

CHAPTER 122

SCHOOL DISTRICTS; ORGANIZATION; CONSOLIDATION; DISSOLUTION

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

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

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

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

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

Subdivision 6. **Joint school district.** A joint school district may be any one of the above lying in two or more counties.

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

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

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

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

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

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

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

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

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

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

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

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

122.06 PETITION. The petition shall contain:

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

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

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

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

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

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

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

122.09 CHANGING BOUNDARIES OF DISTRICTS. Upon petition of the majority of the freeholders of each district affected, qualified to vote at school meetings and elections, and otherwise proceeding in the manner prescribed for the formation of districts, the boundaries of any existing district may be changed, or two or more districts united, or one or more districts annexed to an existing district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision 4. **Appeals.** After the formation of any school district so united according to the provisions of this section, any person aggrieved may appeal from

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said order to the commissioner declaring such union to the district court of the county as now provided by law in connection with the formation of other school districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

122.24 EXISTING DISTRICT MAY BECOME CONSOLIDATED. Any existing school district having the required area may be granted the rights and privileges of a consolidated school district upon formal application to the commissioner of

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education pursuant to resolutions adopted by a vote of not less than two-thirds of the full school board accompanied by a plat prepared by the county superintendent of schools of the county in which the school is located. This chapter shall not affect the rights or status of any consolidated school district now organized.

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision 5. **Refunding bonds.** The school board of a consolidated district in which was included any school district having a bonded indebtedness may refund such bonded indebtedness by a three-fourths vote of the members of such school board and issue refunding bonds therefor which shall be chargeable against the territory that was chargeable with the payment of the bonds so proposed to be refunded. Such refunding bonds shall not run for a period shorter than five years nor longer than 20 years. The first refunding bond shall be due six years from the date of its issuance and shall be for not less than one-tenth of the bond issue in question nor more than one-fifth thereof and each subsequent bond shall be for a like amount and payable one year from the due date of the bond to be paid the preceding year. The county auditor shall extend a tax against all the territory chargeable in the first instance with the payment of the old bonds sufficient to pay the interest on such refunding bonds and any instalment of principal that may be due in the following year. Such tax for the first year shall be 50 per cent in excess of the amount to be due the succeeding year and thereafter each yearly levy shall be in such amount in excess, not exceeding 50 per cent, of the amount to be due the succeeding year, as the auditor may deem necessary. The county treasurer, upon the collection of such tax, shall apply the proceeds thereof to the payment of such interest or instalment of principal and file with the county auditor receipts therefor, together with the canceled bonds so taken up. The state board of investment may invest the funds under its control in refunding bonds so issued under the provisions of this subdivision.

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

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

[1941 c. 169 art. 3 s. 27]

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

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unorganized territory in the county, the board may, by such dissolution, create unorganized territory to be governed by the laws relating to such territory.

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

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

Subdivision 2. **Disposal of funds.** The remaining funds thereupon shall be paid to the county treasurer and the same placed to the credit of the unorganized district. If there is no unorganized district within such county, such funds shall be proratably distributed by the county treasurer to the school districts within such county adjoining such dissolved district.

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

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

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

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

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

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

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

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

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

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

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

Such appeal shall be taken by serving upon the county auditor within 30 days from the making of the order a notice of appeal specifying the grounds thereof. The appellant shall execute and deliver to the auditor a bond to the county in the sum of \$100.00, to be approved by the county auditor, conditioned for the payment of all costs taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the board of county commissioners.

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