

Subd. 20. If the dissolved district is not divided by the order of dissolution and attachment, all of its current assets and liabilities, real and personal, and all its legally valid and enforceable claims and contract obligations shall pass to the district to which it is attached, except as provided in section 122.532. If the district to be dissolved is divided by the interlocutory order of dissolution and attachment, the commissioner shall, within 30 days after the interlocutory order is issued, issue his order for the distribution of its current assets and liabilities, real and personal. If the commissioner's order provides for the transfer of an interest in real estate to a district, this order may also impose a dollar amount as a claim against that district in favor of other districts and this claim shall be paid and enforced in the manner provided by law for the payment of judgments against a district. The obligations of districts to the teachers employed by the dissolved district shall be governed by the provisions of section 122.532.

[ Ex1959 c 71 art 3 s 6; 1969 c 364 s 2; 1974 c 406 s 12; 1975 c 162 s 41; 1978 c 764 s 15-18 ]

**122.23** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.23 CONSOLIDATION.** Subdivision 1. Common or independent districts or parts thereof, or any combination of the foregoing may consolidate into a single independent district by proceedings taken in accordance with this section. The proposed new district must contain at least 18 sections of land. A proposed new district must be composed of contiguous areas unless an entire district is to be part of a district which maintains a secondary school and there is no district intervening which maintains a secondary school.

Subd. 2. Upon a resolution of a school board in the area proposed for consolidation or upon receipt of a petition therefor executed by 25 percent of the voters resident in the area proposed for consolidation or by 50 such voters, whichever is lesser, the county auditor of the county which contains the greatest land area of the proposed new district shall forthwith cause a plat to be prepared. The resolution or petition shall show the approximate area proposed for consolidation. The resolution or petition may propose either that the bonded debt of the component districts will be paid according to the levies previously made for that debt under chapter 475, as provided in subdivision 16a, or that the taxable property in the newly created district will be taxable for the payment of the bonded debt previously incurred by any component district as provided in subdivision 16b. The resolution or petition may also propose that the board of the newly created district consist of seven members, and may also propose the establishment of separate election districts from which school board members will be elected, the boundaries of these election districts, and the initial term of the member elected from each of these election districts. If more than one request for a plat is received by a county auditor and the requests involve parts of identical districts, he shall forthwith prepare a plat which in his opinion best serves the educational interests of the inhabitants of the districts or areas affected. The plat shall show:

- (a) Boundaries of the proposed district, as determined by the county auditor, and present district boundaries,
- (b) The location of school buildings in the area proposed as a new district and the location of school buildings in adjoining districts,
- (c) The boundaries of any proposed separate election districts, in accordance with the provisions of section 123.32, and
- (d) Other pertinent information as determined by the county auditor.

Subd. 2a. The county auditor of the county containing the greatest land area of the area proposed to be consolidated shall perform the duties provided by this section.

Subd. 3. A supporting statement to accompany the plat shall be prepared by the county auditor. The statement shall contain:

- (a) The adjusted assessed valuation of property in the proposed district,
- (b) If a part of any district is included in the proposed new district, the adjusted assessed valuation of the property and the approximate number of pupils residing in the part of the district included shall be shown separately and the adjusted assessed valuation of the property and the approximate number of pupils residing in the part of the district not included shall also be shown,
- (c) The reasons for the proposed consolidation, including a statement that at the time the plat is submitted to the state board of education, no proceedings are pending to dissolve any district involved in the plat unless all of the district to be dissolved and all of each district to which attachment is proposed is included in the plat,
- (d) A statement showing that the jurisdictional fact requirements of subdivision 1 are met by the proposal,
- (e) Any proposal contained in the resolution or petition regarding the disposition of the bonded debt of component districts,
- (f) Any other information the county auditor desires to include, and
- (g) The signature of the county auditor.

Subd. 4. The county auditor shall submit the plat and supporting statement to the commissioner and a true copy of each to the auditor of each county containing any land area of the proposed new district.

Subd. 5. Upon receipt of a plat and the supporting statement, each auditor shall immediately notify his respective county board. After such notification, and during the pendency of proceedings under the plat and supporting statement or for a period of

six months, whichever is shorter, no action may be taken by the county board under any other law to modify the boundary of any district if any part of the district is included in an area proposed for consolidation.

Subd. 6. The state board shall, upon receipt of a plat, forthwith examine it and approve, modify or reject it. The state board shall also approve or reject any proposal contained in the resolution or petition regarding the disposition of the bonded debt of the component districts. If the plat shows the boundaries of proposed separate election districts and if the state board modifies the plat, the state board shall also modify the boundaries of the proposed separate election districts. Prior thereto the state board or a member thereof or the commissioner or assistant commissioner as designated by the state board shall conduct a hearing at the nearest county seat in the area upon reasonable notice to the affected districts and county boards if requested within 20 days after submission of the plat. Such a hearing may be requested by the board of any affected district, a county board of commissioners, or the petition of 20 resident voters living within the area proposed for consolidation. The state board shall endorse on the plat its action regarding any proposal for the disposition of the bonded debt of component districts and its reasons for its actions and within 60 days of the date of the receipt of the plat, it shall return it to the county auditor who submitted it. The state board shall furnish a copy of that plat, and the supporting statement and its endorsement to the auditor of each county containing any land area of the proposed new district. If land area of a particular county was included in the plat, as submitted by the county auditor, and all of such land area is excluded in the plat as modified and approved, the state board shall also furnish a copy of the modified plat, supporting statement, and its endorsement to the auditor of such county.

Subd. 7. Upon receipt of an approved plat, the county auditor shall forthwith notify the board of any district, all or part of whose land is included in the proposed new district.

Subd. 8. The board of any independent district maintaining a secondary school, the board of any common district maintaining a secondary school, all or part of whose land is included in the proposed new district, shall, within 45 days of the approval of the plat by the state board, either adopt or reject the plan as proposed in the approved plat. If the board of any such district entitled to act on the petition rejects the proposal, the proceedings are terminated and dismissed. If any board fails to act on the plat within the time allowed, the proceedings are terminated.

Subd. 9. If the approved plat contains land area in more than one independent district maintaining a secondary school, or common district maintaining a secondary school, and if each board entitled to act on the plat approves the plat, each such board shall cause notice of its action to be published at least once in its official newspaper. If five percent of the resident freeholders of any such district shall petition the clerk of the district, within 30 days after the publication of such notice, for an election on the question, the consolidation shall not become effective until approved by a majority vote in such district at an election held in the manner provided in subdivisions 11, 12 and 13.

Subd. 10. If an approved plat contains land area in any district not entitled to act on approval or rejection of the plat by action of its board, the plat may be approved by the residents of such land area within 60 days of approval of plat by the state board in the following manner:

A petition calling upon the county auditor to call and conduct an election on the question of adoption or rejection of the plat may be circulated in such land area by any person residing in such areas. Upon the filing of such petition with the county auditor, executed by at least 25 percent of the resident freeholders in each district or part of a district contained in such land area, the county auditor shall forthwith call and conduct a special election of the electors resident in the whole land area on the question of adoption of the plat. For the purposes of this section, the term "electors resident in the whole land area" means and shall be construed to include any person or persons residing on any remaining portion of land, a part of which is included in the consolidation plat. Any freeholder owning land included in such plat who lives upon land adjacent or contiguous to that part of his land included in such plat shall be included and counted in computing the 25 percent of the resident freeholders necessary to sign such petition and shall also be qualified to sign such petition. Failure to file such petition within 60 days of approval of plat by the state board terminates the proceedings.



Subd. 11. Upon an election becoming callable under provisions of subdivision 10, the county auditor shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the area, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

Subd. 12. The county auditor shall determine the date of the election, the number of boundaries of voting precincts, and the location of the polling places where voting shall be conducted, and the hours the polls will be open. He shall provide official ballots which shall be used exclusively and shall be in the following form:

For consolidation ....

Against consolidation ....

He shall appoint three election judges for each polling place who shall act as clerks of election. The county may pay these election judges not to exceed \$1 per hour. The ballots and results shall be certified to the county auditor who shall canvass and tabulate the total vote cast for and against the proposal.

Subd. 13. If a majority of the votes cast on the question at the election approve the consolidation, and if the necessary approving resolutions of boards entitled to act on the plat have been adopted, the county auditor shall, within ten days of the election or of the expiration of the period during which an election can be called, issue his order setting a date for the effective date of the change. The effective date shall be at least three months after the day when the date must be set, and shall be July 1 of an odd-numbered year. He shall mail or deliver a copy of such order to each auditor holding a copy of the plat and to the clerk of each district affected by the order and to the commissioner. If the election fails, the proceedings are terminated and the county auditor shall so notify the commissioner and the auditors and the clerk of each school district affected.

Subd. 14. Upon receipt of the order creating a new district, the commissioner shall forthwith, by order, assign an identification number to the new district and shall mail a copy of his order to the county auditor and to each auditor who holds a copy of the plat. If all of the territory in one and only one independent district maintaining a secondary school is included in the new independent district created pursuant to consolidation, and if the commissioner finds that it is more practical and reasonable and in the interest of efficiency and economy of operation to so do, he may assign to the new district the same number as previously held by the included independent district.

Subd. 15. If no district is divided by virtue of the proceedings, all of the assets, real and personal, of the districts involved and all legally valid and enforceable claims and contract obligations of the districts pass to the new district, except as provided in section 122.532. If a district is divided by virtue of the proceedings, upon receipt of the order of the commissioner, the auditor of the county containing the greatest land area of the new district shall present a copy of the plat and supporting statement and orders issued in the proceedings to the commissioner, together with such information as is available to him concerning the assets and liabilities not secured by bonds of each district, any part of which is included in the newly created district. Thereafter within 30 days the commissioner shall issue his order providing for a division of the assets and liabilities of the districts involved and apportioning and dividing these assets and liabilities according to such terms as he may deem just and equitable. In making this division of assets and liabilities, the commissioner may consider the amount of bonded debt to be assumed by property in each area under the provisions of this section. If the order of consolidation transfers any real estate interest to the new district or to another district, the order apportioning assets and liabilities may impose a dollar claim on the district receiving the real estate in favor of any other district involved in an amount not exceeding the reasonable value of the real estate interest involved, which claim shall be paid in the manner provided by law for the enforcement of judgments.

Subd. 16. As of the effective date of the consolidation, the bonded debt of all component districts shall be paid according to the plan for consolidation proposed in the approved plat, pursuant to the provisions of subdivision 16a or 16b, as applicable.

Subd. 16a. If the plan for consolidation so provides, the bonded debt of all component districts shall be paid according to levies previously made for that debt under chapter 475. In this case, the obligation of the taxable property in the component districts with reference to the payment of such bonded debt is not affected by the consolidation.

Subd. 16b. If the plan for consolidation so provides or makes no provision for the disposition of bonded debt, all the taxable property in the newly created district is taxable for the payment of any bonded debt theretofore incurred by any component district in the proportion which the assessed valuation of that part of a pre-existing district which is included in the newly created district bears to the assessed valuation of the entire pre-existing district as of the time of the consolidation. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the commissioner dividing the assets and liabilities of the component parts. This subdivision shall not relieve any property from any tax liability for payment of any bonded obligation but taxable property in the newly created district becomes primarily liable for the payment of bonded debts to the extent of the proportion stated.

Subd. 16c. The board of the newly created district, when constituted as provided in subdivision 17, may provide for an election of that district on the issuance of bonds, and may issue and sell bonds authorized at such an election, or bonds authorized at an election previously held in any pre-existing district wholly included within the newly created district, or bonds for a purpose for which an election is not required by law. Such actions may be taken at any time after the date of the county auditor's order issued under subdivision 13, and before or after the date upon which the consolidation becomes effective for other purposes, and taxes for the payment of any such bonds shall be levied upon all taxable property in the newly created district; except that no bonds shall be delivered to purchasers until 30 days after the date of the county auditor's order. If within this period a notice of appeal from the county auditor's order to the district court is filed in accordance with section 127.25, no bonds shall be delivered by the newly created district to purchasers until and unless the county auditor's order is affirmed by final order of the district court in such special proceeding, and a period of 30 days from the service of such final order expires without an appeal to the supreme court being commenced or, if an appeal is taken, the order is affirmed by the supreme court; except that if all of the territory of one and only one independent district maintaining a secondary school is included in the newly created district, and if the assessed valuation of taxable property in such territory comprises 90 percent or more of the assessed valuation of all taxable property in the newly created district, the board may issue, sell, and deliver any bonds voted by the pre-existing independent district and any bonds voted or otherwise authorized by the newly created district, notwithstanding the pendency of any such appeal, and such bonds shall be paid by the levy of taxes upon the property within the territory of the pre-existing independent district and within such other areas, if any, as may be finally determined to be properly included within the newly created district. In any election held in the newly created district as authorized in the preceding sentence, all qualified electors residing within the area of that district as defined in the county auditor's order shall be entitled to vote, but the votes cast by residents of former districts or portions of former districts included in such area, other than the independent district maintaining the secondary school, shall be received and counted separately; and the bonds shall not be issued and sold unless authorized by a majority of the votes cast thereon by electors of the independent district maintaining the secondary school, and also by a majority of the votes cast thereon by electors residing within the entire area of the newly created district.

Subd. 17. If all of the territory of one and only one independent district maintaining a secondary school is included in the new independent district, the board of that previously existing independent district shall assume the duties and responsibilities of the board of the newly organized district for the balance of the term to which the members were elected. At the next annual school election the successors to the members whose terms then expire shall be elected by the legally qualified voters of the newly organized district. Thereafter, board members shall be elected according to the election procedure established for the election of board members in independent districts.

Subd. 18. (a) If no board is provided for under the foregoing provision, upon receipt of the assigned identification number, the county auditor shall determine a date, not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, upon which date shall be held a special election in the district for the purpose of electing a board of six members for terms as follows: two until the July 1 one year after the effective date of the consolidation, two until the ex-

piration of one year from said July 1, and two until the expiration of two years from said July 1, to hold office until a successor is elected and qualifies according to provisions of law governing the election of board members in independent districts. If the resolution or petition for consolidation pursuant to subdivision 2 proposed that the board of the newly created district consists of seven members, then seven members shall be elected at this election for the terms provided in this clause except that three members shall hold office until the expiration of two years from said July 1. If the resolution or petition for consolidation pursuant to subdivision 2 proposed the establishment of separate election districts, these members shall be elected from separate election districts according to the provisions of that resolution or petition and of section 123.32.

(b) The county auditor shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the proposed new district, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

(c) The county may pay the election judges not to exceed \$1 per hour for their services.

(d) Any person desiring to be a candidate for a school election shall file an application with the county auditor to have his name placed on the ballot for such office, specifying the term for which the application is made. The application shall be filed not less than 12 days before the election.

(e) The county auditor shall prepare, at the expense of the county, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election. The county auditor shall determine the number of voting precincts and the boundaries of each. He shall determine the location of polling places and the hours the polls shall be open. He shall appoint three election judges for each polling place who shall act as clerks of election. Election judges shall certify ballots and results to the county auditor for tabulation and canvass.

(f) Upon canvass and tabulation by the county auditor he shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person entitled thereto by certified mail, and each person so certified shall file an acceptance and oath of office with the county auditor within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing may be made at any time before action to fill vacancy has been taken.

(g) The board of each district included in the new enlarged district shall continue to maintain school therein until the effective date of the consolidation. Such boards shall have power and authority only to make such contracts, to do such things as are necessary to maintain properly the schools for the period prior to that date, and to certify to the county auditor according to levy limitations applicable to the component districts the taxes collectible in the calendar year when the consolidation becomes effective.

(h) It shall be the immediate duty of the newly elected board of the new enlarged district, when the members thereof have qualified and the board has been organized, to plan for the maintenance of the school or schools of the new district for the next school year, to enter into the necessary negotiations and contracts for the employment of personnel, purchase of equipment and supplies, and other acquisition and betterment purposes, when authorized by the voters to issue bonds under the provisions of chapter 475; and on the effective date of the consolidation to assume the full duties of the care, management and control of the new enlarged district. The board of the new enlarged district shall give due consideration to the feasibility of maintaining such existing attendance centers and of establishing such other attendance centers, especially in rural areas, as will afford equitable and efficient school administration and assure the convenience and welfare of the pupils residing in the enlarged district. The obligations of the new board to teachers employed by component districts shall be governed by the provisions of section 122.532.

Subd. 19. In case of the consolidation 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.

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The county auditor shall give ten days' posted notice of the hearing in the area to be attached and shall deliver a copy of the notice of hearing to the clerk of each district adjoining the area at least 30 days prior to the date set for the hearing. If any adjoining district by resolution of its board, a copy of which is served on the county board before the hearing, demands that area to be attached assume a proportionate share of the bonded debt of the demanding district, then if the order of the county board attaches any land area to such district, the taxable property in such area assumes its proportionate share of the authorized and outstanding bonded debt of the district to which it is attached.

[ *Ex1959 c 71 art 3 s 7; 1963 c 549 s 1; 1965 c 525 s 1; 1967 c 495 s 1; 1969 c 364 s 3-6; 1974 c 406 s 13; 1975 c 162 s 11,41; 1976 c 271 s 35; 1978 c 674 s 60; 1978 c 764 s 19-25* ]

**122.24** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.24** MS 1969 [ Repealed, 1971 c 98 s 1 ]

**122.25** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.25 COMMON DISTRICT TO INDEPENDENT DISTRICT.** Subdivision 1. If six or more resident freeholders of a common district desire to change the organization of their district to an independent district, they may call for a vote upon the question at the next annual meeting by filing a petition therefor with the clerk. In the notice for the meeting, the clerk shall include a statement that the question will be voted upon at the meeting.

Subd. 2. At the annual meeting, if a majority of the votes cast on the question favors the conversion to an independent district, a board of six members shall be elected. Nominations may be made from the floor of the meeting and election shall be by secret ballot. All board members elected at this meeting shall serve for terms expiring on the third Tuesday in May next following the election on which date a regular annual election shall be held in the manner provided by law. At this first annual election for independent districts, six directors shall be elected, two to hold office until July 1 following the next annual election, two to hold office until the expiration of one year from said July 1 and two to hold office until the expiration of two years from said July 1; the time which each director shall hold office being designated on the ballot.

Subd. 3. If the organization of the district is changed from common to independent at the meeting, the clerk shall forthwith notify the auditor and the commissioner.

Upon receipt of such notification, the commissioner shall forthwith assign a new identification number to the district and shall notify the auditor and the clerk of the district thereof.

Subd. 4. As of the date of election, if a majority of votes cast on the question favor the conversion to an independent district, the classification of the district is changed from common to independent. Title to all the property, real and personal, of the common district passes to the independent district and all current outstanding contractual obligations, including the bonded indebtedness, if any, of the common district, together with any legally valid and enforceable claims against the common district are imposed on the independent district.

Subd. 5. Upon receipt of the identification number from the commissioner, the clerk of the district shall record such change of number with the county recorder in any county in which the common district owns any real estate.

[ *Ex1959 c 71 art 3 s 9; 1976 c 181 s 2* ]

**122.26** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.26** MS 1976 [ Repealed, 1978 c 706 s 69 ]

**122.27** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.28** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.29** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.30** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.31** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.31** MS 1974 [ Repealed, 1975 c 162 s 42 ]

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## 122.32 SCHOOL DISTRICTS, FORMATION AND ALTERATION

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### INCLUSION OF NONOPERATING DISTRICTS

#### IN OTHER DISTRICTS

**122.32** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

#### **122.32 REMAINING DISTRICTS, ACTION OF COUNTY BOARD; ELECTION.**

Subdivision 1. If there be any organized school district not maintaining a classified school within the district, except those districts which have a contract with the state university board, or with the board of regents of the university of Minnesota for the education of all the children of the district, such district shall hereby be dissolved as of the date the district ceases to maintain a classified school. Any such district not maintaining a classified school shall forthwith be attached by order of the county board to such district maintaining classified elementary or secondary schools upon notice and hearing as provided in section 122.22 for the attachment of dissolved districts.

Subd. 2. Prior to the order of the county board, the board may direct the county auditor to call a special election in the manner and form in which district elections are held. The purpose of the election shall be to determine to which district or districts the dissolved district shall be attached. The county board after hearing shall determine the form of question as it should appear on the ballot. The results of the election shall be advisory in nature only.

Subd. 3. The results of the election shall be certified by the county auditor to the county board and within 45 days after such election the county board shall issue its order dissolving the district. The order shall also attach the dissolved district to a proper district as determined by the county board, and a copy of such order shall be filed with the commissioner of education. Title to all the property, real and personal, of the district dissolved passes to the district to which such dissolved district is attached. If a district is divided by virtue of the proceedings the county board shall issue its order providing for the division of the current assets and liabilities according to such terms as it may deem just and equitable. If the order of the county board attaches any land area to a district with bonded debt, the taxable property in such area assumes its proportionate share of the authorized and outstanding debt of the district to which it is attached.

[ 1963 c 547 s 2; 1965 c 280 s 1; 1975 c 162 s 14; 1975 c 321 s 2 ]

**122.33** [ Repealed, 1975 c 162 s 42 ]

**122.34 PRIVATE SCHOOLS IN NONOPERATING DISTRICTS.** Section 122.32 shall not apply to any school district in which is located any existing private school maintaining elementary and secondary education for 75 percent of eligible pupils within the district and complying with the requirements of section 120.10, subdivision 2.

[ 1963 c 547 s 4; 1978 c 706 s 10 ]

**122.35** [ Repealed, 1975 c 162 s 42 ]

**122.355 BORDER DISTRICTS; CONTINUED OPERATION.** Subdivision 1. The common school districts situated along the border of the state of Minnesota and the state of Wisconsin which have, for the preceding 25 years, prior to May 26, 1965 been educating pupils of their district in school districts in Wisconsin may continue to operate as common school districts notwithstanding that any of such school districts do not maintain classified schools. Such school districts are not subject to the terms and provisions of sections 122.32 to 122.52.

Subd. 2. The provisions of subdivision 1 shall remain in effect as long as the school district does not discontinue the practice of education for their district as described in subdivision 1.

[ 1965 c 739 s 1; 1969 c 541 s 1; 1975 c 162 s 15; 1976 c 2 s 57 ]

**122.40** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

### INCLUSION OF ALL AREA IN INDEPENDENT

#### OR SPECIAL DISTRICTS

**122.41** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.41 POLICY.** It is hereby declared to be the policy of the state to encourage the organization of school districts into such local units of administration as will afford better educational opportunities for all pupils, make possible a more economical and efficient operation of the schools and insure a more equitable distribution of public school revenue. To this end all area of the state shall be included in an independent or special school district maintaining classified elementary and secondary schools, grades one through twelve.

[ 1967 c 833 s 1; 1975 c 162 s 16 ]

**122.42** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.42** MS 1971 [ Temporary ]

**122.43** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.43 DISSOLUTION OF DISTRICTS NOT A PART OF INDEPENDENT DISTRICTS.** Subdivision 1. If there be any organized school district not a part of an independent school district maintaining classified elementary and secondary schools, grades one through twelve, such district shall hereby be dissolved.

Subd. 2. The board of each district so dissolved shall continue to maintain school therein until all territory thereof has been attached to a proper district not later than July 1, but such boards shall have power and authority only to make such contracts and to do such things as are necessary to maintain properly the schools for the period they may be in session prior to the attachment.

[ 1967 c 833 s 3; 1975 c 162 s 17 ]

**122.44** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.44 ATTACHMENT TO ORGANIZED DISTRICTS; PROCEDURE.** Subdivision 1. All territory of school districts dissolved by sections 122.41 to 122.52 and all area of the state not in a district maintaining classified elementary and secondary schools shall be attached by order of the county board to organized districts maintaining classified elementary and secondary schools, grades one through twelve upon notice and hearing, as provided in section 122.22 for the attachment of dissolved districts.

Subd. 2. [ Repealed, 1975 c 162 s 42 ]

Subd. 3. [ Repealed, 1975 c 162 s 42 ]

Subd. 4. [ Repealed, 1975 c 162 s 42 ]

Subd. 5. [ Repealed, 1975 c 162 s 42 ]

[ 1967 c 833 s 4; 1969 c 364 s 7-9; 1975 c 162 s 18 ]

**122.45** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.45 DISTRIBUTION AND DIVISION OF ASSETS AND LIABILITIES; TAXATION.** Subdivision 1. Title to all the property, real and personal, of any district dissolved under the provisions of sections 122.41 to 122.52 and all legally valid and enforceable claims and contract obligations, pass to the district to which such dissolved district is attached. If a district is divided by virtue of the proceedings, the commissioner shall issue his subsequent order providing for the division of the assets and liabilities according to such terms as he may deem just and equitable.

Subd. 2. As of the effective date of the attachment, all the taxable property in the newly enlarged district is taxable for the payment of any bonded debt theretofore incurred by any component district in the proportion which the assessed valuation of that part of a pre-existing district which is included in the newly enlarged district bears to the assessed valuation of the entire pre-existing district as of the time of the attachment. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the commissioner dividing the assets and liabilities of the component parts. This subdivision shall not relieve any property from any tax liability for payment of any bonded obligation but taxable property in the newly enlarged district becomes primarily liable for the payment of bonded debts to the extent of the proportion stated.

Subd. 3. [ Repealed, Ex1971 c 31 art 20 s 25 ]

Subd. 3a. (a) Liabilities of a dissolved district existing at the time of the attachment other than bonded debt within the purview of subdivision 2 shall be obligations of the consolidated district after attachment (in the amount and kind determined by

the commissioner according to subdivision 1, where a dissolved district is divided), for the payment of which the consolidated district has a right to reimbursement by special levy or levies. The amount of reimbursement will be equal to the liabilities of the dissolved district for which the consolidated district is obligated less the aggregate of the following which has been or will be received by the consolidated district at or after the time of attachment from or as a result of the dissolution and attachment of the dissolved district:

(1) All taxes inuring to the consolidating district upon levies made by the dissolved district;

(2) All cash, bank accounts, investments, and other current assets;

(3) Earned state aids of the dissolved districts;

(4) Returns from the sale of property of the dissolved district.

(b) The amount of such special levy so computed shall be certified to the county auditor with the other tax requirements of the consolidated district but separately stated and identified. The auditor shall add the amount of special levy so certified to the school rate for the territory in the consolidated district which came from the dissolved district and include it in the levy on the taxable property in that territory; provided, the county auditor shall not spread more of the amount certified for special levy in any year than will amount to 20 percent of the school levy without the special levy, leaving the remaining part of the certified amount for levy in successive years without further certification. Any amount of reimbursement to which it is entitled omitted by the consolidated district from its initial certification for special levy may be certified in a subsequent year for levy in the same manner as the levy upon initial certification.

The levy authorized by this subdivision shall be in addition to those otherwise authorized by section 275.125.

[ 1967 c 833 s 5; Ex1971 c 31 art 20 s 20; 1975 c 162 s 19,41; 1976 c 271 s 36-38 ]

**122.46** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.46 OFFICERS AND TEACHERS, TRANSITIONAL PROVISIONS.** Subdivision 1. The board of the district maintaining a secondary school to which district is attached territory of districts discontinued by sections 122.41 to 122.52 shall assume the duties and responsibilities of the board of the district so enlarged for the balance of the term to which the members were elected. At the next annual school election the successors to the members whose terms then expire shall be elected by the legally qualified voters of the newly enlarged district. Thereafter board members shall be elected according to the election procedure established for the election of board members in independent districts.

Subd. 2. [ Repealed, 1978 c 764 s 143 ]

[ 1967 c 833 s 6 ]

**122.47** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.47 SPECIAL SCHOOL DISTRICTS, APPLICATION.** When provisions of sections 122.41 to 122.52 are made to apply to any special school district such district shall hereby be converted to an independent school district on the effective date specified in the orders issued under provisions of sections 122.41 to 122.52. All applicable provisions of Minnesota Statutes 1965, Section 122.26, relating to such conversions shall otherwise be in force. To the extent that any law or charter provision of any special district is inconsistent with the status of an independent school district or the powers common to independent school districts, such law or charter provision is hereby repealed. Provided, however, that nothing in sections 122.41 to 122.52 shall in any way invalidate remaining portions of such laws or home rule charters, or the continuance of such special school districts to which no new territory is attached under the provisions of sections 122.41 to 122.52.

[ 1967 c 833 s 7 ]

**122.48** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.48 PRIVATE SCHOOLS.** Sections 122.41 to 122.46 shall not apply to any school district in which is located any existing private school maintaining elementary

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and secondary education for 75 percent of the eligible pupils within the district and complying with the requirements of section 120.10, subdivision 2.

[ 1967 c 833 s 8; 1975 c 162 s 41 ]

**122.49** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.49** MS 1974 [ Repealed, 1975 c 162 s 42 ]

**122.50** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.50** MS 1969 [ Expired ]

**122.51** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.51 APPEAL.** The appeal provisions of section 127.25 shall be applicable only after the county board has issued its final order of attachment under section 122.22.

[ 1967 c 833 s 11; 1975 c 162 s 20 ]

**122.52** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.52 SEVERABILITY.** The provisions of sections 122.41 to 122.52 shall be construed to be severable. In the event a particular provision may be determined to be invalid, such determination shall not affect any other provision of sections 122.41 to 122.52.

[ 1967 c 833 s 12 ]

**122.53** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]

**122.53** MS 1976 [ Repealed, 1978 c 764 s 143 ]

**122.531 LEVY LIMITATIONS OF REORGANIZED DISTRICTS.** Subdivision 1. As of the effective date of the involuntary dissolution of a district and its attachment to one or more existing districts pursuant to sections 122.32, or 122.41 to 122.52, the authorization for any referendum levy previously approved by the voters of the dissolved district in that district pursuant to section 275.125, subdivision 2a, clause (4), or its predecessor or successor provision, is cancelled. The authorization for any referendum levy previously approved by the voters of a district to which all or part of the dissolved district is attached shall not be affected by the attachment and shall apply to the entire area of the district as enlarged by the attachment.

Subd. 2. As of the effective date of a consolidation pursuant to section 122.23 or the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section 123.22, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision 2a, clause (4), or its predecessor or successor provision, is cancelled. However, if all of the territory of any independent district is included in the newly created district, and if the adjusted assessed valuation of taxable property in that territory comprises 90 percent or more of the adjusted assessed valuation of all taxable property in a newly created or enlarged district, the board of the newly created or enlarged district may levy the increased amount previously approved by a referendum in the pre-existing independent district upon all taxable property in the newly created or enlarged district. Any new referendum levy shall be certified only after approval is granted by the voters of the entire newly created or enlarged district in an election pursuant to section 275.125, subdivision 2a, clause (4), or its successor referendum provision.

Subd. 3. (1) In the year when any consolidation of districts or dissolution of a district and its attachment to one or more existing districts pursuant to this chapter becomes effective, any newly created or enlarged district may levy an amount per pupil unit which is equal to the sum of the products of the amounts per pupil unit levied pursuant to section 275.125, subdivision 6 or 7, in each component district in the previous year times the number of pupil units from that component district who are enrolled in the newly created or enlarged district in the year of the levy, divided by the total number of pupil units in the newly created or enlarged district in the year of the levy.

(2) In each year thereafter, the newly created or enlarged district may levy the same amount per pupil unit as allowed by clause (1).

(3) The provisions of section 275.125, subdivision 6 or 7, shall not apply to any district affected by the provisions of this subdivision.



(4) For purposes of computing allowable levies under this subdivision, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (6) and (7).

Subd. 4. As of the effective date of a consolidation of districts or the dissolution of a district and its attachment to one or more existing districts pursuant to chapter 166, and subject to the conditions of section 275.125, subdivision 9a, all the taxable property which is in the newly created or enlarged district and which was previously taxable for the payment of any statutory operating debt theretofore incurred by any pre-existing district of which the taxable property was a part prior to the consolidation or dissolution and attachment shall remain taxable for the payment of that debt and shall not become taxable for the payment of any statutory operating debt theretofore incurred by any pre-existing district of which the taxable property was not a part prior to the consolidation or dissolution and attachment. The amount of statutory operating debt attributable to that taxable property and to the newly created or enlarged district in which it is located, and the amount of a pre-existing district's appropriated fund balance reserve account for purposes of reducing statutory operating debt attributable to the newly created or enlarged district, shall be apportioned according to the proportion which the adjusted assessed valuation of that part of the pre-existing district bears to the total adjusted assessed valuation of the entire pre-existing district at the time of the consolidation or dissolution and attachment. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the commissioner dividing the assets and liabilities of the component districts. As used in this section, "statutory operating debt" shall have the meaning given it in section 121.914.

[ 1978 c 764 s 26 ]

**122.532 EMPLOYEES OF REORGANIZED DISTRICTS.** Subdivision 1. For purposes of this section, the term "teacher" shall have the meaning attributed to it in section 125.12, subdivision 1.

Subd. 2. As of the effective date of any consolidation or the dissolution of any district and its attachment to one or more existing districts, each teacher employed by an affected district shall be assigned to the newly created or enlarged district in which is located the building where that teacher was primarily employed prior to the consolidation or dissolution and attachment.

Subd. 3. The organization certified as the exclusive bargaining representative for the teachers in the particular pre-existing district which employed the largest proportion of the teachers who are assigned to a new employing district according to subdivision 2 shall be certified as the exclusive bargaining representative for the teachers assigned to that new employing district, until that organization is decertified or another organization is certified in its place pursuant to sections 179.61 to 179.77. If no new contract has been executed as of the effective date of the consolidation or dissolution and attachment, the terms and conditions of employment of teachers assigned to the new employing district shall be temporarily governed by the contract executed by that exclusive bargaining representative and that particular pre-existing district, until a new contract is executed between the newly elected board or the board of the district to which a dissolved district is attached and the exclusive bargaining representative. For purposes of negotiation of a new contract with the board of the new employing district and the certification of an exclusive bargaining representative for purposes of that negotiation, the teachers assigned to that district shall be considered an appropriate unit of employees of that district as of the date the county board orders its interlocutory order of dissolution and attachment to be final and effective or as of the date the commissioner assigns an identification number to a new district created by consolidation. During the school year before the consolidation becomes effective, the newly elected board or the board of the district to which a dissolved district is attached, may place teachers assigned to it on unrequested leave of absence as provided in section 125.12 according to: (a) a plan negotiated in a new master contract between it and the exclusive bargaining representative of the teachers assigned to it, or (b) if no such plan exists, an applicable plan negotiated in the contract which according to this subdivision will temporarily govern the terms and conditions of employment of teachers assigned to it, or (c) if no plan exists pursuant to either (a) or (b), the provisions of section 125.12, subdivision 6b, on the basis of a combined seniority list of all teachers assigned to it.

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Subd. 4. Except as provided in this section, the provisions of section 125.12 or 125.17 shall apply to the employment of each teacher by the new employing district on the same basis as they would have applied to his employment if he had been employed by that new district before the effective date of the consolidation or dissolution and attachment. For the purpose of applying the provisions of subdivision 3, clause (b), and the provisions of section 125.12, subdivision 6b, pursuant to this section, a teacher's date of first employment shall be the date he began continuous employment in the pre-existing district which employed him.

[ 1978 c 764 s 27 ]

**122.533 EXPENSES OF TRANSITION.** The newly elected board of a newly created district pursuant to section 122.23 or the board of a district to which a dissolved district is attached pursuant to section 122.22, may, for the purpose of paying the expenses of negotiations and other administrative expenses relating to the transition, enter into agreements with banks or any person to take its orders at any rate of interest not to exceed seven percent per annum. These orders shall be paid by the treasurer of the district from district funds after the effective date of the consolidation or dissolution and attachment. Notwithstanding the provisions of section 275.125, the district may, in the year the consolidation or dissolution and attachment becomes effective, levy an amount equal to the amount of the orders issued pursuant to this subdivision and the interest on these orders. No district shall issue orders for funds or make a levy pursuant to this subdivision without the commissioner's approval of the expenses to be paid with the funds from the orders and levy.

[ 1978 c 764 s 28 ]

- 122.54** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]
- 122.54** MS 1974 [ Repealed, 1976 c 271 s 98 subd 1 ]
- 122.55** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]
- 122.553** MS 1953 [ Repealed, 1955 c 858 s 13 ]
- 122.56** MS 1949 [ Repealed, 1953 c 744 s 12 ]
- 122.57** MS 1953 [ Repealed, 1957 c 947 art 9 s 9 ]
- 122.58** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]
- 122.59** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]
- 122.60** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]
- 122.61** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]
- 122.62** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]
- 122.63** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]
- 122.64** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]
- 122.65** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]
- 122.66** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]
- 122.67** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]
- 122.71** MS 1957 [ Renumbered 123.81 ]
- 122.72** MS 1957 [ Renumbered 123.82 ]
- 122.73** MS 1957 [ Renumbered 123.83 ]
- 122.74** MS 1957 [ Renumbered 123.84 ]
- 122.75** MS 1957 [ Renumbered 123.85 ]
- 122.76** MS 1957 [ Renumbered 123.86 ]
- 122.77** MS 1957 [ Renumbered 123.87 ]
- 122.78** MS 1957 [ Renumbered 123.88 ]
- 122.79** MS 1957 [ Renumbered 123.89 ]
- 122.80** MS 1957 [ Renumbered 123.90 ]
- 122.81** MS 1957 [ Renumbered 123.91 ]
- 122.82** MS 1957 [ Renumbered 123.92 ]
- 122.83** MS 1957 [ Renumbered 123.93 ]

### EXPERIMENTAL PAIRING

### AND DISTRICT PLANNING

**122.84 POLICY.** It is the policy of the state to encourage experimental delivery systems and comprehensive educational planning that will afford better educational opportunities for all pupils, make possible a more economical and efficient operation of the schools and insure a more equitable distribution of public school revenue.

[ 1977 c 447 art 10 s 1 ]

**122.85 EXPERIMENTAL PAIRING.** Subdivision 1. Notwithstanding the provisions of sections 122.41 and 122.43, the board of any school district paired with another in this section upon approval by the school boards of both of the paired districts may enter into an agreement providing for the discontinuance by one district of any of grades kindergarten through 12 or portions of those grades and the instruction in the other district of the pupils in the discontinued grades or portions of grades. This provision shall apply on an experimental basis to the following pairs of school districts: Independent School Districts No. 217 and No. 220, No. 243 and No. 245, No. 328 and No. 516, No. 440 and No. 444, No. 649 and No. 650, No. 654 and No. 655, No. 782 and No. 783, and No. 893 and No. 896. These experimental pairing agreements shall not extend beyond June 30, 1980.

Subd. 2. Districts entering into experimental agreements permitted in subdivision 1 shall count their resident pupils who are educated in the other district as resident pupils in the calculation of pupil units for all purposes, including foundation aid and levy limitations. Notwithstanding the provisions of section 124.18, subdivision 2, the agreements permitted in subdivision 1 shall provide for such tuition payments as the participating districts determine are necessary and equitable to compensate each district for the instruction of any nonresident pupils.

Subd. 3. The school board and exclusive bargaining representative of the teachers in each district discontinuing grades pursuant to an agreement permitted in subdivision 1 may negotiate a plan for the assignment or employment in the other district or the placement on unrequested leave of absence of any teachers whose positions are discontinued as a result of the agreement. The school board and exclusive bargaining representative of the teachers in each district providing instruction to nonresident pupils pursuant to an agreement permitted in subdivision 1 may negotiate a plan for the employment of teachers from the other district whose positions are discontinued as a result of the agreement. If such plans are negotiated in any pair of districts and if the plans are compatible with one another, the boards of those districts shall include the plans in their agreement.

Subd. 4. If compatible plans are not negotiated pursuant to subdivision 3 before the March 1 preceding any year of the agreement permitted in subdivision 1, the participating districts shall be governed by the provisions of this subdivision. Insofar as possible, teachers who have acquired continuing contract rights and whose positions are discontinued as a result of the agreement shall be employed by the other district or assigned to teach in the other district as exchange teachers pursuant to section 125.13. If necessary, teachers who are employed in affected grade levels in either district and who have acquired continuing contract rights shall be placed on unrequested leave of absence as provided in section 125.12, subdivision 6b, in fields in which they are licensed in the inverse order in which they were employed by either district, according to a combined seniority list of teachers in affected grades in both districts.

Subd. 5. As used in this section, the term "teacher" shall have the meaning given it in section 125.12, subdivision 1.

Subd. 6. Each district entering into an agreement pursuant to subdivision 1 shall continue to provide transportation and collect transportation aid for its resident pupils pursuant to sections 123.39, 124.222 and 124.223. This subdivision shall not be construed to prohibit a district from providing some or all transportation to its resident pupils by contracting with the other district which has entered the agreement. For purposes of aid calculations pursuant to section 124.222, the commissioner may adjust the base cost per eligible pupil transported to reflect changes in costs resulting from any agreement which provides for each district to discontinue at least one grade.

Subd. 7. Each set of paired districts shall provide a report to the state department of education on August 1, 1978 and August 1, 1979. This report shall include an

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assessment of the fiscal and program impact of the experimental pairing experience.

[ 1977 c 447 art 10 s 2; 1978 c 764 s 29,30 ]

NOTE: This section shall take effect with respect to each pair of independent school districts named in subdivision 1 upon its approval by the school boards of both of the paired districts, pursuant to Laws 1977, Chapter 447, Article 10, Section 9.

### **122.86 EDUCATIONAL PLANNING TASK FORCES.** Subdivision 1. **Creation.**

In order to provide for comprehensive and coherent planning for the delivery of educational services pursuant to sections 122.86 to 122.89, each educational cooperative service unit shall establish an educational planning task force. In the event an area has not established an ECSU by September 1, 1977, the commissioner shall establish a task force for that area.

Subd. 2. **School district participation.** The geographic location of the central administrative office of a school district on July 1, 1977 shall determine the participation of the total school district in a particular task force planning area. Each school district in the state shall be a member of the planning task force for its area.

Subd. 3. **Task force membership.** Each task force shall consist of one member from each school district within its geographic boundaries. Each school board shall be responsible for selecting its own representative. This appointment shall be made no later than August 15, 1977, and the ECSU and the commissioner shall be notified of these appointments no later than September 1, 1977. Members of these task forces shall hold their offices from the dates of their selection until June 30, 1980 subject to removal at the pleasure of their appointing school board. Vacancies on the task forces including those caused by removal of a member by the school board shall be filled by the representative school boards in the same manner as the original appointments. When school districts are consolidated the consolidated board shall select one representative to represent the new district on the task force.

Subd. 4. **Organization.** The ECSU director shall call the first meeting of each task force at a time designated by him prior to September 30, 1977. In those areas in which an ECSU has not been formed, the commissioner shall call the initial meeting. At this meeting, each task force shall elect from its membership a chairman and such other officers as it may deem necessary, and conduct any other necessary organizational business.

[ 1977 c 447 art 10 s 3; 1978 c 616 s 9 ]

**122.87 LOCAL SCHOOL DISTRICT PLANNING.** Subdivision 1. Each school district shall develop a plan for the efficient and effective delivery of educational programs and services.

Subd. 2. In the development of its plan, each district shall confer with interested faculty and residents within the district, hold such public meetings as may be necessary, and furnish to the public necessary information concerning its plan and recommendations.

Subd. 3. School districts may meet jointly to discuss plans which will cross school district boundaries.

Subd. 4. Each school district plan shall include:

(1) a statement of the goals and priorities of the district relating both to educational programs and services and to organization and management for the delivery of such programs and services; provided, goals and priorities relating to educational programs and services shall be developed as provided in section 123.741;

(2) a description, analysis, and assessment of alternative methods of organization and management which shall include: a summary of opportunities for coordination and cooperation with other districts, a statement of the consideration given to such opportunities and the reason for their rejection, a summary of restrictions and impediments to coordination and cooperation, and an assessment of the relative costs and benefits thereof;

(3) a statement of the data and assumptions upon which the district's goals and priorities and consideration of alternatives are based, with respect to at least the following factors:

(a) Enrollments for the school district including projections for fiscal years 1981, 1983, and 1988;

- (b) Educational programs, services and staffing in the school district;
- (c) The financial status and ability of the school district to support educational programs, including projections of revenue and expenditure;
- (d) The use, capacity, location and condition of school buildings in the district, and needed capital improvements in excess of \$200,000 for the period through fiscal year 1983;
- (e) Transportation costs and routes in the district;
- (f) Non-public school enrollments and programs and their impact on the district.

Subd. 5. The plan shall be for the period July 1, 1980, through June 30, 1983.

Subd. 6. The school district plan shall be delivered to the ECSU task force by December 1, 1978, with an informational copy sent to the commissioner.

[ 1977 c 447 art 10 s 4 ]

**122.88 TASK FORCE POWERS AND DUTIES.** Subdivision 1. The task force shall meet as necessary to assess progress of the local district planning process and provide interdistrict communications.

Subd. 2. The task force shall recommend that the ECSU employ such professional, clerical and technical assistants as they deem necessary to accomplish the purpose of the task force. Members of the task force shall receive expenses deemed necessary to accomplish their purpose. An ECSU shall be designated as fiscal agent. Where an ECSU does not exist, the task force may designate a local school district to serve as fiscal agent.

Subd. 3. The task force shall review and comment on plans from each district. In addition, the task force shall develop an areawide plan, which shall include: (a) a description of the organization and management of educational services in the area through 1983; (b) a description of alternative methods of organization and management and the cost and benefits of each; (c) a summary of opportunities for coordination and cooperation among school districts in the area; and (d) a summary of restrictions and impediments to such coordination and cooperation. The task force shall transmit its plan and its comments on each district plan to each local school district in the area and to the state department of education by June 1, 1979.

Subd. 4. In the event a plan is not submitted by a school district, the task force shall prepare a plan for that district.

[ 1977 c 447 art 10 s 5 ]

**122.89 STATE DEPARTMENT OF EDUCATION.** Subdivision 1. The state department of education shall receive and review the report of each ECSU planning task force. The state department shall no later than September 1, 1979, transmit the ECSU planning task force reports to the legislature.

Subd. 2. In the event a report is not submitted by an ECSU task force, the state department of education shall provide the report for that area.

[ 1977 c 447 art 10 s 6 ]

**122.90 REVIEW AND COMMENT FOR SCHOOL DISTRICT CONSTRUCTION.** Subdivision 1. After July 1, 1977, no referendum for bonds or solicitation of bids for construction of an educational facility which requires a capital expenditure in excess of \$400,000 shall be initiated prior to review and comment by the commissioner. No school board shall separate portions of a single project into components in order to evade the cost limitation of this section. Any construction project for which bonds have been authorized by referendum or legislative act or for which bids have been solicited prior to July 1, 1977, shall be considered to have been initiated prior to July 1, 1977 for purposes of this section.

Subd. 2. Each school board proposing to engage in construction of educational facilities as provided in subdivision 1 shall submit to the commissioner a proposal containing information including but not limited to the following:

- (a) the geographic area likely to be served, whether within or outside the boundaries of the school district;
- (b) the population likely to be served, including census findings and projections relative to the population of preschool and school aged persons in the area;

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(c) the reasonably anticipated need for the facility or service to be provided by the proposal;

(d) a description of the construction in reasonable detail, including:

(1) the capital expenditures contemplated;

(2) the estimated annual operating cost, including the anticipated salary cost and numbers of new staff necessitated by the proposal; and

(3) an evaluation of the energy efficiency and effectiveness of the construction including estimated annual energy costs;

(e) so far as is known, existing institutions within the area to be served that offer the same or similar service; the extent of utilization of existing facilities or services; the extent to which space is available from other sources, including institutions for higher education or other public buildings; and the anticipated effect that the proposal will have on existing facilities and services;

(f) the anticipated benefit to the area that will result from the proposal;

(g) so far as is known, the relationship of the proposed construction to any priorities which have been established for the area to be served;

(h) the availability and manner of financing of the proposed construction and the estimated date of commencement and completion of the project; and

(i) any desegregation requirements, provided they cannot be met by any other reasonable means.

Subd. 3. In reviewing each proposal, the commissioner or his designee shall submit to the local school board within 60 days of the receipt of the proposal his review and comment concerning the educational and economic advisability of the project. The review and comment shall be based on the information submitted with the district proposal and any other information he deems necessary.

Subd. 4. At least 20 days but no more than 60 days prior to any referendum for bonds or the solicitation of any bids for the construction of such educational facility, the local school board shall cause the review and comment of the commissioner to be published in a legal newspaper of general circulation in the area. Any supplementary information shall be held for public scrutiny at the central administrative office of the school district.

Subd. 5. Before January 15, 1978 and January 15 of each year thereafter, the commissioner shall report to the legislature on the number and nature of proposals for construction projects submitted pursuant to this section and the nature of his review and comment on their educational and economic advisability. The report shall include information on the final actions of school districts concerning construction projects for which proposals were submitted and reviewed pursuant to this section. If a substantial amount of construction has been carried out despite the finding of the commissioner that it would be educationally or economically inadvisable, the report shall contain the commissioner's specific recommendations for further legislation needed to prevent school districts from carrying out inadvisable projects in the future. These recommendations shall include the commissioner's proposal for legislation requiring districts to obtain a certificate of need before commencing construction of an educational facility.

[ 1977 c 447 art 10 s 7 ]