

CHAPTER 123A

SCHOOL DISTRICTS; FORMS FOR ORGANIZING

123A.06	Center programs and services.	123A.41	Levies for districts at the time of combination.
123A.15	Establishing education districts.	123A.446	State bond authorization.
123A.17	Powers and duties of an education district board.	123A.455	Realigning split residential parcels.
123A.18	Education district agreement.	123A.46	Dissolution and attachment.
123A.27	Reserved revenue for district cooperation.	123A.48	Consolidation.
123A.36	Cooperation and combination plan.	123A.73	Levy limitations of reorganized districts.

123A.06 CENTER PROGRAMS AND SERVICES.

[For text of subs 1 and 2, see M.S.2002]

Subd. 3. **Hours of instruction exemption.** Notwithstanding any law to the contrary, the center programs must be available throughout the entire year. A center may petition the state board under Minnesota Rules, part 3500.1000, for exemption from other rules.

[For text of subd 4, see M.S.2002]

History: 1Sp2003 c 9 art 1 s 1

123A.15 ESTABLISHING EDUCATION DISTRICTS.

[For text of subs 1 and 2, see M.S.2002]

Subd. 3. **Requirements for formation.** (a) 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.

Members of an education district must be contiguous. Districts with a cooperation agreement according to section 123A.32 may belong to an education district only as a unit.

(b) A noncontiguous district may be a member of an education district if the commissioner of education determines that:

- (1) a district between the education district and the noncontiguous district has considered and is unwilling to become a member; or
- (2) a noncontiguous configuration of member districts has sufficient technological or other resources to offer effective levels of programs and services.

[For text of subs 4 to 6, see M.S.2002]

History: 2003 c 130 s 12

123A.17 POWERS AND DUTIES OF AN EDUCATION DISTRICT BOARD.

[For text of subs 1 to 5, see M.S.2002]

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

[For text of subd 7, see M.S.2002]

History: 2003 c 130 s 12

123A.18 EDUCATION DISTRICT AGREEMENT.

[For text of subd 1, see M.S.2002]

Subd. 2. Extended year instruction. 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. 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.

[For text of subd 3, see M.S.2002]

History: *1Sp2003 c 9 art 1 s 2*

123A.27 RESERVED REVENUE FOR DISTRICT COOPERATION.

A district that was a member of an intermediate school district organized pursuant to chapter 136D on July 1, 1996, must place a portion of its general education revenue in a reserved account for instructional services from entities formed for cooperative services for special education programs and secondary vocational programs. The amount reserved is equal to the levy made according to Minnesota Statutes 1993 Supplement, section 124.2727, subdivision 6, for taxes payable in 1994 divided by the actual pupil units in the intermediate school district for fiscal year 1995 times the number of actual pupil units in the school district in 1995. The district must use 5/11 of the revenue for special education and 6/11 of the revenue for secondary vocational education. The district must demonstrate that the revenue is being used to provide the full range of special education and secondary vocational programs and services available to each child served by the intermediate. The secondary vocational programs and services must meet the requirements established in an articulation agreement developed between the commissioner of education and the Board of Trustees of the Minnesota State Colleges and Universities.

A district that was a member of an education district organized pursuant to section 123A.15 on July 1, 1999, must place a portion of its general education revenue in a reserve account for instructional services from entities formed for cooperative services. Services may include secondary vocational programs, special education programs, staff development, and gifted and talented instruction. The amount reserved is equal to \$50 per pupil unit times the actual number of pupil units in the district.

History: *2003 c 130 s 12*

123A.36 COOPERATION AND COMBINATION PLAN.

Subdivision 1. Adoption and commissioner review. Each board must adopt, by resolution, a plan for cooperation and combination. The plan must address each item in this section. The plan must be specific for any item that will occur within three years and may be general or set forth alternative resolutions for an item that will occur in more than three years. The plan must be submitted to the commissioner of education and the secretary of state for review and comment. Significant modifications and specific resolutions of items must be submitted to the commissioner for review and comment. In the official newspaper of each district proposed for combination, the board must publish at least a summary of the adopted plans, each significant modification and resolution of items, and each commissioner review and comment.

Subd. 2. Rule exemptions. The plan must identify the rules of the commissioner of education from which the district intends to request exemption, according to Minnesota Rules, part 3500.1000. The plan may provide information about state laws that deter or impair cooperation or combination.

[For text of subs 3 to 11, see M.S.2002]

History: *2003 c 130 s 12*

123A.41 LEVIES FOR DISTRICTS AT THE TIME OF COMBINATION.

[For text of subs 1 to 3, see M.S.2002]

Subd. 4. **Transitional levy.** The board of the combined district, or the boards of combining districts that have received voter approval for the combination under section 123A.37, subdivision 2, may levy for the expenses of negotiation, administrative expenses directly related to the transition from cooperation to combination, and the cost of necessary new athletic and music uniforms. The board or boards may levy this amount over three or fewer years. All expenses must be approved by the commissioner of education.

History: 2003 c 130 s 12

123A.446 STATE BOND AUTHORIZATION.

To provide money for the cooperative secondary facilities grant program, the commissioner of finance, upon the request of the commissioner of education, shall issue and sell bonds of the state up to the amount of \$14,000,000 in the manner, upon the terms and with the effect prescribed by sections 16A.631 to 16A.675 and the Minnesota Constitution, article XI, sections 4 to 7.

History: 2003 c 130 s 12

123A.455 REALIGNING SPLIT RESIDENTIAL PARCELS.

Subdivision 1. **Definitions.** "Split residential property parcel" means a parcel of real estate that is located within the boundaries of more than one school district and that is classified as residential property under:

- (1) section 273.13, subdivision 22, paragraph (a) or (b);
- (2) section 273.13, subdivision 25, paragraph (b), clause (1); or
- (3) section 273.13, subdivision 25, paragraph (c), clause (1).

Subd. 2. **Petition.** The owner of a split residential property parcel may petition the auditor of the county where the split parcel is located to transfer that part into the adjoining school district so the entire property will be located in the same school district. The petition must contain:

- (1) a correct description of the split parcel to be affected by the transfer including supporting data on location and title to the land;
- (2) a list of the school districts in which the split parcels currently lie;
- (3) the school district into which the petitioner desires to have the whole split parcel transferred; and
- (4) the district of attendance of any students currently residing on the property.

Subd. 3. **Auditor's order.** Within 60 days of receipt of the petition, the auditor of the county in which the petition was filed under subdivision 2 shall issue an order to transfer the affected parcel to the district determined by the county board. Orders issued on or before July 1 will be effective for taxes payable in the following year. The auditor must notify the affected school districts and the commissioner of the change in school district boundaries.

Subd. 4. **Commissioner.** The commissioner shall modify the records of school district boundaries to conform to the order.

Subd. 5. **Taxable property.** Upon the effective date of the order, the whole split property parcel is transferred into a single school district. Beginning in the next subsequent taxes payable year, all taxable property in the whole split parcel is:

- (1) relieved of all school district taxes from the district in which the parcel is no longer located; and
- (2) subject to all school district taxes in the district in which the whole split parcel is now located.

History: 2003 c 127 art 2 s 1

123A.46 DISSOLUTION AND ATTACHMENT.

[For text of subs 1 to 6, see M.S.2002]

Subd. 7. **When no order may be issued.** 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 commissioner 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.

[For text of subs 8 to 16, see M.S.2002]

History: 2003 c 130 s 12

123A.48 CONSOLIDATION.

[For text of subs 1 to 4, see M.S.2002]

Subd. 5. **Supporting statement.** The county auditor shall prepare a supporting statement to accompany the plat. The statement must contain:

- (a) The adjusted net tax capacity of property in the proposed district,
- (b) If a part of any district is included in the proposed new district, the adjusted net 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 net 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 commissioner 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, outstanding energy loans made according to section 216C.37 or sections 298.292 to 298.298, capital loan obligations, or referendum levies of component districts,
- (f) Any other information the county auditor desires to include, and
- (g) The signature of the county auditor.

[For text of subs 6 to 23, see M.S.2002]

History: 2003 c 130 s 12

123A.73 LEVY LIMITATIONS OF REORGANIZED DISTRICTS.

[For text of subs 1 and 2, see M.S.2002]

Subd. 3. **Voluntary dissolution; referendum revenue.** As of the effective date of the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section 123A.46, the authorization for all referendum revenues previously approved by the voters of all affected districts for those districts pursuant to section 126C.17, subdivision 9, 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 net tax capacity of taxable property in that territory comprises 90 percent or more of the adjusted net tax capacity of all taxable property in an enlarged district, the enlarged district's referendum revenue shall be determined as follows:

The referendum revenue shall be the revenue per resident marginal cost pupil unit times the number of resident marginal cost pupil units in the enlarged district. Any new

referendum revenue shall be authorized only after approval is granted by the voters of the entire enlarged district in an election pursuant to section 126C.17, subdivision 9.

Subd. 4. **Consolidation; maximum authorized referendum revenues.** As of the effective date of a consolidation pursuant to section 123A.48, if the plan for consolidation so provides, or if the plan for consolidation makes no provision concerning referendum revenues, the authorization for all referendum revenues previously approved by the voters of all affected districts for those districts pursuant to section 126C.17, subdivision 9, or its predecessor provision shall be recalculated as provided in this subdivision. The referendum revenue authorization for the newly created district shall be the revenue per resident marginal cost pupil unit that would raise an amount equal to the combined dollar amount of the referendum revenues authorized by each of the component districts for the year preceding the consolidation, unless the referendum revenue authorization of the newly created district is subsequently modified pursuant to section 126C.17, subdivision 9. The referendum revenue authorization for the newly created district shall continue for a period of time equal to the longest period authorized for any component district.

Subd. 5. **Alternative method.** As of the effective date of a consolidation pursuant to section 123A.48, if the plan for consolidation so provides, the authorization for all referendum revenues previously approved by the voters of all affected districts for those districts pursuant to section 126C.17, subdivision 9, or its predecessor provision shall be combined as provided in this subdivision. The referendum revenue authorization for the newly created district may be any allowance per resident marginal cost pupil unit provided in the plan for consolidation, but may not exceed the allowance per resident marginal cost pupil unit that would raise an amount equal to the combined dollar amount of the referendum revenues authorized by each of the component districts for the year preceding the consolidation. The referendum revenue authorization for the newly created district shall continue for a period of time equal to the longest period authorized for any component district. The referendum revenue authorization for the newly created district may be modified pursuant to section 126C.17, subdivision 9.

[For text of subd 6, see M.S.2002]

Subd. 7. [Repealed, 1Sp2003 c 9 art 1 s 54]

[For text of subds 8 and 9, see M.S.2002]

Subd. 10. [Repealed, 1Sp2003 c 9 art 1 s 54]

Subd. 11. [Repealed, 1Sp2003 c 9 art 1 s 54]

[For text of subd 12, see M.S.2002]

History: 1Sp2003 c 9 art 1 s 3-5