

CHAPTER 122

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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 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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 MS 1953 [Repealed, 1955 c 862 s 14]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.

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122.011-122.014 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

122.015 MS 1953 [Repealed, 1955 c 862 s 14]

122.016-122.019 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

122.02 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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

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and each shall be assigned a number by the commissioner so that its title will be
school district number

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122.021-122.029 MS 1957 [Repealed, 1959 c 71 art 8 s 26]

122.03 MS 1953 [Repealed, 1957 c 947 art 9 s 9]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

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]

History: *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 the 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, the auditor shall mail a notice of hearing to the auditor of such county and 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

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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 of the order, the commissioner shall forthwith modify the records and any plats and petitions and proceedings involving districts affected by such order presently before the commissioner 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 property 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.

History: *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; 1986 c 444

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 the district is dissolved pursuant to sections 122.32 to 122.52.

(b) Petition executed by a majority of the eligible voters of the district proposed for dissolution and 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. The hearing shall be not less than 20 nor more than 60 days from the date of the resolution.

Subd. 4. A petition executed pursuant to subdivision 2(b) shall be filed with the auditor. It shall contain the following:

(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 eligible voters of the district;

(b) An identification of the district; and

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

The persons circulating the petition shall attach their affidavit swearing or affirming that the persons executing the petition are eligible voters, as defined in section 123.32, subdivision 1a, of the district and that they signed in the presence of one of the circulators.

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. The hearing shall be not less than 20 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. It shall contain the following:

- (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; and
- (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. The hearing shall be not less than 20 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 hearing 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. 7a. Before the day of a hearing ordered pursuant to this section, each district adjoining the district proposed for dissolution shall provide the following information and resolution to the county auditor of the county containing the greatest land area of the district proposed for dissolution:

- (a) The outstanding bonded debt of the district;
- (b) The gross tax capacity of the district;
- (c) The most current school tax rates for the district, including any referendum, discretionary, or other optional levies being assessed currently and the expected duration of the levies;
- (d) A resolution passed by the school board of the district stating that if taxable property of the dissolved district is attached to it, one of the following requirements is imposed: (1) the taxable property of the dissolving district which is attached to its district shall not be liable for the bonded debt of the district which existed as of the time of the attachment; (2) the taxable property of the dissolving district which is attached to its district shall be liable for the payment of the bonded debt of the district which existed as of the time of the attachment in the proportion which the gross tax capacity of that part of the dissolving district which is included in the newly enlarged district bears to the gross tax capacity of the entire district as of the time of attachment; or (3) the taxable property of the dissolving district which is attached to its district shall be liable for some specified portion of the amount that could be requested pursuant to subclause (2).

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An apportionment pursuant to subclause (2) or (3) shall be made by the county auditor of the county containing the greatest land area of the district proposed for transfer.

An apportionment of bonded indebtedness pursuant to subclause (2) or (3) shall not relieve any property from any tax liability for payment of any bonded obligation, but taxable property in a district enlarged pursuant to this section becomes primarily liable for the payment of the bonded debt to the extent of the proportion stated.

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; or

(b) Providing for 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 if there is no intervening district maintaining a secondary school.

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

If an order is issued pursuant to clause (b) the order is a final order, unless an election on the order is required pursuant to subdivision 11.

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

(a) A statement that the district is dissolved unless the results of an election held pursuant to subdivision 11 provide otherwise;

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

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

(d) A statement requiring the fulfillment of the requirements imposed by each adjoining district to which territory in the dissolving district is to be attached regarding the assumption of its outstanding preexisting bonded indebtedness by any territory from the dissolving district which is attached to it;

(e) An effective date for 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; and

(f) Other information the county board may desire to include.

The auditor shall within ten days from its issuance serve a copy of the order by mail upon the clerk of the district to be dissolved and upon the clerk of each district to which the order attaches any territory of the district to be dissolved and upon the auditor of each other county in which all or any part of the district to be dissolved or any district to which the order attaches territory lies, and upon the commissioner.

Subd. 10. [Repealed, 1981 c 358 art 7 s 31]

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 order makes a different provision for annexation than requested, then the 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 order of the county board of county, dated providing for the dissolution of this school district be approved?" Yes No

Subd. 12. [Repealed, 1981 c 358 art 7 s 31]

Subd. 13. If an election is required under subdivision 11, then before the expiration of a 45 day period after the date of the order for dissolution and attachment, the auditor shall 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. The 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 the election to be posted and published according to law. Upon receipt of the notice, the board shall conduct the election.

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

Subd. 15. [Repealed, 1981 c 358 art 7 s 31]

Subd. 16. [Repealed, 1981 c 358 art 7 s 31]

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 order of dissolution and attachment, the commissioner shall, within 30 days after the order is issued, issue an 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.

History: *Ex 1959 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; 1980 c 609 art 6 s 9,10; 1981 c 358 art 7 s 12-21; 1987 c 266 art 2 s 2,3; 1988 c 719 art 5 s 84*

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.

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 referendum levies previously approved by voters of the component districts pursuant to section 124A.03, subdivision 2, or its predecessor provision, be combined as provided in section 122.531, subdivision 2a or 2b, or that the referendum levies be discontinued. 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 a county auditor receives more than one request for a plat and the requests involve parts of identical districts, the auditor shall forthwith prepare a plat which in the auditor's 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, 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 gross tax capacity of property in the proposed district,

(b) If a part of any district is included in the proposed new district, the adjusted gross tax capacity of the property and the approximate number of pupils residing in the part of the district included shall be shown separately and the adjusted gross tax capacity 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 or referendum levies 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 county's auditor shall immediately notify the county's 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 board shall cause notice of its action to be published at least once in its official newspaper. If five percent of the eligible voters of any such district petition the clerk of the district, within 30 days after the publication of the notice, for an election on the question, the consolidation shall not become effective until approved by a majority vote in the 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 the 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 the land area by any person residing in the area. Upon the filing of the petition with the county auditor, executed by at least 25 percent of the eligible voters in each district or part of a district contained in the 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 any person residing on any remaining portion of land, a part of which is included in the consolidation plat. Any eligible voter owning land included in the plat who lives upon land adjacent or contiguous to that part of the voter's land included in the plat shall be included and counted in computing the 25 percent of the eligible voters necessary to sign the petition and shall also be qualified to sign the petition. Failure to file the petition within 60 days of approval of the 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 week's 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. The county auditor shall also provide official ballots which shall be used exclusively and shall be in the following form:

For consolidation

Against consolidation

The county auditor 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 an 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. The auditor 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 the 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, the commissioner 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 that auditor 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 an 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 the commissioner 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 gross tax capacity of that part of a preexisting district which is included in the newly created district bears to the gross tax capacity of the entire preexisting 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. Bonds; election. 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. It may issue and sell bonds authorized at the election, or bonds authorized at an election previously held in any preexisting district wholly included within the newly created district, or bonds for a purpose for which an election is not required by law. The 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 the bonds shall be levied upon all taxable property in the newly created district. 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 unless the county auditor's order is affirmed by final order of the district court in the special proceeding, and a period of 30 days from the service of the final order expires without an appeal being commenced or, if an appeal is taken, the order is affirmed and the time for petitioning for further review has expired; 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 gross tax capacity of taxable property in the territory comprises 90 percent or more of the gross tax capacity of all taxable property in the newly created district, the board may issue, sell, and deliver any bonds voted by the preexisting independent district and any bonds voted or otherwise authorized by the newly created district, notwithstanding the pendency of the appeal, and the bonds shall be paid by the levy of taxes upon the property within the territory of the preexisting independent district and within the other areas, if any, that are 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 the area, other than the independent district maintaining the secondary school, shall be received and counted separately. 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 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 expiration 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 the applicant's 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. The county auditor shall determine the location of polling places and the hours the polls shall be open and 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) After making a canvass and tabulation, the county auditor shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. The county auditor 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.

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.

History: *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; 1980 c 609 art 6 s 11,12; 1983 c 247 s 56; 1983 c 314 art 1 s 22; art 7 s 9,10; 1986 c 444; 1987 c 266 art 2 s 4-6; 1988 c 569 s 1; 1988 c 719 art 5 s 84*

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 eligible voters 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.

History: *Ex1959 c 71 art 3 s 9; 1976 c 181 s 2; 1980 c 609 art 6 s 13; 1987 c 266 art 2 s 7*

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- 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]

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.

History: 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.

History: 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.

History: 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.

The policy of the state is to encourage organization of school districts into units of administration to afford better educational opportunities for all pupils, make possible more economical and efficient operation of the schools, and insure 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 1 through 12, unless a district has made an agreement with another district or districts as provided in section 122.535 or 122.541.

History: 1967 c 833 s 1; 1975 c 162 s 16; 1979 c 211 s 1; 1983 c 314 art 8 s 5

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. Any organized school district not a part of an independent school district maintaining classified elementary and secondary schools, grades 1 through 12 is dissolved, unless the district has made an agreement with another district or districts as provided in section 122.535 or 122.541.

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

History: 1967 c 833 s 3; 1975 c 162 s 17; 1979 c 211 s 2; 1983 c 314 art 8 s 6

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

122.44 PROCEDURE FOR ATTACHMENT TO ORGANIZED DISTRICTS.

Subdivision 1. Upon notice and hearing, as provided in section 122.22 for the attachment of dissolved districts, 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 1 through 12, unless a district has made an agreement with another district or districts as provided in section 122.535 or 122.541.

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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]

History: 1967 c 833 s 4; 1969 c 364 s 7-9; 1975 c 162 s 18; 1979 c 211 s 3; 1983 c 314 art 8 s 7

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 a subsequent order providing for the division of the assets and liabilities according to such terms as the commissioner 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 gross tax capacity of that part of a preexisting district which is included in the newly enlarged district bears to the gross tax capacity of the entire preexisting 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.

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The levy authorized by this subdivision shall be in addition to those otherwise authorized for a school district.

History: 1967 c 833 s 5; Ex1971 c 31 art 20 s 20; 1975 c 162 s 19,41; 1976 c 271 s 36-38; 1983 c 314 art 1 s 22; 1986 c 444; 1988 c 486 s 12; 1988 c 719 art 5 s 84

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]

History: 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.

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

History: 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.

History: 1967 c 833 s 11; 1975 c 162 s 20

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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.

History: 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. Definitions. The terms defined in chapters 124 and 124A and in section 275.125 have the same meaning when they are used in this section, unless otherwise clearly indicated.

Subd. 1a. Involuntary dissolution referendum levies. 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 124A.03, subdivision 2, or its predecessor or successor provision, is canceled. 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. Voluntary dissolution: referendum levies. As of the effective date of the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section 122.22, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 124A.03, subdivision 2, or its predecessor provision, is canceled. However, if all of the territory of any independent district is included in the enlarged district, and if the adjusted gross tax capacity of taxable property in that territory comprises 90 percent or more of the adjusted gross tax capacity of all taxable property in an enlarged district, the board of the enlarged district may levy the increased amount previously approved by a referendum in the preexisting independent district upon all taxable property in the enlarged district. Any new referendum levy shall be certified only after approval is granted by the voters of the entire enlarged district in an election pursuant to section 124A.03, subdivision 2.

Subd. 2a. Consolidation; maximum authorized referendum levies. As of the effective date of a consolidation pursuant to section 122.23, if the plan for consolidation so provides, or if the plan for consolidation makes no provision concerning referendum levies, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 124A.03, subdivision 2, or its predecessor provision shall be recalculated as provided in this subdivision. The referendum levy authorization for the newly created district shall be the tax capacity rate that would raise an amount equal to the combined dollar amount of the referendum levies authorized by each of the component districts for the year preceding the consolidation, unless the referendum levy authorization of the newly created district is subsequently modified pursuant to section 124A.03, subdivision 2. If the referendum levy authorizations for each of the component districts were limited to a specified number of years, the referendum levy authorization for the newly created district shall continue for a period of time equal to the longest period authorized for any component district. If the referendum levy authorization of any component district is not limited to a specified number of years, the referendum levy authorization for the newly created district shall not be limited to a specified number of years.

Subd. 2b. Alternative method. As of the effective date of a consolidation pursuant to section 122.23, if the plan for consolidation so provides, the authorization for all

referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 124A.03, subdivision 2, or its predecessor provision shall be combined as provided in this subdivision. The referendum levy authorization for the newly created district may be any tax capacity rate provided in the plan for consolidation, but may not exceed the tax capacity rate that would raise an amount equal to the combined dollar amount of the referendum levies authorized by each of the component districts for the year preceding the consolidation. If the referendum levy authorizations for each of the component districts were limited to a specified number of years, the referendum levy authorization for the newly created district shall continue for a period of time equal to the longest period authorized for any component district. If the referendum levy authorization of any component district is not limited to a specified number of years, the referendum levy authorization for the newly created district shall not be limited to a specified number of years. The referendum levy authorization for the newly created district may be modified pursuant to section 124A.03, subdivision 2.

Subd. 2c. If the plan for consolidation provides for discontinuance of referendum levies previously approved by voters of the component districts pursuant to section 124A.03, subdivision 2, or its predecessor provision, the newly created district shall not make a referendum levy unless the voters of the newly created district authorize a referendum levy pursuant to section 124A.03, subdivision 2.

Subd. 3. [Repealed, 1980 c 609 art 1 s 14]

Subd. 3a. [Repealed, 1Sp1985 c 12 art 1 s 37 subd 1]

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 122, 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 preexisting 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 preexisting 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 preexisting district's reserved fund balance reserve account for purposes of statutory operating debt reduction attributable to the newly created or enlarged district, shall be apportioned according to the proportion which the adjusted gross tax capacity of that part of the preexisting district bears to the total adjusted gross tax capacity of the entire preexisting 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.

Subd. 5. **Fifth tier levy and aid.** For purposes of computing the fifth tier levy limitation under section 124A.14, subdivision 5a, and fifth tier aid under section 124A.14, subdivision 6, the fifth tier allowance of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more other districts, shall equal the quotient obtained by dividing:

(1) the sum of the amounts derived by performing the following multiplication for each component district:

(a) the fifth tier allowance of the component district, times

(b) the number of actual pupil units from that component district who are enrolled in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective; by

(2) the total number of actual pupil units in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective.

Subd. 6. **Aid deductions.** (1) For purposes of determining deductions from

general education aid, if any, required by section 124A.23, subdivision 4, for a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more other districts, in the year when the consolidation or dissolution and attachment becomes effective, there shall be used in lieu of the ratio of the district's actual levy to its permitted levy in the applicable year, the quotient obtained by dividing:

(a) the sum of the products derived for each component district by multiplying the component district's actual levy in the applicable year pursuant to the applicable subdivision, times the ratio of the amount of the adjusted gross tax capacity of the property from the component district that is included in the new district to the total amount of the adjusted gross tax capacity of the new district; by

(b) the sum of the products derived for each component district by multiplying the component district's permitted levy in the applicable year pursuant to the applicable subdivision, times the ratio of the amount of the adjusted gross tax capacity of the property from the component district that is included in the new district to the total amount of the adjusted gross tax capacity of the new district.

Subd. 7. [Repealed, 1981 c 358 art 1 s 49]

Subd. 8. [Repealed, 1988 c 486 s 102]

History: 1978 c 764 s 26; 1979 c 50 s 12; 1980 c 509 s 31; 1980 c 609 art 1 s 1-4; 1981 c 358 art 1 s 3-7; 1983 c 314 art 1 s 22; art 6 s 4; art 7 s 11-14; 1985 c 248 s 31, 32; 1Sp1985 c 12 art 1 s 1,2; 1987 c 398 art 7 s 42; 1988 c 486 s 13,14; 1988 c 719 art 5 s 84

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 preexisting 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 179A.01 to 179A.25. 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 preexisting 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.

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 the employment if the teacher 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 of beginning continuous employment in the preexisting district which employed the teacher.

History: 1978 c 764 s 27; 1Sp1981 c 4 art 1 s 46; 1984 c 462 s 27; 1986 c 444

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.

History: 1978 c 764 s 28

122.535 AGREEMENTS FOR SECONDARY EDUCATION.

Subdivision 1. **Applicability.** The provisions of this section shall apply to a district with fewer than 375 pupils enrolled in grades 7 to 12.

Subd. 2. **Agreement.** The school board may enter into one or more agreements providing for instruction of its secondary pupils in one or more districts. The agreement shall be effective on July 1 and shall be for a specified or indefinite number of years. The agreement shall set forth the obligations of transportation, the tuition to be paid to the providing district, and all additional charges and fees to be paid to the providing district. The amount of tuition shall not be subject to the provisions of section 124.18, subdivision 2. The agreement may provide for negotiation of a plan for the assignment or employment in a providing district as an exchange teacher according to section 125.13, or placement on unrequested leave of absence of teachers whose positions are discontinued as a result of the agreement. "Teacher" has the meaning given it in section 125.12, subdivision 1.

Subd. 3. **Informational meeting.** Before entering into agreements permitted by subdivision 2 of this section, the school board shall hold a public hearing. The board shall publish notice of the hearing in the newspaper with the largest circulation in the district. If the board proposes to enter into agreements with two or more districts, the board may conduct separate or consolidated hearings.

Subd. 4. **Review and comment.** After the hearing required by subdivision 3 and before entering into an agreement, the board shall submit the agreement to the commissioner of education for review and comment.

Subd. 5. **Aid payments.** A district entering into an agreement permitted in subdivision 2 of this section shall continue to count its resident pupils who are educated in other districts as resident pupils in the calculation of pupil units for the purposes of state aids, levy limitations, and any other purpose. A district may continue to provide

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transportation and collect transportation aid for its resident pupils. For purposes of aid calculations, the commissioner of education may adjust the cost per eligible pupil transported to reflect changes in cost resulting from the agreement, if any.

History: 1983 c 314 art 8 s 8

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

122.54 MS 1974 [Repealed, 1976 c 271 s 98 subd 1]

122.541 INTERDISTRICT COOPERATION.

Subdivision 1. The boards of two or more school districts may, after consultation with the department of education, enter into an agreement providing for the discontinuance by a district of any of grades kindergarten through 12 or portions of those grades and the instruction in a cooperating district of the pupils in the discontinued grades or portions of grades; provided, the board of a district discontinuing a grade pursuant to the agreement shall continue to maintain a school enrolling pupils in at least three grades. Before making final an agreement permitted by this subdivision, the boards shall provide a copy of this agreement to the commissioner of education.

Subd. 2. **Aid; transportation.** A district entering into an agreement permitted in subdivision 1 shall:

(1) Continue to count its resident pupils who are educated in a cooperating district as resident pupils in the calculation of pupil units for all purposes, including the calculation of state aids and levy limitations. Notwithstanding section 124.18, subdivision 2, an agreement permitted by subdivision 1 shall provide for the tuition payments the cooperating districts determine are necessary and equitable to compensate each district for the instruction of nonresident pupils; and

(2) Continue to provide transportation and collect transportation aid for its resident pupils pursuant to sections 123.39, 124.223, and 124.225. This clause shall not be construed to prohibit a district from providing some or all transportation to its resident pupils by contracting with a district that has entered the agreement. For purposes of aid calculations pursuant to section 124.225, the commissioner may adjust the base cost per eligible pupil transported to reflect changes in costs resulting from an agreement which provides for a district to discontinue at least one grade.

Subd. 3. As used in this section, the term "teacher" shall have the meaning given it in section 125.12, subdivision 1.

Subd. 4. The school board and exclusive bargaining representative of the teachers in each district discontinuing grades pursuant to an agreement permitted by subdivision 1 may negotiate a plan for the assignment or employment in a cooperating district or the placement on unrequested leave of absence of 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 by subdivision 1 may negotiate a plan for the employment of teachers from a cooperating district whose positions are discontinued as a result of the agreement. If such plans are negotiated in cooperating districts and if the boards determine the plans are compatible with one another, the boards of the districts shall include the plans in their agreement.

Subd. 5. If compatible plans are not negotiated pursuant to subdivision 4 before the March 1 preceding any year of the agreement permitted by subdivision 1, the cooperating 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 a cooperating district or assigned to teach in a cooperating district as exchange teachers pursuant to section 125.13. If necessary, teachers whose positions are discontinued as a result of the agreement and who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by a cooperating district, according to a combined seniority list of teachers in the cooperating districts.

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Subd. 6. Prior to making an agreement permitted by subdivision 1, the school board of a district participating in the agreement shall consult with the community at an informational meeting. The board shall publish notice of the meeting in the official newspaper of the district and may send written notice of the meeting to parents of pupils who would be affected by the plan.

Subd. 7. **Meeting location.** Notwithstanding any law to the contrary, the school boards of districts with an agreement under this section may hold a valid joint meeting at any location that would be permissible for one of the school boards participating in the meeting.

History: 1979 c 211 s 4; 1980 c 609 art 6 s 14; 1Sp1985 c 12 art 7 s 12; 1987 c 384 art 2 s 27; 1987 c 398 art 7 s 19

- 122.542 [Repealed, 1983 c 314 art 9 s 13]
- 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 [Repealed, 1Sp1985 c 12 art 7 s 33]
- 122.85 Subdivision 1. [Repealed, 1Sp1985 c 12 art 7 s 33]
 - Subd. 2. [Repealed, 1Sp1985 c 12 art 7 s 33]
 - Subd. 3. [Repealed, 1Sp1985 c 12 art 7 s 33]
 - Subd. 4. [Repealed, 1Sp1985 c 12 art 7 s 33]
 - Subd. 5. [Repealed, 1Sp1985 c 12 art 7 s 33]

Subd. 6. [Repealed, 1Sp1985 c 12 art 7 s 33]

Subd. 7. [Repealed, 1980 c 609 art 6 s 48; 1Sp1985 c 12 art 7 s 33]

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 122.88, each educational cooperative service unit shall establish an educational planning task force.

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 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 chair and such other officers as it may deem necessary, and conduct any other necessary organizational business.

History: 1977 c 447 art 10 s 3; 1978 c 616 s 9; 1Sp1985 c 12 art 7 s 13; 1986 c 444

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 126.666;

(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) Nonpublic 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.

History: 1977 c 447 art 10 s 4; 1Sp1985 c 12 art 8 s 61; 1988 c 486 s 101 subd 2

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.

History: 1977 c 447 art 10 s 5

122.89 [Repealed, 1Sp1985 c 12 art 7 s 33]

122.90 [Repealed, 1983 c 314 art 7 s 52]

EDUCATION DISTRICTS

122.91 EDUCATION DISTRICT ESTABLISHMENT.

Subdivision 1. **Purpose.** The purpose of an education district is to increase educational opportunities for pupils by increasing cooperation and coordination among school districts.

Subd. 2. **Agreement.** School boards meeting the requirements of subdivision 3 may enter into a written agreement to establish an education district. The agreement and subsequent amendments must be adopted by majority vote of the full membership of each board.

Subd. 3. **Requirements for formation.** An education district must have one of the following at the time of formation:

- (1) at least five districts;
- (2) at least four districts with a total of at least 5,000 pupils in average daily membership; or

(3) at least four districts with a total of at least 2,000 square miles.

Subd. 4. Notice and hearing. Before entering into an agreement, the school board of each member district shall publish at least once in a newspaper of general circulation in the district a summary of the proposed agreement and its effect upon the district. The board shall conduct a public hearing on the proposed agreement not more than ten days after the notice and at least 30 days before entering into an agreement.

Subd. 5. Joinder and withdrawal. A process for a district to join or withdraw from an education district shall be included in the education district agreement.

Subd. 6. Educational cooperative service units. If requested, educational cooperative service units shall provide assistance to districts in establishing education districts. The assistance may include determination of appropriate boundaries of the education district and development of the agreement. The educational cooperative service units may provide any other services requested by the education district.

Subd. 7. Revenue. An education district may be eligible for revenue under section 124.2721.

History: 1987 c 398 art 8 s 2; 1988 c 718 art 6 s 3

122.92 EDUCATION DISTRICT BOARD.

The education district board shall be composed of at least one representative appointed by the school board of each member district. The representative shall reside in the school district of the appointing school board. The representative shall serve at the pleasure of the appointing school board and may be recalled by a majority vote of the appointing school board. Each representative shall serve for the term that is specified in the agreement. The board shall select its officers from among its members and shall determine the terms of the officers. The board shall adopt bylaws for the conduct of its business.

History: 1987 c 398 art 8 s 3

122.93 POWERS AND DUTIES OF THE BOARD.

Subdivision 1. Coordination. An education district board shall coordinate the programs and services of the education district according to the terms of the written agreement. The board shall implement the agreement for delivering educational services needed in the education district.

Subd. 2. Personnel. The board may employ personnel as necessary to provide and support the programs and services of the education district. Education district staff shall participate in retirement programs.

Subd. 3. Contracts. The board may enter into contracts with school districts and other public and private agencies to provide services needed in the education district.

Subd. 4. General law. The board shall be governed, unless specifically provided otherwise, by laws applicable to independent school districts.

Subd. 5. Advisory council. An advisory council, consisting of representatives from the program areas covered by the agreement, shall be appointed by the education district board.

Subd. 6. Report to members. The board shall submit at least an annual report to the member districts and an annual report to the state board of education about the activities of the education district.

History: 1987 c 398 art 8 s 4

122.94 EDUCATION DISTRICT AGREEMENT.

Subdivision 1. Establishment. An education district board shall adopt a comprehensive agreement for continuous learning. The agreement must address methods to improve the educational opportunities available in the education district. It must be submitted for review by all educational cooperative service units serving the education district. The education district board shall review the agreement annually and propose necessary amendments to the member districts.

Subd. 2. **Mandatory provisions.** The agreement must provide for the following:

(1) coordination of member district and education district programs for handicapped pupils, gifted and talented pupils, secondary vocational education, improved learning, community education, early childhood family education, career education, and low incidence academic programs;

(2) research, planning, and development functions, including acquiring and disseminating research information and developing methods to implement research, such as educational effectiveness programs and improving education based on educational research; and

(3) methods to meet pupil needs for health services, library services, and counseling services.

Subd. 3. **Optional provisions.** The agreement may contain the following:

(1) methods for sharing administrative and management services;

(2) professional development programs;

(3) programs that use learning time available during the summer;

(4) use of technology for education programs and management assistance; or

(5) methods for involving parents in planning education programs.

Subd. 4. **Extended year.** The agreement may provide opportunities for pupils to receive instruction throughout the entire year and for teachers to coordinate educational opportunities and provide instruction throughout the entire year. Pupils may receive instruction for more than or less than the daily number of hours required by the rules of the state board of education. However, the pupil must receive instruction each year for at least the total number of instructional hours required by statutes and rules. A teacher who is employed for the extended year may develop, in consultation with pupils and parents, individual educational programs for not more than 125 pupils.

Subd. 5. **Attendance in other districts.** The agreement may provide for a pupil who is a resident of a member district to enroll in programs or courses offered by another member district or transfer to another member district. A pupil and parent shall consult with a career teacher, counselor, or principal before transferring to another district. The agreement shall specify procedures for reimbursement among the member districts. The district of residence shall count all resident pupils who enroll in programs or courses or transfer to another district as its pupils for the purpose of state aid and levy limitations. The agreement shall determine whether transportation is available for pupils enrolled in programs or courses or transferring to another district.

History: 1987 c 398 art 8 s 5

122.95 TEACHING POSITIONS.

Subdivision 1. **Definition.** For the purposes of this section, "teacher" has the meaning given it in section 125.12, subdivision 1, except that it does not include a superintendent.

Subd. 2. **Filling positions.** (a) When an education district board or a member board is filling a position resulting from implementation of the agreement, the board may offer the position to a teacher currently employed by a member district according to the exchange teacher provisions of section 125.13.

(b) If the position is not filled by a currently employed teacher, the board shall offer the position to an available teacher in the order of seniority in fields of licensure on a combined seniority list of all available teachers in the member districts. An available teacher is a teacher in a member district who:

(1) was placed on unrequested leave of absence by a member district, according to section 125.12, subdivision 6a or 6b, or was terminated according to section 125.17, subdivision 11, not more than one year before the initial formation of an education district as a result of an intention to enter into an education district agreement;

(2) was placed on unrequested leave of absence by a member district, according to section 125.12, subdivision 6a or 6b, or was terminated according to section 125.17,

subdivision 11, as a result of implementing the education district agreement, after the formation of the education district; or

(3) is placed on unrequested leave of absence by a member district, according to section 125.12, subdivision 6a or 6b, or is terminated according to section 125.17, subdivision 11, as a result of implementing the education district, in the same year the position is filled.

(c) If no currently employed teacher or available teacher accepts the position, the board may fill the position with any other teacher.

(d) Any teacher who has been placed on unrequested leave of absence or who has been terminated has a right to a position only as long as the teacher has a right to reinstatement in a member district under section 125.12, subdivision 6a or 6b, or 125.17, subdivision 11.

Subd. 3. Probation and termination. Notwithstanding section 125.12, subdivision 3, a teacher who has acquired continuing contract rights in a member district and who transfers employment from a member district to the education district or to another member district does not have to serve a probationary period. A teacher who is terminated or discharged by a member district according to section 125.12, subdivision 6 or 8, or 125.17, subdivision 4, has no right to any position under this section.

Subd. 4. Determination of reason for leave. When a school board that intends to enter into an education district agreement, and at the time a school board that has entered into an education district agreement places a teacher on unrequested leave of absence, according to section 125.12, subdivision 6a or 6b, or terminates a teacher's services under section 125.17, subdivision 11, the board shall make a determination whether the placement or termination is a result of implementing the education district agreement. That determination shall be included in the notice of proposed placement or termination, may be reviewed at a hearing upon request of the teacher, and shall be included in the notice of final action of the board. If the determination is not disputed by the teacher before June 1 or the final date required for action by the board, the teacher shall be deemed to acquiesce in the board's determination.

History: 1987 c 398 art 8 s 6

122.96 BONDS FOR EDUCATION DISTRICTS.

Subdivision 1. Purpose of bonds. The education district board, acting on its own behalf, may issue bonds for the acquisition of secondary school facilities or for funding or refunding related outstanding bonds, warrants, orders, or certificates of indebtedness. The board shall comply with the provisions of chapter 475.

Subd. 2. Approval resolution. The purpose and the amount of any borrowing shall first be approved by resolution of the board of the education district. When the resolution has been adopted by the board it shall be published once in a newspaper of general circulation in the education district.

Subd. 3. Election. The education district board shall not sell and issue bonds for acquisition purposes until the question of their issuance has been submitted to the voters of the education district at a special election held in and for the education district. The date of the election, the question to be submitted, and all other necessary conduct of the election shall be fixed by the board. The election shall be conducted and canvassed under the direction of the education district board in accordance with section 123.32, insofar as may be applicable.

If a majority of the total number of votes cast on the question within the education district is in favor of the question, the board may proceed with the sale and the issuance of the bonds.

Subd. 4. Obligation for payment. The full faith, credit, and unlimited taxing powers of the education district shall be pledged to the payment of all bonds and certificates of indebtedness. None of the obligations shall be included in the net debt, as defined by section 475.51, subdivision 4, of any member school district.

Subd. 5. Tax levies. The education district board, upon awarding a contract for

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the sale of the bonds, shall certify to the county auditor or county auditors the years and amounts of taxes required to be levied for the payment of the bonds as provided by section 475.61. The county auditor shall cause the taxes to be spread in each year until bonds and interest have been paid upon all of the assessable, taxable valuation of the education district.

Subd. 6. **Tax-exempt securities.** The bonds are authorized securities within the provisions of section 50.14, and shall be deemed instruments of a public governmental agency.

History: 1987 c 398 art 8 s 7