

School District Boundary Changes

	South Dakota	North Dakota	Minnesota
Criteria	<ol style="list-style-type: none"> 1. Boundary must be coterminous at some point with boundary of two districts. 2. Children must reside on within the boundary to be transferred. 3. May not exceed 2% of total assessed valuation of the district. 	<ol style="list-style-type: none"> 1. Property to be annexed constitutes a single area that is contiguous. 2. Annexed area does not constitute an entire school district. 3. Petition is signed by 2/3 of the qualified electors residing on the property annexed. 	Property to be annexed must be contiguous to the district to which it is attached.
Who may initiate request?	School board or patron	Patron	Patron
Content of Petition	<ol style="list-style-type: none"> 1. Names of school district involved. 2. Map of area and legal descriptions of area proposed to be detached and annexed. 3. Statement certified by county auditor of the assessed valuation of the area to be transferred. 4. NEW in 2014 - Potential value of land when fully developed. 5. NEW in 2014 - Determine whether value when fully developed will affect more the 2% change in assessed valuation. 	<ol style="list-style-type: none"> 1. Petition must be obtained from county superintendent of schools; 2. Identify all property annexed, before circulation; 3. Identify one child whose place of residence is on the property to be annexed and whose parent has stated an intention to send the child to a public school in the district receiving the property; 4. Be signed in presence of the petition carrier; and 5. Be submitted to the county superintendent whose jurisdiction includes the admin HQ of the district. 	<ol style="list-style-type: none"> 1. Description of the area proposed for detachment and annexation including supporting data regarding location and title to land to establish that the land is adjoining a district. 2. Reasons for the proposed change with facts showing that the granting of the petition will not reduce the size of the district to less than 4 sections. 3. Consent of the board of the district in which the area proposed for detachment lies. 4. Description of whether bonded indebtedness will be allocated.

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	South Dakota	North Dakota	Minnesota
<p>Authority to Approve or Disapprove</p>	<p>Both school districts involved must approve.</p>	<p>Public hearing is held by county committee and approved by the state board. At the hearing the county committee shall accept testimony and documentary evidence regarding:</p> <ul style="list-style-type: none"> a. value of property b. outstanding indebtedness c. levies for bonded indebtedness d. taxable valuation under proposed annexation e. size, geographical feature and boundaries f. number of students g. general population h. general info about schools and distance students may need to travel i. location of roads, highways and natural barriers j. conditions affecting welfare of students on property to be annexed k. boundaries of other gov't entitites l. educational needs of communities in each affected district m. potential savings in transportation & admin services n. potential for reduction in per student valuation disparity between affected school districts o. potential to equalize or increase the educational opportunities for students in affected district <p>IF recommendation is to approve -- forwarded to state board for final approval.</p>	<ol style="list-style-type: none"> 1. Petition filed with the auditor who shall present to the county board. 2. County board shall schedule a hearing. 3. Within 6 months of the filing of the petition the county board shall issue its order.

School District Boundary Changes

	South Dakota	North Dakota	Minnesota
Appeal Process	Yes, an appeal may be made to circuit court or to the secretary of the Department of Education	If recommendation of county committee is to deny or if denied by state board - petitioner may not submit same property to county committee for a period of 3 months. Decision of state board may be appealed to district court of the judicial district in which the property to be annexed is located.	No process to appeal was included in the information found on the website.
	Nebraska	Montana	Wyoming
Criteria	<ol style="list-style-type: none"> 1. Parcel of land may not exceed 640 acres and approval of at least 65% of the school board of each affected district. 2. Petitions containing more the 640 acres must be submitted to the State Committee. 	<ol style="list-style-type: none"> 1. Petition signed by 60% of registered voters in the territory proposed for transfer. 2. Property is contiguous to the district to which it will be attached. 3. Property to be transferred is not located within 3 miles of an operating school. 4. Board of trustees of the district receiving the property approves the transfer. 5. Petition may not be presented to county supt. unless both school boards and county supt. have agreed in writing. 	<ol style="list-style-type: none"> 1. All territory within a school district shall be contiguous. 2. School districts shall be organized as efficient administrative units considering primarily the education, convenience and welfare of children. 3. All territory within a school district shall be a single area from which trustees are elected at-large or be divided into trustee residence areas. 4. In developing proposals the boards shall consider a reatio of ADM to assessed valuation as nearly equalized as particable among the districts. 5. Proposal shall include provisions for educational opportunity and services as nearly equal as possible. 6. A district boundary board may organize or reorganize a school district to keep all territory embraced in any incorporated city or town in 1 school district. District boards are authorized to change the boundaries of any school district so that all territory embraced in a corporate city or town shall be in one district. 6. Public hearing shall be held prior to the submission of the proposal.

School District Boundary Changes

	Nebraska	Montana	Wyoming
Who may initiate request?	State committee may request boundary changes; patrons and school boards	Patron and county superintendent	Statutes refer to district boundary boards
Content of Petition	<ol style="list-style-type: none"> 1. Description of proposed boundaries. 2. A map showing current and proposed boundaries. 3. Affidavit from the county clerk regarding validity of signatures on petition. 	<ol style="list-style-type: none"> 1. Provide legal description. 2. Number of school age children residing in the area to be transferred. 	<ol style="list-style-type: none"> 1. Name and number of the proposed districts. 2. Map showing current and proposed boundaries. 3. Description of proposed boundaries. 4. Summary of reasons for proposal. 5. A record of all hearings 6. Summary of anticipated improvement of education.

School District Boundary Changes

	Nebraska	Montana	Wyoming
Authority to Approve or Disapprove	<p>1. Upon receipt of a petition the Commissioner of Education shall set a date for a hearing to occur within 40 days of the receipt of the petition and notify affected school districts.</p> <p>2. Following the submission of testimony and evidence the State Committee will approve or disapprove by an open roll call vote.</p>	<ol style="list-style-type: none"> 1. If both the trustees of the receiving and transferring school districts have approved in writing the transfer will be granted by the county superintendent. 2. If petition has not be approved by both boards the county superintendent will within 40 days set a hearing date and time. 3. Give notice of time and place of hearing. 4. County superintendent has conduct hearing at which petitioners have the burden of presenting evidence regarding; educational opportunities, student transportation and economic viability of the proposed new districts. 5. In cases where the the fiscal impact of transferring the property in previous 8 years will exceed 25% of the taxable valuation of the district; additional factors must be considered, such as rate of passage of discretionary levies have passed in past 8 years, district reduction of instructional staff in previous 8 years, increase in district taxes in previous 8 years and the likihood on increase in taxes as a result of transfer of property. 	<p>Requests for changes to school district boundaries are submitted by a district boundary board to state committee. The state committee either approves the proposal or rejects with reasons for refection and recommendations for making the proposal acceptable.</p>
Appeal Process	<p>Decision of State Committee may be appealed.</p>	<p>County superintendent's decision is final 30 days after the data of the decision; if petition is denied the petitioner may appeal to district court.</p>	<p>If rejected by the state committee the district board may resubmit a modified proposal to the state committee or appeal.</p>
	Iowa		
	<p>State of Iowa does not allow for any patron to request a change to their school district boundaries. School district boundaries may only be changed as a result of reorganization/dissolutionment of a district.</p>		

CHAPTER 15.1-12
ANNEXATION, REORGANIZATION, AND DISSOLUTION

15.1-12-01. Definitions. In this chapter, unless the context otherwise requires:

1. "Annexation" means the alteration of a school district's boundaries through the removal of real property from one school district and its attachment to another contiguous school district.
2. "Contiguous" means two or more tracts of real property which share a common point or which would share a common point but for an intervening road or right of way.
3. "Dissolution" means the process through which a school district ceases to function and the subsequent attachment of its real property to other school districts.
4. "Reorganization" means the formation of a new school district through the combination, in whole or in part, of two or more school districts.
5. "State board" means the state board of public school education.

15.1-12-02. Annexation of property to school district - Exchange - Petition - Requirements. An individual may petition to have property in one school district annexed to another school district by an exchange of property with property in a contiguous school district. In order to be approved:

1. The petitioner must reside within the boundary of the property to be exchanged;
2. The petitioner must obtain the written approval of one qualified elector from each residence within the boundary of the property referenced in subsection 1;
3. The petitioner must obtain written authorization for the exchange of property from the owner of the property to be exchanged in the adjacent district, provided that the owner need not reside on the property to be exchanged;
4. The difference in the taxable valuation of the property involved in the exchange may not exceed one thousand dollars;
5. Each property involved in the exchange is contiguous with the school district to which it is being annexed; and
6. Except as otherwise provided in this section, the annexation by an exchange of property under this section is subject to, and meets, all other statutory requirements regarding annexations.

15.1-12-03. Annexation of property to school district - Eligibility. Real property may be annexed to a school district provided:

1. The property to be annexed constitutes a single area that is contiguous to the school district;
2. The property to be annexed does not constitute an entire school district;
3. The annexation petition is signed by two-thirds of the qualified electors residing on the property to be annexed;
4. The annexation petition is filed with the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district;

5. A public hearing is held by the county committee or the county committees, as required in section 15.1-12-05; and
6. The annexation petition is approved by the state board.

15.1-12-04. Annexation of property to school district - Petition requirements.

1. A petition to request the annexation of property must:
 - a. Be obtained from the county superintendent of schools;
 - b. Identify all property to be annexed, before circulation;
 - c. Identify one child whose place of residence is on the property to be annexed and whose parent has stated an intention to send the child to a public school in the district receiving the property during the school year following the effective date of the annexation;
 - d. Be signed in the presence of the petition carrier; and
 - e. Be submitted to the county superintendent whose jurisdiction includes the administrative headquarters of the district.
2. Any person who wishes to add or remove that person's name from the annexation petition may do so until five p.m. on the last business day before the public hearing by the county committee; provided the person appears before the county superintendent to request the action.
3. This section does not apply to annexations involving an exchange of property.

15.1-12-05. Annexation of property to school district - Hearing.

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule and give notice of a public hearing regarding the annexation.
2. The county superintendent shall publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, at least fourteen days before the date of the hearing. If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:
 - a. Determine the number of qualified electors residing on the property to be annexed;
 - b. Ensure that two-thirds of such qualified electors have signed the petition; and
 - c. Ensure that all other statutory requirements regarding the petition have been met.
4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:
 - a. The value and amount of property held by each affected school district;
 - b. The amount of all outstanding bonded and other indebtedness of each affected district;

- c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;
 - d. The taxable valuation of each affected district and the taxable valuation under the proposed annexation;
 - e. The size, geographical features, and boundaries of each affected district;
 - f. The number of students in each affected district;
 - g. The general population of each affected district;
 - h. Each school in the district, including its name, location, condition, the grade levels it offers, and the distance that students living in the petitioned area would have to travel to attend school;
 - i. The location and condition of roads, highways, and natural barriers in each affected district;
 - j. Conditions affecting the welfare of students residing on the property to be annexed;
 - k. The boundaries of other governmental entities;
 - l. The educational needs of communities in each affected district;
 - m. Potential savings in school district transportation and administrative services;
 - n. The potential for a reduction in per student valuation disparity between the affected districts;
 - o. The potential to equalize or increase the educational opportunities for students in each affected district; and
 - p. All other relevant factors.
5. Following consideration of the testimony and documentary evidence presented at the hearing, the committee shall make specific findings of fact and approve or deny the annexation. If the annexation is approved, the county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the proceeding and the county committee's decision to the state board for final approval of the annexation.
 6.
 - a. Except as provided in this subsection, the state board shall conduct a hearing after publication of a notice in the manner required in subsection 2, accept and consider testimony and documentary evidence regarding the proposed annexation, make specific findings, and approve or deny the annexation.
 - b. If no opposition is presented to the county committee at the hearing and the county committee approves the annexation, the state board may review the record of the county committee and give final approval to the annexation without holding its own hearing.
 7. If the school districts involved in a proposed annexation include property in more than one county, but the major portion of each district's property is in the same county, the county committee of that county shall consider the annexation petition.
 8. If the school districts involved in a proposed annexation are situated in more than one county and the major portion of each district's property is not in the same

county, the county committees of those counties encompassing the major portion of each school district shall jointly consider the annexation petition. The county committees shall vote separately on whether to approve the annexation.

9. If the state board denies the annexation, another petition involving any of the same property may not be submitted to the county committee for a period of three months after the state board's denial. A petition involving any of the same property cited in the original petition may not be considered by the state board more than twice in a twelve-month period.
10. Regardless of how many county committees consider the annexation, the decision may be appealed to the state board.
11. Each annexation must receive final approval from the state board.
12. The county superintendent with whom the petition has been filed shall forward all minutes, records, documentary evidence, and other information regarding the annexation, and the county committee's decision to the state board for final approval or for consideration of an appeal.
13. A decision of the state board with respect to an annexation petition may be appealed to the district court of the judicial district in which the property to be annexed is located.

15.1-12-06. Annexation of property to school district - Effective date. Annexations under this chapter become effective on July first following final approval by the state board.

15.1-12-07. Transfer of real property upon annexation, reorganization, or dissolution. The legal title to all real property owned by a school district and annexed to another school district, included in a reorganized district, or subjected to dissolution, vests in the board of the reorganized school district or of the district to which the property is annexed or attached on the effective date of the reorganization, annexation, or dissolution. If the reorganized district or district to which the property is annexed or attached includes less than the whole of the former district, legal title to the real property of the former district vests in the board of the school district in which the property is situated on the effective date of the reorganization, annexation, or dissolution. A certificate prepared by a licensed attorney, citing the legal description of the property and stating that the property has become annexed, attached, or reorganized with another school district, must be recorded in the office of the recorder of the county in which the property is located.

15.1-12-08. Payment of school district levies after annexation or dissolution.

1. Property annexed or attached to the receiving school district is subject to all of the receiving school district's levies, except those to retire bonded debt existing before the effective date of the annexation or dissolution. The county committee and the state board in approving the annexation or dissolution, however, may require that the property be subject to the receiving school district's levies that are required to retire bonded debt existing before the effective date of the annexation or dissolution.
2. Property annexed to a receiving school district is not subject to any levies of the school district from which it was detached, except those to retire bonded debt existing before the effective date of the annexation. The county committee and the state board in approving the annexation, however, may exempt the property from the levies of the school district from which the property was detached which are required to retire bonded debt existing before the effective date of the annexation.

15.1-12-09. School district reorganization - Initiation of a reorganization plan.

1. In order for two or more contiguous school districts or contiguous portions of two or more school districts to initiate a reorganization process, the board of each participating school district must:
 - a. Vote to pursue the reorganization;
 - b. Prepare a reorganization plan;
 - c. Approve the reorganization plan; and
 - d. Submit the plan to the county superintendent having jurisdiction over the major portion of property in each participating school district.
2. Submission of a reorganization plan to the county superintendent after July 31, 2001:
 - a. Renders an annexation petition involving any real property that is included in the reorganization plan void, unless the annexation has already been approved by the state board; and
 - b. Prohibits the acceptance of a new annexation petition involving any real property that is included in the reorganization plan, until all reorganization proceedings have been completed.

15.1-12-09.1. Reorganization plan - Interim fund balance.

1. The reorganization plan must specify whether the balance in the interim fund of each district participating in the reorganization is to be wholly or partially allocated to the general fund of the newly reorganized district.
2. If the reorganization plan provides that the balance in the interim fund of each district participating in the reorganization is to be wholly allocated to the general fund of the newly reorganized district, the reorganization plan may also provide that the general fund mill levy applicable to property in those participating districts having a general fund mill levy that is lower than the proposed general fund mill levy for the reorganized district may be raised incrementally, over a period of five years, to the level proposed for the reorganized district.
3.
 - a. If the reorganization plan provides that the balance in the interim fund of each district participating in the reorganization is to be partially allocated to the general fund of the newly reorganized district, then each participating district shall divide the amount of its interim fund balance on the day preceding the effective date of the reorganization by the number of students in average daily membership in the district during the school year concluding on the day preceding the effective date of the reorganization.
 - b. The participating district having the lowest per student interim fund balance must contribute the total amount of its interim fund balance to the general fund of the newly reorganized district.
 - c. Each of the other participating districts shall multiply the lowest district's per student interim fund amount by the number of students in average daily membership in their respective districts during the school year concluding on the day preceding the effective date of the reorganization. Each of the other participating districts must contribute the lesser of the amount arrived at under this subdivision or the total amount in its interim fund to the general fund of the newly reorganized district.

- d. If after complying with the requirements of subdivision c, a participating district has a balance available in its interim fund, the reorganization plan must allow that balance to be used by or on behalf of property owners residing within the boundaries of that participating district, as a proportionate credit against any property taxes owed by the property owners. The reorganization plan must determine the manner in which the proportionate credit must be used. The credit may be used either in its entirety on a single occasion or applied to several taxable years. The credit may not be used beyond the fifth taxable year.

15.1-12-10. School district reorganization - Contents of plan - Public hearing - Testimony and evidence.

1. The reorganization plan required by section 15.1-12-09 must:
 - a. Include a map showing the boundaries of each participating district and of the proposed new district;
 - b. Include the demographic characteristics of each participating district, including the population per age group;
 - c. Include the number of students enrolled in each participating district during the current school year and during the ten preceding school years;
 - d. Include projected student enrollments for the ensuing ten years;
 - e. Include the location and condition of all school buildings and facilities in each participating district and intended uses for the buildings and facilities;
 - f. Address planned construction, modification, or improvement of school buildings and facilities located within the boundaries of the new district;
 - g. Address planned course offerings by the new district;
 - h. Include the planned administrative structure of the new district and the number of full-time equivalent personnel to be employed by the new district;
 - i. Include the planned number of members who will constitute the board of the new district and the manner in which the members are to be elected;
 - j. Address plans regarding student transportation;
 - k. Identify other governmental entities, including multidistrict special education units and area career and technology centers, which may provide services to the new district;
 - l. Include the taxable valuation and per student valuation of each participating district and the taxable valuation and per student valuation of the new district;
 - m. Include the amount of all bonded and other indebtedness incurred by each participating district;
 - n. Address the planned disposition of all property, assets, debts, and liabilities of each participating district, taking into consideration section 15.1-12-18;
 - o. Include a proposed budget for the new district and a proposed general fund levy and any other levies, provided that tax levies submitted to and approved by the state board as part of a reorganization plan are not subject to mill levy limitations otherwise provided by law; and

- p. Include any other information that the participating school districts wish to have considered by the county committee or the state board.
2. Upon receiving a reorganization plan, the county superintendent shall schedule and give notice of a public hearing regarding the plan. If the school districts involved in a reorganization plan include property in more than one county, but the major portion of each district's property is in the same county, the county committee of that county shall consider the reorganization plan. If the school districts involved in a reorganization plan are situated in more than one county and the major portion of each district's property is not in the same county, the county committees of those counties encompassing the major portion of each school district shall jointly consider the reorganization plan.
3. The county superintendent shall publish the notice in the official newspaper of the county at least fourteen days before the date of the hearing.
4. If no newspaper is published in the county, the county superintendent shall publish the notice in the official newspaper of an adjoining county in this state.
5. Before the hearing, the county committee shall review the reorganization plan and ensure that all statutory requirements have been met.
6. At the hearing, the county committee shall accept testimony and documentary evidence regarding the reorganization plan.
7. Following consideration of the testimony and documentary evidence presented at the hearing, the committee shall approve or deny the reorganization plan.
8. If the plan is approved by at least one county committee, the county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the proceeding, and the county committee's decision, to the state board for final approval. The state board shall publish notice of its meeting at which it will consider the reorganization plan in the official newspaper of the county at least fourteen days before the date of the meeting. If no newspaper is published in the county, the state board shall publish the notice in the official newspaper of an adjoining county in this state.
9. To become effective, a reorganization plan must meet all statutory requirements and must receive approval by both the state board and a majority of electors residing within each school district.

15.1-12-10.1. State board of public school education - Approval of elementary districts prohibited. The state board of public school education may not approve any reorganization plan that would result in the creation of an elementary district.

15.1-12-11. School district reorganization - Approved plan - Special election - Formation of new district.

1. If the state board approves a reorganization plan, the state board shall notify each county superintendent of schools having jurisdiction over real property in the proposed new district. A county superintendent receiving notice under this section shall call a special election in order that the electors residing within the boundaries of the proposed new district may approve or reject the reorganization plan. The election must be held between July first and December thirty-first of the year in which the plan is approved by the state board. If there are insufficient days left in the year to meet the notice requirements of this section, the election must be held the following year.

2. The county superintendent shall give notice of the election by publishing the time, date, and place of the election in the official newspaper of the county, at least fourteen days before the date of the election.
3. The election notice must:
 - a. State that the election has been called for the purpose of approving or rejecting a plan to form a new school district;
 - b. Describe the boundaries of the proposed new district; and
 - c. Include a statement describing the adjustment of property, debts, and liabilities proposed in the plan, together with the proposed tax levy.
4. The county superintendent shall appoint judges and clerks of the election. The election must be conducted in the same manner and the polls must open and close at the same time as specified for school district elections.
5. The result of the elections must be certified by the participating school boards and delivered to the county superintendent within three days after the closing of the polls.
6. If a majority of electors residing within each school district vote to approve the reorganization plan, the county superintendent shall make the necessary adjustments of property, debts, and liabilities and perform all duties required by law in order to establish and organize the new school district.

15.1-12-11.1. Reorganization bonus - Eligibility - Distribution.

1. If a school district reorganizes with one or more contiguous school districts or portions of districts, the newly reorganized district is entitled to receive a reorganization bonus, provided at least one of the reorganizing districts is a high school district and that the newly reorganized district:
 - a. Consists of at least eight hundred square miles [207198 hectares]; or
 - b. Consists of at least five hundred square miles [129499 hectares], has a student enrollment of at least five hundred twenty, and had no practical reorganization alternatives that would have allowed it to meet the requirements of subdivision a.
2. The total reorganization bonus to which a newly reorganized district is eligible consists of:
 - a. Fifty thousand dollars per one hundred square mile [25899 hectares] block, or a major portion thereof, included within the reorganized district and calculated by determining the lesser of the total square mileage [hectares] of the reorganized district or one thousand four hundred square miles [362597 hectares], and subtracting from that amount the square mileage [hectares] of the largest district or portion of a district involved in the reorganization;
 - b. One thousand dollars per student calculated by determining the lesser of the total fall enrollment of the newly reorganized district or seven hundred fifty and subtracting from that amount the fall enrollment in the district or portion of the district that had the largest student population of those districts or portions of districts participating in the reorganization during the school year immediately preceding the effective date of the reorganization; and
 - c. Fifty thousand dollars for each whole school district that formed the reorganized district.

3. The superintendent of public instruction shall distribute the reorganization bonus to each eligible reorganized district during the month of December, following the effective date of the district's reorganization.

15.1-12-11.2. Reorganization bonus - Advanced payment.

1. If the boards of two or more school districts vote to study the feasibility and desirability of reorganizing with each other, the boards may apply to the superintendent of public instruction for an advanced reorganization payment.
2. The superintendent of public instruction shall advance a payment of fifteen thousand dollars to the board of each school district that voted to study the reorganization, provided that at least one of the participating districts is a high school district and that the districts, if reorganized, would qualify for a reorganization bonus under section 15.1-12-11.1.
3. If the school districts reorganize, the superintendent of public instruction shall deduct any money advanced under this section from the amount of the bonus due the newly reorganized district under section 15.1-12-11.1.
4. If the school districts fail to reorganize, each district must repay the amount advanced by the superintendent of public instruction under this section, at the time and in the manner determined by the superintendent of public instruction.

15.1-12-12. School district reorganization - Vote on issuance of bonds.

1. If the reorganization plan proposes the issuance of bonds under chapter 21-03, the question of the bond issuance may be voted on at the same election as that for which approval of the reorganization plan is sought; provided:
 - a. Each of the school boards involved in the reorganization adopts, by a majority vote, an identical initial resolution required by chapter 21-03; and
 - b. All of the terms of chapter 21-03 are complied with, except that if there is a conflict with section 15.1-12-14 regarding how the election will proceed, the terms of section 15.1-12-14 prevail.
2. If the reorganization is not approved, the result of the vote on the bond issuance is void.

15.1-12-13. School district reorganization - Proposal rejection - Revision - New election.

1. If the electors reject the reorganization plan, the county committee, after a period of three months from the date of the special election, may hold a public hearing as provided for in section 15.1-12-10 to consider a revised reorganization plan proposed by the participating school districts. If the county committee approves a revised plan, the county superintendent shall submit the revised plan to the state board for approval.
2. If the state board approves the revised plan, it shall notify the county superintendent of schools. A county superintendent receiving notice under this section shall follow the procedures set forth in this chapter for calling a special election to approve or reject the revised plan. If a majority of the electors residing within each school district vote to approve the revised reorganization plan, the county superintendent shall make the necessary adjustments of property, debts, and liabilities and perform all duties required by law in order to establish and organize the new school district.

15.1-12-14. School district reorganization - School boards - Assumption of duties.

1. Upon approval of a reorganization plan by the electors, in accordance with section 15.1-12-11, a school board for the reorganized district must be elected at the next regular school district election or at a special election called by the county superintendent of schools for that purpose. The first school board election in a newly reorganized district is governed by chapter 15.1-09.
2. Members of newly formed school boards representing reorganized districts may not enter upon the duties of office until the time specified in section 15.1-12-18, except as provided in sections 15.1-12-15 and 15.1-12-16. Before the completion of a reorganization, the board of an existing district may not contract or obligate the district, except with the approval of the county committee or unless authorized by law.

15.1-12-15. School district reorganization - School board - Duties.

1. The board of a reorganized school district established under this chapter shall negotiate with the district's teachers and may contract with the teachers' representative organization prior to the effective date of the reorganization.
2. Upon the completion of negotiations and the signing of a negotiated agreement under subsection 1, the board may offer contracts of employment to individual teachers and establish a time certain by which the individual teachers must accept or reject the offers.
3. If by five p.m. on July first of the year the reorganized district begins operations, a negotiated agreement has not been entered between the board and the teachers pursuant to statute, no teacher employed by the board may receive less in salary and benefits than that teacher received for the preceding school year. For purposes of this section, "salary and benefits" means salary, insurance benefits, teachers' fund for retirement contributions, personal leave, sick leave, accumulated sick leave, extracurricular salary, reduction-in-force policy, grievance procedures, and recall procedures.
4. On or before February first of the year in which the reorganization becomes effective, the board of the reorganized school district shall hold a public hearing to present the curriculum, course offerings, and staff positions to be available during the coming school year. The board shall publish notice of the hearing in the official newspaper of each county having land in the reorganized district, at least fourteen days before the date of the hearing.
5. By five p.m. on April fifteenth of the year in which the reorganization becomes effective, the board of the reorganized school district shall notify in writing each teacher employed by the districts being reorganized, whether or not the teacher will be offered a contract of employment with the reorganized district.

15.1-12-16. School district reorganization - Issuance of bonds - Procedure. Before a reorganization is effective, the board of a reorganized school district established under this chapter may proceed in accordance with chapter 21-03 to issue bonds for purposes specified in that chapter if the bond issuance is provided for by the approved reorganization plan.

15.1-12-16.1. Reorganization plan - Building fund levy. The reorganization plan required by section 15.1-12-09 may propose the inclusion of up to ten mills as a building fund levy. If the reorganization plan is approved by a majority of electors residing within the boundaries of the proposed new district, the building fund levy becomes effective, notwithstanding any other voter approval requirement in section 57-15-16.

15.1-12-17. School district reorganization - Elementary schools. An elementary school in existence at the time a reorganization becomes effective may be closed upon approval of the board. Unless otherwise directed by the superintendent of public instruction, a school

closed under this section may be reopened only upon resolution of the school board and only at the beginning of a school year that follows by at least ninety days the date of the school board's closure vote.

15.1-12-18. School district reorganization - Approval of plan - Effective date - Transfer of all property. A reorganization plan takes effect on the first day of July following its approval by the voters. Within thirty days from the effective date of the reorganization, personnel from school districts incorporated in whole or in part into a reorganized district shall turn over to the board of the reorganized district all property and assets as required by the approved reorganization plan. Unless otherwise provided, debts, obligations, and liabilities of the districts or parts of districts incorporated into the reorganized district become the debts, obligations, and liabilities of the reorganized district.

15.1-12-19. School district reorganization - Sale or removal of school buildings. The board of a reorganized district may sell or move a school building located in the district. If a petition calling for the sale of a school building is signed by a majority of the qualified electors residing within the boundaries of a former school district now wholly located within the boundaries of the reorganized district, and is submitted to the board, the board shall sell the building. If the petition calls for the board to move the building, the board shall move the building to the location designated in the petition. The board shall deposit proceeds of the sale in either the district's general fund or the building fund. If the purchaser or recipient of the building is a political subdivision of this state, the board, upon a unanimous vote, may sell the building for less than its fair market value.

15.1-12-20. School district reorganization - Cost of elections. If the electors reject a reorganization plan, the cost of the election must be borne by each school district that had real property included in the proposed district. The percentage of the total cost for which each district is obligated is the same as the percentage that the district's real property included in the proposed reorganized district bears to the total amount of real property in the proposed reorganized district. If the electors approve a reorganization plan, the cost of the election is borne by the newly reorganized district.

15.1-12-21. School district reorganization - Changes in plan.

1. All provisions of a reorganization plan, except those relating to boundaries and geographic voting areas, may be changed upon the concurrence of a majority of the qualified electors voting on the question. The question may be placed before the voters at a regular or special election upon a motion of the school board and shall be placed before the voters upon receipt by the board of a petition signed by at least:
 - a. Twenty-five percent of the qualified electors residing in the district, if the population of the district, as determined by the county superintendent, is less than twenty-five qualified electors;
 - b. Twenty percent of the qualified electors residing in the district, if the population of the district is at least twenty-five but not more than four thousand; or
 - c. Fifteen percent of the qualified electors residing in the district, if the population of the district is greater than four thousand.
2. Notwithstanding the provisions of subsection 1, if a school district has been reorganized for at least ten years, the boundaries of geographic voting areas may be changed upon the concurrence of a majority of qualified electors voting on the question.
3. By resolution, the board in a reorganized district may change to at large voting for school board members if there is a variance of more than ten percent in the population between any of the district's established geographic areas with resident candidates.

15.1-12-22. School district reorganization - Board - Powers after five years - Exceptions.

1. Beginning five years after the effective date of the reorganization, the board of a reorganized district may exercise all powers granted to a school board by law, regardless of limitations contained in the district's reorganization proposal.
2. Notwithstanding subsection 1, the board of a reorganized district may change geographic voting areas only in accordance with section 15.1-12-21.

15.1-12-23. School district reorganization - Proportionate tax rate on agricultural property. A school district that for school purposes imposed on agricultural property a proportionate tax rate different from the school district levy on other taxable property, as permitted by repealed sections 15-53.1-37 and 15-53.1-38 on December 31, 1984, shall continue to levy the proportionate tax rate unless the school board is directed, by a majority of the district's qualified electors voting on the question, to discontinue the proportionate tax rate. No other school board may impose a proportionate tax rate on different classes of property within the district.

15.1-12-24. Nonoperating school district - Reorganization or dissolution. A school district that ceases to provide educational services within the district must become, within one year, through a process of reorganization or dissolution, part of a district operating an approved school. If a school district affected by this section has not become part of a district operating an approved school within the prescribed time limit, the school district must be dissolved. This section does not apply to military installation school districts.

15.1-12-25. Nonoperating school district - Transportation. The school board of the district to which a nonoperating district is attached shall provide transportation to students residing within the boundaries of the attached land in the same manner that transportation is provided to all other students in the district.

15.1-12-26. Dissolution of school district - Grounds.

1. A county committee shall initiate proceedings to dissolve a school district and attach the property to other operating school districts when it is notified in writing by the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district that:
 - a. The district is financially unable to effectively and efficiently educate its students;
 - b. The district has not operated a school as required by section 15.1-12-24; or
 - c. A school board has determined that dissolution is in the best interest of its students.
2. Except as provided in subsection 3, a county committee shall initiate proceedings under section 15.1-12-27 to attach real property to an operating school district when it is notified in writing by the county superintendent that:
 - a. Real property has been severed from its school district by the expansion of a city and the severed portion is not contiguous with its district; or
 - b. There exists real property that does not belong to a school district.
3. If a school district reorganization plan which does not include all real property in a district is approved by the electors, the county committee shall, within forty-five days after the election, hold a hearing under section 15.1-12-29 to attach the remaining property to one or more operating districts.

4. Receipt of notice by a county committee under this section:
 - a. Renders an annexation petition involving any real property in the district void, unless the annexation has already been approved by the state board; and
 - b. Prohibits the acceptance of a new annexation petition involving any real property in the district until all dissolution proceedings have been completed.
5. One or more annexation petitions may not be used to annex all of the real property in a school district to surrounding school districts.

15.1-12-27. Dissolution of school district - Notice - Hearing - Order of attachment.

1. The county superintendent shall schedule and give notice of a public hearing regarding the dissolution of the district and the subsequent attachment of the property to other districts. The county superintendent shall publish the notice in the official newspaper of each county that encompasses property in the dissolving district and in the official newspaper of each county that encompasses property in a district adjacent to the dissolving district, at least fourteen days before the date of the hearing. The county superintendent shall provide notice of the public hearing to the business manager of each school district adjacent to the dissolving district.
2. At the hearing, the board of the dissolving district may propose a particular manner of dissolution.
3. The county committee shall consider testimony and documentary evidence regarding:
 - a. The value and amount of property held by the dissolving school district;
 - b. The amount of all outstanding bonded and other indebtedness;
 - c. The distribution of property and assets among the districts to which the dissolved district is attached;
 - d. The taxable valuation of the dissolving district and adjacent districts and the taxable valuation of adjacent districts under the proposed manner of dissolution;
 - e. The size, geographical features, and boundaries of the dissolving district and of adjacent districts;
 - f. The number of students in the dissolving district and in adjacent districts;
 - g. The general population of the dissolving district and adjacent districts;
 - h. Each school in the dissolving district and in adjacent districts, including its name, location, condition, accessibility, and the grade levels it offers;
 - i. The location and condition of roads, highways, and natural barriers in the dissolving district and in adjacent districts;
 - j. Conditions affecting the welfare of students in the dissolving district and in adjacent districts;
 - k. The boundaries of other governmental entities;
 - l. The educational needs of communities in the dissolving district and in adjacent districts;

- m. Potential savings in school district transportation and administrative services;
 - n. The anticipated future use of the dissolving districts' buildings, sites, and playfields;
 - o. The potential for a reduction in per student valuation disparities between the districts to which the dissolved district is attached;
 - p. The potential to equalize or increase the educational opportunities for students from the dissolving district and for students in adjacent districts; and
 - q. All other relevant factors.
4. After the hearing, the county committee shall make findings of fact. Subject to final approval by the state board, the county committee may order the district dissolved and its real property attached to one or more contiguous, operating school districts.
 5. Any property ordered attached under this section must have at least one minor residing within its boundaries.
 6. The county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the dissolution proceeding together with a copy of the county committee's order to the state board for final approval of the dissolution. The state board shall publish notice of its meeting at which it will consider the dissolution, in the official newspapers of the counties required for publication under subsection 1, at least fourteen days before the meeting.
 7. The order of dissolution becomes effective July first following approval by the state board, unless the county committee provides for a different effective date.
 8. If the boundaries of the dissolving school district cross county lines, the proceeding to dissolve the district must be conducted jointly by the county committees representing counties containing twenty-five percent or more of the dissolving district's taxable valuation. If, after the hearing, a majority of the county committees are unable to agree upon an order of dissolution and attachment, the county superintendent of the county in which the administrative headquarters of the dissolving school district is located shall notify the state board. The state board shall conduct a public hearing, as required in this section, and order the dissolution of the district and the attachment of its real property to adjacent districts in the manner it deems appropriate. The state board shall publish notice of the public hearing in the official newspapers of the counties required for publication under subsection 1, at least fourteen days before the date of the hearing.
 9. If any portion of the order providing for the attachment of real property is suspended or voided, the order of dissolution is likewise suspended or voided.

15.1-12-28. Dissolution of school district - Unobligated cash balance - Distribution.

Any unobligated cash balance not exceeding ten thousand dollars must be held in a separate fund by the auditor of the county having the greatest share of the dissolved school district's land. The county auditor shall hold the fund for one year after the effective date of the dissolution. During that year, the county auditor shall accept assets and pay unresolved debts attributable to the dissolved school district. After one year the county auditor shall distribute the remaining cash balance among the school districts to which the real property of the dissolved district was attached. Unless otherwise directed by the order of dissolution, the distribution to each shall be the same percentage as the taxable valuation at the time of the attachment order.

15.1-12-29. Dissolution of school district - Unobligated cash balance - Tax credits or refunds.

1. Any unobligated cash balance in excess of ten thousand dollars is a credit for real property owners within the boundaries of the dissolved school district against taxes levied by the district in which their property is now situated. The county auditor shall base the credit on the five-year average of the total mills levied for education by the dissolved district. If property from the dissolved district is attached to more than one school district, the credit that eligible real property owners receive must be the same percentage of the unobligated cash balance as the taxable valuation of the individual's property bears to the total taxable valuation of the dissolved district's property at the time of the attachment order.
2. Upon approval of the board of county commissioners, any school district required to provide a tax credit under subsection 1 may provide a cash refund in lieu of the tax credit. At the request of the county auditor, the school district holding the unobligated cash balance shall pay to the county treasurer the amount to be paid to those who own real property within the dissolved district. The treasurer shall issue the refund to the owner of the property as shown on the county's assessment list at the time of payment. If there is a lien for unpaid taxes against the property, the treasurer shall first apply the property owner's tax credit toward any outstanding balance. Any amount remaining may then be paid to the property owner. The cash refunds must be calculated proportionately to the total taxable value of the dissolved district during the last year taxes were levied.

Minnesota

123A.45 DETACHMENT AND ANNEXATION OF LAND.

Subdivision 1. **Detachment and annexation.**

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 paragraph (b), 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 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 paragraphs (a) and (b), any land proposed for detachment from and annexation to the same district in another pending petition.

Subd. 2. **Petition.**

The petition must contain:

(a) A correct description of the area proposed for detachment and annexation, including supporting data regarding location and title to land to establish that the land is adjoining a district.

(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, 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. Before the hearing, the consent of the board of the district in which the area proposed for detachment lies must be endorsed on the petition.

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

(e) Other information the petitioners may desire to affix.

(f) An acknowledgment by the petitioner.

(g) A description of whether bonded indebtedness will be allocated according to subdivision 6, paragraph (b) or (c).

Subd. 3.Filing petition.

The petition must be filed with the auditor who shall present it to the county board at its next meeting. At the meeting, the county board must fix a time and place for hearing the petition. The hearing shall be not more than 60 nor less than ten days from the date of the meeting. The auditor shall 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 in which 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 must receive and hear any evidence for or against the petition. The hearing may be adjourned from time to time.

Subd. 4.Order.

Within six months of the filing of the petition, the county board must issue its order either granting or denying the petition. If any of the land area described in the petition is included in a plat for consolidation or combination which has been approved by the commissioner, then no order may be issued while consolidation or combination 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, paragraph (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 have a deferred effective date not later than July 1 immediately following its issuance. If the petition is 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.Modification of records.

Upon receipt of the order, the commissioner shall 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.Taxable property.

(a) Upon the effective date of the order, the detachment and annexation is effected. The bonded indebtedness must be assigned to the detached and annexed land under either paragraph (b) or (c).

(b) Unless specified separately under paragraph (c), all taxable property in the area so detached and annexed remains taxable for payment of any school purpose obligations already authorized by or outstanding on the effective date of the order against the district from which detached. The order does not relieve such property from the obligation of any bonded debt already 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 district obligations authorized on or subsequent to the effective date of the order by the district to which annexation is made.

(c) Alternatively, if the school board of the district in which the area is proposed for detachment and the school board of the district in which the area is proposed for annexation agree, all taxable property in the area detached and annexed shall be taxable by the school district to which the property is annexed. Detached and annexed property is relieved from the obligation of any bonded debt already incurred by the district in which the area is detached and is obligated for any bonded debt already incurred by the district to which the area is annexed.

**NEBRASKA DEPARTMENT
OF EDUCATION**

RULE 83

**PROCEDURES OF THE STATE COMMITTEE FOR THE
REORGANIZATION OF SCHOOL DISTRICTS**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 83**

**EFFECTIVE DATE
NOVEMBER 28, 2005
(REVISED)**

**State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509**



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001 General Information

- 001.01 Statutory Authority. This Rule is adopted pursuant to 79-435 R.R.S. which states, in part, that the State Board of Education shall adopt and promulgate rules and regulations for the State Committee for the Reorganization of School Districts to carry out its duties as provided in law.
- 001.02 Scope and Application of this Rule. This chapter provides the criteria and procedure to be used by the State Committee for the Reorganization of School Districts in the review and approval or disapproval of plans and petitions for changing school district boundaries, and for assimilations and unifications as provided by law.
- 001.03 Related Regulations. In addition to the requirements of this Rule, the following regulations apply: Title 92 Nebraska Administrative Code (NAC), Chapter 8, dealing with school financing and budgeting; and Title 92 NAC Chapter 10, dealing with procedures for the accreditation of schools.
- 001.04 Filing of Petitions and Plans. All petitions and plans which must be filed with the State Committee for the Reorganization of School Districts shall be filed in care of the Commissioner of Education, Nebraska Department of Education, Nebraska State Office Building, 6th Floor, 301 Centennial Mall South, Lincoln, NE 68509-4987.

002 Definitions as Used in This Chapter:

- 002.01 Affected Districts/District Affected, shall mean districts whose boundaries are in any manner changed by a plan of reorganization pursuant to the Reorganization of School Districts Act (Sections 79-432 to 79-451 R.R.S.) or a plan of reorganization which is the subject of a petition under Sections 79-413, 79-415, or 79-416 R.R.S..
- 002.02 Assimilation, shall mean the dissolution and merger of Class I and Class VI school districts pursuant to Sections 79-4,112 through 79-4,114 R.R.S., and is governed by Section 004 of this Rule.
- 002.03 Average Daily Membership, shall mean the average daily membership (enrollment) for grades kindergarten through twelve attributable to the local system under Section 79-1003 R.R.S. and as filed by each district under Section 79-528(4) R.R.S..
- 002.04 City, shall mean a city of any class as defined by the following statutes: Sections 14-101, 15-101, 16-101, and 17-101, R.R.S..
- 002.05 Commissioner, shall mean the Commissioner of Education.
- 002.06 Consolidations, shall mean the voluntary reduction in the number of school districts providing education to a grade group (Section 79-1003 R.R.S.).

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- 002.07 District/School District, shall mean the territory under the jurisdiction of a single school board (Section 79-101 R.R.S.).
- 002.08 Educational Services, shall mean those instructional and non-instructional programs provided by the school to the students enrolled in the school.
- 002.09 Elementary Grades, shall mean grades kindergarten through eight, inclusive (Section 79-101 R.R.S.).
- 002.10 Fall School District Membership, shall mean the total membership in kindergarten through grade twelve attributable to the local system as reported on the fall school district membership reports (Section 79-1003 R.R.S.).
- 002.11 General Fund Levy, shall mean a levy on the assessed value of real estate to finance all facets of services rendered by a school district, inclusive of operation and maintenance. (Section 003.03A of Title 92, NAC, Chapter 2).
- 002.12 High School Grades, shall mean all grades above eight (Section 79-101 R.R.S.).
- 002.13 Interlocal Agreement, shall mean an agreement under the Interlocal Cooperation Act (Sections 13-801 to 13-827 R.R.S.).
- 002.14 Legal Voters, shall mean an elector who has a valid voter registration record on file with the election commissioner or county clerk in the county of his or her residence (Section 32-115 R.R.S.).
- 002.15 Petition(s), shall mean a formal written request for approval of a plan for a school district boundary change under Sections 79-413, 79-415, or 79-416 R.R.S..
- 002.16 Petition(s) of the people, shall mean petitions of legal voters to create a new school district from other districts, or change the boundaries of existing Class II-V districts under Section 79-413 R.R.S..
- 002.17 Plan(s)/plan(s) of reorganization, shall mean a concrete proposal for readjustment and realignment of any school district (Section 79-433 R.R.S.).
- 002.18 Reorganization of School Districts, shall mean the formation of new school districts, the alteration of boundaries of established school districts, and the dissolution or disorganization of established school districts (Section 79-433 R.R.S.).
- 002.19 Resident School District, shall mean the school district in which a student resides.
- 002.20 School Term, shall mean a "school year:" (a) for elementary grades other than kindergarten, the time equivalent to at least one thousand thirty-two instructional hours and (b) for high school grades, the time equivalent to at least one thousand eighty instructional hours (Section 79-101(7) R.R.S.).

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002.21 State Aid Resources, shall mean the amount of assistance paid to a district pursuant to the Tax Equity and Educational Support Act (Section 79-1003 R.R.S.).

002.22 State Board, shall mean the State Board of Education.

002.23 State Committee, shall mean the State Committee for the Reorganization of School Districts.

002.24 System/Multiple School District System/Local System, shall have the same meaning as local system set forth in Section 79-1003 R.R.S..

002.25 Unified System/Unification, shall mean two or more Class II or III districts participating in an interlocal agreement under the Interlocal Cooperation Act with approval from the State Committee for the Reorganization of School Districts (Section 79-4,108(1) R.R.S.).

002.26 Village, shall mean any town or village containing not less than one hundred nor more than eight hundred inhabitants incorporated as a city, town, or village and any city of the second class that has adopted village government (Section 17-201 R.R.S.).

003 Criteria for Approval of Petitions for Changes of School District Boundaries; Notice and Hearing Procedures. The State Committee will approve or disapprove petitions for school district boundary changes, following a review for required contents in this section and the holding of public hearings.

003.01 Criteria for Approval of Petitions. Petitions under Section 79-413 R.R.S. or of school boards or boards of education under Sections 79-415, and 79-416 R.R.S. shall be filed with the State Committee.

003.01A Petitions of the people must contain the signatures of sixty percent of the legal voters of each district affected. If the petitions contain the signatures of at least sixty five percent of the legal voters of each affected district, the State Committee shall approve the petition.

003.01B Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, shall be approved when the petitions involve the transfer of land between Class II, III, IV, and V school districts or when there would be an exchange of parcels of land between Class II, III, IV, and V school districts and the petitions have the approval of at least sixty five percent of the school board of each affected district.

003.01C Applicable incentive payments will be approved or disapproved after review by the State Committee according to the criteria and application requirements set forth in Section 79-1011 R.R.S.. For incentive payments to be approved for consolidations, a reorganization study, including efficiency, demographics, curriculum, facility, financial, and community components, must be completed. If a study containing

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such elements is completed and the reorganization plan or unification agreement “will most likely result in more efficiency in the delivery of educational services or greater educational opportunities,” pursuant to Section 79-1011 R.R.S., the State Committee may approve incentive payments for the affected districts.

003.01D Petitions proposing to create a new school district or to change the boundary lines of existing school districts, any of which involves the transfer of more than six hundred forty acres, shall, when signed by at least sixty percent of the legal voters in each district affected, be submitted to the State Committee. The State Committee shall, within forty days after receipt of the petition, hold one or more public hearings and review and approve or disapprove such proposal. See Section 003.01I of this Rule for notice and hearing procedures.

003.01E If there is a bond election to be held in conjunction with a petition, the State Committee will hold the petition until the bond election has been held, during which time names may be added to or withdrawn from the petitions. If the bond election is unsuccessful, no further action on the petition is required. If the bond election is successful, the State Committee will, within fifteen days after receipt of the certification of the results, approve the petition and notify the county clerk to effect the changes in boundary lines as set forth in the petition.

003.01E1 The results of the bond election shall be certified by the County Clerk or County Election Commissioner to the State Committee.

003.01F In addition to the petitions of legal voters pursuant to Sections 003.01A through 003.01E of this Rule, Sections 79-415 to 79-418 R.R.S. provide that:

003.01F1 Changes in boundaries and the creation of a new school district from other districts may be initiated and accepted by the school board or board of education of any district.

003.01F2 When the legal voters of a Class II school district in which no city or village is located petition to merge in whole or in part with a Class II district, the merger may be accepted by petition of the school board of the accepting district.

003.01F3 Except as otherwise provided in Section 79-418 R.R.S., petitions presented pursuant to Sections 003.01F1 through 003.01F3 of this Rule shall be subject to the same requirements for content, hearings, notice, review, and appeal as petitions submitted to Sections 003.01A through 003.01E of this Rule. See Section 003.01I of this Rule for notice and hearing procedures.

003.01G When a new district is to be created from other districts or when boundary changes are proposed by dissolution and merger the petition shall contain:

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003.01G1 A description of the proposed boundaries of the new district and the established school districts;

003.01G2 A summary of the terms on which reorganization is to be made between the reorganized districts, which terms may include a provision for initial school board districts or wards within the proposed district for the appointment of the first school board and also for the first election as provided in Section 79-451 R.R.S., which proposed initial school board districts or wards shall be determined by the State Committee taking into consideration population and valuation, and a determination of the terms of the board members first appointed to membership of the board of the newly reorganized district;

003.01G3 A map showing the boundaries of established school districts and the boundaries proposed under any plan or plans of reorganization;

003.01G4 A separate statement as to whether the reorganization is contingent upon success of a bond election held in conjunction with the reorganization;

003.01G5 An affidavit from the county clerk or election commissioner regarding the validity of the signatures on the petition; and

003.01G6 Such other matters as the petitioners may determine proper to be included.

003.01H Within thirty days after the creation of a new school district, the State Committee shall appoint from among the legal voters of the new school district created the number of members necessary to constitute a school board of the class in which the new school district has been classified, in accordance with Section 79-420 R.R.S..

003.01H1 The State Committee may request from the petitioners a list of persons qualified to serve on the board of education of the new school district and written applications from such persons to serve on the board of education.

003.01I Notice and Hearing Procedures for Petitions Submitted under Sections 003.01.

003.01I1 Upon receipt of any petition meeting the applicable regulatory and statutory requirements of Sections 003.01A – 003.01G of this Rule and Sections 79-413 and 79-415 through 79-418 R.R.S., the Commissioner of Education, as an ex officio member of the State Committee, or his or her designee, shall set a date for a hearing to occur within forty (40) days of the receipt of such petition and notify, by regular U.S. mail, all affected school districts. Such notice shall also be provided to each member of the State Committee.

003.01I2 All hearings are to be held in Lincoln, Nebraska, unless otherwise determined by the Commissioner or his or her designee.

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003.0113 Notice of such hearing shall be given in a legal newspaper or newspapers of general circulation of each county wherein any portion of any affected district lies. Publication of such notice shall occur at least ten (10) days prior to the hearing and proof of such publication shall be filed with the State Committee prior to the commencement of the hearing. Publication of such notice shall be the responsibility of the affected district with the largest number of pupils to the most recently filed Fall School District Membership Reports of the affected districts under Section 79-528(4) R.R.S.. The notice shall state that a hearing on the petition is to be held before the State Committee, shall state the date, time, and place of the hearing, shall contain a description of the current and proposed boundaries of the affected districts, and shall contain a statement as to where interested persons may view the petition. A sample notice is contained in Appendix A of this Rule.

003.0114 The hearings shall be informal proceedings. The State Committee shall hear all persons interested in the petition. The State Committee may impose reasonable time limitations on presentations and testimony as it deems appropriate and necessary, and limit repetitious testimony. The State Committee, at its discretion, may receive into the record exhibits offered by school districts and other interested parties. The State Committee shall keep a record of all hearings in the formulation of its approval of petitions.

003.0115 Following the submission of testimony and evidence, the State Committee shall review and approve or disapprove petitions for school district boundary changes by an open roll call vote. Prior to such vote, the State Committee may, at its discretion and as necessary, meet in closed session as permitted by the public meetings laws, Section 84-1410 R.R.S.. Following its review and approval or disapproval of a petition, the State Committee shall issue an order in accordance with its decision to all affected districts.

003.0116 Appeals from changes made by the State Committee shall be taken as provided in Section 79-413(4) R.R.S..

003.02 Criteria for Approval of Plans for Reorganization of School Districts. The State Committee will approve or disapprove plans for reorganization which are subject to a special election under Sections 79-447 and 79-452 R.R.S., following a review for required content specified in Section 003.02B of this Rule and the holding of public hearing or hearings.

003.02A Before any plan of reorganization is completed or approved by the State Committee, it shall hold one or more public hearings. At such hearings, it shall hear any and all persons interested with respect to (1) the merits of proposed reorganization plans, (2) the value and amount of all school property of whatever nature involved in the proposed action, (3) the amount of outstanding indebtedness of each district and proposed disposition thereof, and (4) the equitable adjustment of all property, debts, and liabilities among the districts involved. The State Committee shall keep a record of all hearings in the formulation or approval of plans for the reorganization of school districts. Notice of such public hearings of the State Committee shall be

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given by publication in a legal newspaper of general circulation in the county at least ten days prior to such hearing. See Section 003.02E of this Rule for notice and hearing provisions.

003.02B After one or more public hearings have been held, the State Committee may approve a plan or plans of reorganization. Such plan shall contain:

003.02B1 A description of the proposed boundaries of the reorganized district;

003.02B2 A summary of the reasons for each proposed change, realignment, or adjustment of the boundaries;

003.02B3 A summary of the terms on which reorganization is to be made between the reorganized districts. Such terms shall include a provision for initial school board districts or wards within the proposed district, which proposed initial school board districts or wards shall be determined by the State Committee taking into consideration population and valuation, and a determination of the terms of the board members first appointed to membership on the board of the newly reorganized district;

003.02B4 A separate statement as to whether the reorganization is contingent upon the success of a bond election held in conjunction with the reorganization;

003.02B5 A statement of the findings with respect to the location of schools, the utilization of existing buildings, the construction of new buildings, and the transportation requirements under the proposed plan of reorganization. The plan may contain provisions for the holding of school within existing buildings in the newly reorganized district and that a school constituted under this section shall be maintained from the date of reorganization unless the legal voters served by the school vote by a majority vote for discontinuance of the school;

003.02B6 A map showing the boundaries of established school districts and the boundaries proposed under any plan or plans or reorganization;

003.02B7 Section 79-443(7) R.R.S. also provides that such plan shall contain such other matters as the State Committee determines proper to be included. These shall include (1) The full names and addresses of persons proposed by the affected districts submitting the plan to serve on the initial school board to be appointed by the State Committee under Section 003.02D of this Rule; (2) A statement of assurance that such persons are legal voters of the new school district, if and when created; (3) An assurance that the districts submitting the plan(s) believe such persons are qualified to serve on such board and are in no manner prohibited from holding such office by any law or regulation.

003.02C The State Committee shall, within thirty days after holding one or more public hearings on the proposed plan of reorganization, notify in writing and by first class mail the head administrator of the school districts whether it approves or disapproves such plan or plans. See Section 003.02E for notice and hearing procedures.

003.02C1 If the State Committee disapproves the plan, it shall be returned to the school districts and shall not be submitted to a special election.

003.02C2 If the State Committee approves the plan, or any part thereof, it shall be designated as the final approved plan and shall be returned to the school districts to be submitted to a vote in the special election under Section 79-447 R.R.S..

003.02C3 Applicable incentive payments (Section 79-1010 R.R.S.) will be approved or disapproved pending final approval of the plan by the legal voters voting in a special election.

003.02C4 If the majority vote in each voting unit at the election described in Section 79-447 R.R.S. is not in favor of the plan of reorganization, the school districts may continue in their efforts in an attempt to prepare a revised plan that might be acceptable. If a revised plan is approved by the school districts, it shall be submitted for the approval of the State Committee, and if approved by the State Committee it shall be submitted to a vote under the procedure provided in Section 79-447 R.R.S..

003.02D The State Committee shall, within thirty days after the classification of the reorganized school districts by the county clerk, appoint from among the legal voters of each new school district created, the number of members necessary to constitute a school board of the class in which the new school district has been classified. The first board shall be appointed on an at-large basis, and all boards shall be elected at large until such time as school districts are established as provided in Section 32-554 R.R.S.. The terms of the appointment will be as specified in Section 79-451 R.R.S..

003.02E Procedures for Notice and Hearings on Plans for the Reorganization of School Districts.

003.02E1 Upon the filing with the State Committee of a plan for the reorganization of school districts pursuant to Section 79-441(2) R.R.S., the Commissioner of Education, as an ex officio member of the State Committee, or his or her designee, shall set a date for such hearing and notify, by regular U.S. mail, all affected school districts of the date, time and place of such hearing. Such notice shall also be provided to each member of the State Committee. All hearings shall be held in Lincoln, Nebraska unless otherwise determined by the Commissioner or his or her designee.

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003.02E2 Pursuant to Section 79-442 R.R.S., notice of such public hearings of the State Committee on plans of reorganization shall be given by publication in a legal newspaper of general circulation in the county at least ten (10) days prior to such hearing.

003.02E2A Publication of such notice shall be the responsibility of the affected school district that has the largest number of pupils according to the most recently filed Fall School District Membership Reports of the affected districts under Section 79-528(4) R.R.S.. Proof of such publication shall be filed with the State Committee prior to commencement of such hearing.

003.02E2B The notice shall state that a hearing on the plan of reorganization of school districts is to be held before the State Committee for the Reorganization of School Districts, the date, time and place of the hearing, and state a description of the current and proposed boundaries of the reorganized districts in the statement as to where interested persons may view the proposed plan. The notice shall identify that it is being submitted by the superintendent or other authorized official of the school district that has the responsibility of publication of a notice under Section 003.02E2A of this Rule. A sample notice is contained in Appendix B of this Rule.

003.02E3 The hearing shall be an informal proceeding. The State Committee shall hear all persons interested with respect to the aspects in Section 003.02A of this Rule. The State Committee may impose reasonable time limitations on the presentations and testimony as it deems appropriate and necessary, and limit repetitious testimony. The State Committee, at its discretion, may receive into the record exhibits offered by school districts and other interested parties.

003.02E4 At the conclusion of any hearing, the State Committee may take the matter under advisement and issue its approval or disapproval of a plan within thirty (30) days after the conclusion of the hearing or hearings in accordance with Section 79-444 R.R.S. and Section 003.02C of this Rule.

003.02E5 At its discretion and as it deems necessary, at the conclusion of any hearing, the State Committee may require further hearings on a plan of reorganization. In such an event, the approval or disapproval of a plan of reorganization is not required until thirty (30) days after the conclusion of the final hearing.

003.03 Dissolution Petitions; Class II Districts. Section 79-452 R.R.S. provides that a proposal to dissolve a Class II school district and attach it to one or more existing Class II, III, IV, or V school districts may be initiated by filing with the State Committee a petition or petitions signed by at least twenty-five percent of the legal voters of the district, together with an affidavit from the county clerk or election commissioner listing all legal voters of the district and a determination by the county clerk or election commissioner that the signatures are sufficient.

003.03A The petition shall contain a plan of the proposed reorganization, an effective date, and a statement whether any existing bonded indebtedness shall remain on the property of the district which incurred it or be assumed by the enlarged district. The petition may also contain provisions for the holding of school within existing buildings in the proposed reorganized district, and when so provided, the holding of school within such buildings shall be maintained from the date of reorganization unless either the legal voters served by the school or the school board of the reorganized district votes by a majority vote for discontinuance of the school. In case of conflicting votes between the legal voters and the school board on such issue, the decision of the legal voters shall prevail. A signing petitioner shall not be permitted to withdraw his or her name from the petition after the petition has been filed. The school board of each Class II, III, IV, or V district to which the merger is proposed shall also submit to the State Committee a statement to the effect that a majority of the board members approve the proposal contained in the petition.

004 Procedures for Assimilation.

004.01 Requirements. The State Committee shall follow the procedures set forth in Sections 79-4,112 through 79-4,114 R.R.S. for the assimilation of Class I school districts and the classification of Class VI school districts as a Class II or III school districts.

005 Unified Systems, Application for Approval.

005.01 Approval of Unification Agreements. Pursuant to Section 79-4,108 R.R.S., two or more Class II or III school districts may apply to the State Committee for approval of a unification agreement.

005.01A Application Procedures:

005.01A1 The application shall contain a copy of the interlocal agreement signed by the president of each participating school board. The State Committee shall approve or disapprove applications for unification within forty days after receipt of the application.

005.01A2 If the application contains all statutory content requirements prescribed in Section 005.01B of this Rule, and all school boards of the participating districts have approved the interlocal agreement, the State Committee shall approve the application.

005.01A3 Unification agreements shall be effective on June 1 following approval from the State Committee for status as a unified system or on the date specified in the interlocal agreement, except that the date shall be on or after June 1 and on or before September 1 for a specified year.

005.01B The unification agreement shall provide:

005.01B1 For a minimum term of three school years.

005.01B2 That all property tax and state aid resources shall be shared by the unified system.

005.01B3 For a unified system board composed of school board members, with at least one school board member from each district.

005.01B4 That the board of the unified system shall determine the general fund levy, within the statutory limitations placed on school districts and multiple district school systems pursuant to Section 77-3442 R.R.S., to be applied in all participating districts.

005.01B5 That the board of the unified system shall determine the distribution of property tax and state aid resources within the unified system.

005.01B6 That certificated staff will be employees of the unified system with tenure and seniority transferred to the unified system. Tenure and seniority provisions shall continue in the unified system except as provided in Sections 79-850 to 79-858 R.R.S..

005.01B7 That if a district withdraws from the unified system or if the interlocal agreement expires and is not renewed, certificated staff employed by a participating district immediately prior to the unification shall be reemployed by the original district and tenure and seniority as of the effective date of the withdrawal or expiration shall be transferred to the original district.

005.01B8 That any certificated staff hired by the unified system but not employed by a participating district immediately prior to the unification shall be subject to the reduction-in-force policy of the unified system.

005.01B9 That participating districts pay obligations of the unified system pursuant to Sections 79-850 to 79-858 R.R.S. on a pro rata basis based on the adjusted valuations if a district withdraws from the unified system or the interlocal agreement expires and is not renewed.

006 Mandatory Boundary Changes

006.01 Land Not in a District. The State Committee will, upon notification by local, county and state officials, dissolve and attach school districts to other school districts when the following conditions occur:

006.01A When it comes to the attention of the county clerk that any territory located wholly within his or her county is not included in any organized district, he or she shall notify the State Committee. Within fifteen days after such notice, the State Committee shall set a date for a hearing on the question of the district or districts to which such territory should be attached and shall give fifteen days notice by certified

or registered mail of the time and place of hearing to each legal voter residing in such territory and whose mailing address is known and also to the school board of each school district in the county adjacent to such territory. Notice of the hearing also shall be given by publication once each week for two weeks in a newspaper of general circulation in the county. Following such hearing, the State Committee shall notify the county clerk of the county or counties containing the district or districts to which such territory should be attached and the county clerk shall attach such territory.

006.01B If the State Committee cannot or does not agree on the district or districts to which the territory shall be attached, within sixty days after being notified by the county clerk, the matter shall be referred to the State Board of Education, which shall attach the territory after notice and hearing. Notice shall be given in the same manner as by the State Committee.

006.01C In determining the district or districts to which such territory shall be attached, consideration shall be given to the school facilities, transportation facilities, and distance children must travel to school.

006.02 Contracting with a Class II-V District for Instruction of Pupils; Dissolution; When Required. The State Committee shall dissolve and attach to a neighboring school district or districts any school district which, for two consecutive years, contracts for the instruction of all of its pupils with a Class II, III, IV or V school district. Before dissolving such district, the State Committee shall fix a time for a hearing and shall notify each legal resident of the district at least fifteen days before such hearing. When the dissolution will create extreme hardships on the pupils of the district affected, the State Board of Education may, on application by the school board of the district, annually waive the requirements of this section. Notification shall be by mail or by publication in a newspaper of general circulation in the area.

006.03 Dissolution of Depopulated Districts. When, for a period of one school term, a school district (1) has less than three legal voters residing in the district or (2)(a) fails to maintain a public elementary school within the district in which are enrolled and in regular attendance for at least one thousand thirty two hours one or more pupils of school age residing in the district, other than option students as defined in Section 79-233 R.R.S., or (b) does not contract for the tuition and transportation of pupils of such district with another district or districts and have pupils attending school regularly for at least one thousand thirty-two hours under such contract or contracts, the State Committee shall dissolve such district and attach the territory of such district to one or more neighboring school districts. Before dissolving such district, the State Committee shall fix a time for a hearing and shall notify each legal resident of the district at least fifteen days before such hearing. Notification shall be by mail or by publication in a newspaper of general circulation in the area.

006.03A If the State Committee finds that the district is required by this section to be dissolved, it shall enter an order dissolving the district and directing the county clerk of the county in which such district is located to attach the territory of such district

to one or more neighboring school districts. Appeals from the action of the State Committee may be made to the district court of the county in which the depopulated district is located. The county treasurer shall distribute the assets of the closed district among the other district or districts to which the property has been attached in proportion to the taxable valuation of the property attached to such district or districts.

006.04 Class II or III District; Membership Requirements and Cooperative Programs and Plans.

If the fall school district membership or the average daily membership of an existing Class II or III school district shows less than thirty-five students in grades nine through twelve, the district shall submit a plan for developing cooperative programs with other high schools, including the sharing of curriculum and certificated and non certificated staff, to the State Committee for the Reorganization of School districts. The cooperative program plan shall be submitted by the school district by September 1 of the year following such fall school district membership or average daily membership report. A cooperative program plan shall not be required if there is no high school within fifteen miles from such district on a reasonably improved highway. The State Committee shall review the plan and provide advice and communication to such school district and other high schools.

006.05 Class II or III District; Depopulated or Contracting for Educational Services;

Reclassification. If for two consecutive years the fall school district membership, or for two consecutive years the average daily membership, of an existing Class II or III school district is less than twenty-five pupils in grades nine through twelve or if for one year an existing Class II or III school district contracts with a neighboring school district or districts to provide educational services for all of its pupils in grades nine through twelve, such school district shall merge with a Class II, III, IV, or V school district through the order of the State Committee if the high school is within fifteen miles on a reasonable improved highway of another high school.

This section does not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.

006.06

Any Class II or III school district maintaining a four-year high school which has a fall school district membership or an average daily membership of less than twenty-five students in grades nine through twelve may contract with another school district to provide educational services for its pupils in grades nine through twelve. Such contract may continue for a period not to exceed one year. At the end of such one-year period, the school district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such school district has reached at least fifty students. If the school district has not achieved such fall school district membership or average daily membership, it shall merge with a Class II, III, IV, or V school district by order of the State Committee entered after thirty days notice to the district but without a hearing, notwithstanding the distance on a reasonably improved highway to the nearest school district conducting a high school.

- 006.07 Calculation of Fall District Membership. For purposes of Sections 006.06 through 006.08 of this Rule, when calculating fall school district membership or average daily membership, a resident school district shall not count students attending an option district and a Class II or III school district shall not count foreign exchange students and nonresident students who are wards of the court or state.
- 006.08 Contracting for Educational Services and Mandatory Dissolution. The State Committee shall dissolve and attach to a neighboring district or districts any school district which, for five consecutive years, contracts for the instruction of its pupils, except that when such dissolution will create extreme hardships on the pupils or the district affected, the State Board of Education may, on application by the school board of the district, waive the requirements of this subsection.
- 006.09 Districts That Have Contracted for the Instruction of Pupils for Two or More Consecutive Years; Requirements Before Reopening. School districts that have contracted for instruction for two or more consecutive years shall, before reopening the schoolhouse within the district, have an enrollment of at least five pupils whose parents or legal guardians are legal voters of the school district and shall apply to the State Committee for approval to reopen that schoolhouse for school use. The State Committee or its designee shall, before granting that approval, personally inspect the school building and toilets and approve them as being safe, clean, and sanitary. The State Committee or its designee shall also inspect the supplies, equipment, and furnishings and approve them as being adequate for proper instruction.
- 006.10 Other Situations in Which the State Committee may Dissolve a District. The State Committee may dissolve any district: (a) failing to comply with the contracting requirements of Section 79-598 R.R.S., (b) in which the votes cast at an annual or special election on the question of contracting with a neighboring district are evenly divided, or (c) in which the governing body of the district is evenly divided in its vote on the question of contracting pursuant to Section 79-598 (2) R.R.S..

APPENDIX A: SAMPLE NEWSPAPER NOTICE FOR A HEARING ON A PETITION

NOTICE OF A HEARING BEFORE THE STATE COMMITTEE FOR THE
REORGANIZATION OF SCHOOL DISTRICTS

Notice is hereby given that (name(s) of petitioning district(s)) have filed a petition with the State Committee for the Reorganization of School Districts. A hearing on this petition will be held at (state time), on (state date), at (state full address of location).

The petition seeks to (describe the current and proposed boundaries of all affected districts, or, if a petition for affiliation, describe the proposed affiliation).

Copies of the petition are available for review at (state the locations of the affected districts offices where the petition can be viewed) and at the office of the Commissioner of Education in Lincoln, NE.

By: (name and title of district official responsible for notice).

TITLE 92 -
CHAPTER 83 -

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APPENDIX B: SAMPLE NEWSPAPER NOTICE FOR HEARING ON A PLAN OR
PLANS

NOTICE OF A HEARING BEFORE THE STATE COMMITTEE FOR THE
REORGANIZATION OF SCHOOL DISTRICTS

Notice is hereby given that (name(s) of districts filing the plan(s)) have filed a plan for the reorganization of school districts with the State Committee for the Reorganization of School Districts. A hearing on this plan will be held at (state time) on (state date) at (state full address of location).

The plan seeks to (describe the current and proposed boundaries of all affected districts, or, if a plan for affiliation, describe the proposed affiliation).

Copies of the plan are available for review at (state the location(s) of the affected district offices where the plan can be viewed) and at the office of the Commissioner of Education in Lincoln, NE.

By: (name and title of district official responsible for notice)

STATE: Montana

How to change school district boundary lines

Can you tell me how to initiate the process of changing a school district boundary line?

The procedure for transferring territory from one district to another is contained in 20-6-105 MCA which is reproduced below. There are sample forms available for use by petitioners and by the county superintendents. If you would like copies of these forms please contact our office. If you are talking about consolidating districts or annexing one district on to another - different statutes apply. If this is the case please contact our office. If there are other statutes that you would like to review - the following link will let you access the entire Montana Code. http://leg.mt.gov/bills/mca_toc/index.htm

Legal Division Office of Public Instruction Helena MT 444-4402 www.opi.mt.gov

20-6-105. Transfer of territory from one district to another -- hearing on effects of proposed transfer -- burden of proof -- standard of proof -- appeal to district court. (1) (a) Except as provided in 20-6-214, 20-6-215, 20-6-308, 20-6-322, and subsection (1)(b) of this section, a petition to transfer territory from one school district to another may be presented to the county superintendent if: (i) the petition is signed by 60% of the registered electors qualified to vote at general elections in the territory proposed for transfer; (ii) the territory to be transferred is contiguous to the district to which it is to be attached, includes taxable property, and has school-age children living in it; (iii) the territory to be transferred is not located within 3 miles, over the shortest practicable route, of an operating school in the district from which it is to be transferred; and (iv) the board of trustees of the school district that would receive the territory has approved the proposed transfer by a resolution adopted by a majority of the members of the board of trustees at a meeting for which proper notice was given. (b) A petition to transfer territory to or from a K-12 district may not be presented to a county superintendent unless both school boards and the county superintendents have agreed in writing. (2) Once a petition to transfer territory has been filed, an additional petition to transfer that territory may not be filed for 4 years. (3) The petition for a transfer of territory must be delivered to the county superintendent and must: (a) provide a legal description of the territory that is requested to be transferred and a description of the district to which the territory is to be transferred; (b) state the reasons why the transfer is requested; and (c) state the number of school-age children residing in the territory. (4) If both the trustees of the receiving and transferring school districts have approved the proposed territory transfer in writing, the county superintendent shall grant the transfer. (5) For any petition that meets the criteria specified in subsection (1) and contains the information required by subsection (3) but that has not been approved in writing by the board of trustees of the school district that would transfer the territory, the county superintendent shall: (a) not more than 40 days after receipt of the petition, set a place, date, and time for a hearing to consider the petition; and (b) give notice of the place, date, and time of the hearing. The notice must be posted in the districts affected by the petition for the transfer of territory in the manner prescribed in this title for notices for

school elections, with at least one notice posted in the territory to be transferred. Notice must also be delivered to the board of trustees of the school district from which the territory is to be transferred. (6) The county superintendent shall conduct a hearing as scheduled, and any resident, taxpayer, or representative of the receiving or transferring district must, upon request, be heard. At the hearing, the petitioners have the initial burden of presenting evidence on the proposed transfer's effect on: (a) the educational opportunity for the students in the receiving and transferring districts, including but not limited to: (i) class size; (ii) ability to maintain demographic diversity; (iii) local control; (iv) parental involvement; and (v) the capability of the receiving district to provide educational services; (b) student transportation, including but not limited to: (i) safety; (ii) cost; and (iii) travel time of students; (c) the economic viability of the proposed new districts, including but not limited to: (i) the existence of a significant burden on the taxpayers of the district from which the territory will be transferred; (ii) the significance of any loss in state funding for the students in both the receiving and transferring districts; (iii) the viability of the future bonding capacity of the receiving and transferring districts, including but not limited to the ability of the receiving district and the transferring district to meet minimum bonding requirements; (iv) the ability of the receiving district and the transferring district to maintain sufficient reserves; and (v) the cumulative effect of other transfers of territory out of the district in the previous 8 years on the taxable value of the district from which the territory is to be transferred. In cases where the cumulative effect of other transfers of territory out of the district in the previous 8 years is equal to or greater than 25% of the district's taxable value, the following additional factors must be considered and weighed in the decision: (A) the district's rate of passage of discretionary levies placed before the voters over the previous 8 years; (B) the district's reduction or elimination of instructional staff or programs over the previous 8 years; and (C) any increase in district taxes over the previous 8 years and the likely increase in district taxes if the transfer is granted. (7) After receiving evidence from both the proponents and opponents of the proposed territory transfer on the effects described in subsection (6), the county superintendent shall, within 30 days after the hearing, issue findings of fact, conclusions of law, and an order. (8) If, based on a preponderance of the evidence, the county superintendent determines that the evidence on the effects described in subsection (6) supports a conclusion that a transfer of the territory is in the **best** and collective interest of students in the receiving and transferring districts and does not negatively impact the ability of the districts to serve those students, the county superintendent shall grant the transfer. If the county superintendent determines that, based on a preponderance of the evidence presented at the hearing, a transfer of the territory is not in the best and collective interest of students in the receiving and transferring districts and will negatively impact the ability of the districts to serve those students, the county superintendent shall deny the territory transfer. (9) The decision of the county superintendent is final 30 days after the date of the decision unless it is appealed to the district court by a resident, taxpayer, or representative of either district affected by the petitioned territory transfer. The county superintendent's decision must be upheld unless the court finds that the county superintendent's decision constituted an abuse of discretion under this section. (10) Whenever a petition to transfer territory from one district to another district creates a joint district or affects the boundary of an existing joint district, the petition to transfer territory must be delivered to the county superintendent of the county in which the territory proposed to be transferred is located. The county

superintendent shall notify any other county superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly. If the number of county superintendents involved is an even number, the county superintendents shall jointly appoint an additional county superintendent from an unaffected county to join them in conducting the hearing required in subsection (6) and in issuing the decision required in subsection (8). The decision issued under subsection (8) must be made by a majority of the county superintendents. (11) A petition seeking to transfer territory out of or into a K-12 district must propose the transfer of territory for both elementary and high school purposes. In the case of a proposed transfer out of or into a K-12 district, a petition that fails to propose the transfer of territory for both elementary and high school purposes is invalid for the purposes of this section.

STATE: WYOMING

CHAPTER 6 - SCHOOL DISTRICT ORGANIZATION

ARTICLE 1 - IN GENERAL

21-6-101. Repealed by Laws 1997, ch. 189, § 3.

21-6-102. Repealed by Laws 1997, ch. 189, § 3.

21-6-103. Repealed by Laws 1997, ch. 189, § 3.

21-6-104. Repealed by Laws 1997, ch. 189, § 3.

21-6-105. Repealed by Laws 1997, ch. 189, § 3.

21-6-106. Repealed by Laws 1997, ch. 189, § 3.

21-6-107. Repealed by Laws 1997, ch. 189, § 3.

21-6-108. Repealed by Laws 1997, ch. 189, § 3.

21-6-109. Repealed by Laws 1997, ch. 189, § 3.

21-6-110. Repealed by Laws 1997, ch. 189, § 3.

21-6-111. Repealed by Laws 1997, ch. 189, § 3.

21-6-112. Repealed by Laws 1997, ch. 189, § 3.

21-6-113. Repealed by Laws 1997, ch. 189, § 3.

21-6-114. Repealed by Laws 1997, ch. 189, § 3.

21-6-115. Repealed by Laws 1997, ch. 189, § 3.

ARTICLE 2 - DISTRICT BOUNDARY BOARD

21-6-201. Purpose.

(a) The legislature of the state of Wyoming hereby declares that this article is passed to provide for the organization, reorganization and boundary adjustment of the school districts in this state whereby school districts can be organized to:

(i) Provide an improved and more equalized educational opportunity for all of the pupils in the state;

(ii) Provide a wiser and more efficient use of public funds for education, and making allowance for local conditions, special needs and problems and educational cost differentials, to achieve financial parity among school districts;

(iii) Allow the initial planning for the organization, reorganization and adjustment of boundaries of school districts under this article to be conducted on the local level; and

(iv) Simplify the organization, reorganization and adjustment of boundaries of school districts.

(b) The legislature recognizes organization into unified districts under the Wyoming School District Organization Act of 1969 has been completed to the extent contemplated by that act. Further organization, reorganization and adjustment of boundaries of school districts in Wyoming shall be accomplished in accordance with the provisions of this article.

21-6-202. Definitions.

(a) As used in this article:

(i) "School district" includes unified school districts and elementary school districts pursuant to W.S. 21-3-102;

(ii) "State committee" means the state board of education;

(iii) "Trustee residence area" means a geographical area within a unified school district from which a member or members of the board of trustees of the school district is nominated. Any person desiring to be a candidate for the office of a school district trustee shall be a resident of the residence area which he seeks to represent;

(iv) "Unified school district" means a district supporting at least grades kindergarten or one (1) through twelve (12) under the control of one (1) board of trustees and administered by one (1) superintendent of schools, that offers an adequate and integrated educational program.

21-6-203. District boundary boards; membership; style.

The county assessor, the board of county commissioners and the county treasurer shall constitute a board for establishing school districts in the county. If two (2) or more counties are involved, the county assessor, the board of county commissioners and the county treasurer from each county shall comprise the board. The board shall be styled "the district boundary board of ... county or counties, Wyoming."

21-6-204. Quorum; majority vote.

(a) A majority of the members of the district boundary board shall constitute a quorum for the transaction of business. No action of the district boundary board shall be valid unless the action is approved by a majority of the members.

(b) Expenses incurred by the district boundary board in the performance of its duties required by this article shall be borne by the county treasury.

21-6-205. Chairman; meetings.

The district boundary board shall elect a chairman. He shall call a meeting of the district boundary board in the first quarter of each calendar year for the purpose of electing one (1) of the members as secretary. Thereafter, meetings shall be held upon the call of the chairman or of a majority of the members of the board.

21-6-206. Duties of secretary.

The secretary shall keep an accurate record showing the boundaries of all the districts in his county. The secretary shall give each member one (1) day written notice before each hearing or meeting and shall publish in a newspaper of general circulation within the county, notice of any hearing or meeting at which a change in boundaries or reorganization of a school district or combining of school districts is to be considered at least once each week for the two (2) weeks immediately preceding the time set for the hearing or meeting.

21-6-207. Proposal to change boundaries, reorganize or combine districts; criteria.

(a) Any district boundary board or any two (2) or more district boundary boards acting jointly may, when in the judgment of the board it would be for the benefit of the educational needs of the pupils, and only when each school district board consents, submit in writing to the state committee a proposal which would:

(i) Alter and change the boundaries of any school district of any kind; or

(ii) Reorganize any school district or portions of districts; or

(iii) Combine any school district or portion thereof with any adjoining school district or districts; provided that no existing district shall be divided in any manner which will leave the total assessed valuation of its property less in proportion to the number of children shown in its census than the average ratio for all school districts in the county unless the trustees for those districts agree thereto.

(b) Except as provided in this subsection, all actions taken under this article shall conform to the following criteria:

(i) School districts shall be organized as efficient administrative units considering primarily the education, convenience and welfare of the children;

(ii) Except as authorized in W.S. 21-6-223, the entire state shall be divided into unified school districts;

(iii) All territory of each school district shall be contiguous;

(iv) All territory within a school district shall be a single area from which trustees are elected at-large or be divided into trustee residence areas. Each trustee residence area shall be contiguous. In establishing trustee residence areas, the structure for election of trustees shall be in accordance with W.S. 21-3-111(b);

(v) In developing proposals for organization, reorganization and adjustment of boundaries the district boundary boards shall consider a ratio of average daily membership to assessed valuation as nearly equalized as practicable among the districts in the various counties;

(vi) Each proposal shall include provisions for educational opportunity and services as nearly equal as possible in all areas of each district;

(vii) A public hearing or hearings shall be held prior to the submission of a proposal by the district boundary boards prior to the organization, reorganization, boundary adjustment or combining of school districts to receive and keep a record of testimony. Notice of each public hearing shall be published in a newspaper of general circulation in the area at least once each week for the two (2) weeks immediately preceding the time set for each hearing. The notice shall contain a statement of the time and place of the hearing and a brief summary of its purpose. In addition, at least ten (10) days and not more than fourteen (14) days before the hearing, a copy of the notice shall be sent by mail to each school district trustee residing in the area involved in the hearing. A subcommittee composed of not less than three (3) members of each district boundary board involved, may hold any hearing required to be held under this paragraph.

(c) Unless the state committee determines the information required by this subsection is not necessary for a proposal, a district boundary board proposal submitted to the state committee shall contain:

(i) A name and number of the proposed district;

(ii) A map showing the boundaries of established school districts and the boundaries proposed;

(iii) A description of the proposed boundaries;

(iv) Recommendations respecting the location of schools, the utilization of existing buildings, allocation of existing indebtedness, the employment of existing personnel, the procedure for the reduction in force of employees and the transportation requirements under the proposal;

(v) A summary of the reasons for the proposal;

(vi) A record of all hearings;

(vii) A summary of anticipated improvement in education; and

(viii) Other reports, records and materials as the district boundary board or the state committee deems appropriate.

21-6-208. Creation of new unified school districts from within boundaries of existing school districts.

Whenever at least one hundred (100) qualified electors of any area within an existing school district, which area includes both a high school and one (1) or more elementary schools with a total K-12 enrollment of more than five hundred (500) pupils, petition the district boundary board for creation of the area into a new unified school district, the district boundary board may, after holding a hearing on the petition, submit a proposal to form the area into a new unified school district to the state committee.

21-6-209. Proposal to abolish or combine district failing to maintain school.

Whenever any district fails to maintain a school for a period of six (6) months in any school year, a district boundary board shall, within thirty (30) days after the conclusion of the six (6) months, submit to the state committee a proposal to abolish or combine the school district or portion thereof with any adjoining school district or districts.

21-6-210. Powers and duties of state committee.

(a) The state committee shall:

(i) Aid the district boundary boards in carrying out the powers and duties vested in and imposed upon those boards by this article, as authorized by the state superintendent, and provide plans for procedure, standards, data, maps and other information and services for district boundary boards throughout the state as it appears to the state committee necessary or desirable to carry out the purposes of this article;

(ii) Receive, file and review all proposals for organization, reorganization and boundary adjustments submitted to it by a district boundary board and either approve the proposals or reject them with reasons for rejection and recommendations for making the proposal acceptable as provided in W.S. 21-6-211.

21-6-211. Approval or rejection of proposal by state committee.

Within ninety (90) days after receipt of a proposal from any district boundary board, the state committee shall either approve or reject the proposal and notify the district boundary board of its action. In approving or rejecting a proposal, the state committee

shall consider the effect of the proposal upon the purposes stated in this article. No proposal shall be approved if in the opinion of the state committee it fails to comply with the provisions or purposes of this article. If a proposal is rejected, the state committee shall enter its order with reasons for the rejection and recommendations for making the proposal acceptable. If a proposal is rejected, a district boundary board may resubmit a modified proposal as often as necessary or may appeal the rejection pursuant to W.S. 21-6-224. When a proposal is approved, the state committee shall make an order establishing the school district according to the approved proposal. An order of the state committee pursuant to this section shall be the final administrative determination and shall be filed with the county clerk of each county involved within ten (10) days from the approval or rejection of the proposal, in accordance with W.S. 21-6-212.

21-6-212. Filing of notice of approval or rejection; proposal effective on filing.

The district boundary board shall file with the county clerk, within ten (10) days from the date of approval or rejection by the state committee, any notice of approval or rejection received from the state committee. An approved proposal shall take effect upon such filing or a later date if specified in the approved proposal. The final administrative action of the state committee shall be appealable from the date of filing with the county clerk under this section.

21-6-213. Notice to districts affected by action of committee.

When a district boundary board proposal organizing or reorganizing a school district or altering or changing the boundaries of any district or districts is approved or rejected by the state committee, the secretary shall promptly notify the clerk of the district board in each of the districts affected, in writing, giving in the notice the number of the district or districts affected and describing their boundaries and other changes approved or rejected.

21-6-214. City or town to be all in one district; district may include other territory.

Whenever the district boundary board organizes or reorganizes a school district or changes the boundaries of existing districts, the organization, reorganization or change shall be made so as to keep all territory embraced in any incorporated city or town in one (1) school district. A district boundary board may include in any school district territory not within such corporate boundaries. District boundary boards are hereby

authorized to change the boundaries of any school district or districts so that all the territory embraced in a corporate city or town shall be in one (1) district.

21-6-215. Appointment and terms of trustees for new districts.

(a) Whenever a new district is created under the provisions of this article, the district boundary board shall appoint a board of trustees for the new district from the combined membership of all the original boards of trustees of the districts involved based upon at-large appointments or through established trustee residence areas in accordance with W.S. 21-3-111(b)(ii). The district boundary board shall make provision for staggering terms so that a proportion of the membership, as nearly equal as possible, will be elected every two (2) years in the manner provided for the regular election of school board members. The appointed board shall consist of five (5), seven (7) or nine (9) members, who shall serve for not less than two (2) years following the effective date of the plan and until December 1 following the first or second regularly scheduled school election following the effective date of the plan. Thereafter, all trustees shall be elected for four (4) year terms, except those who may fill unexpired terms.

(b) All trustees shall be elected by the electorate of the entire school district. According to the approved proposal and except those districts for which membership is based upon at-large appointments pursuant to W.S. 21-3-111(b)(i), each trustee residence area shall be entitled to one (1) or more representatives on the board and the candidate nominated from each trustee residence area receiving the largest number of votes shall be elected. If a member of the board of trustees shall become a nonresident of the district or the trustee residence area from which elected during his term of office, as applicable, he shall be deemed thereby to vacate his office. Any vacancy which for any reason occurs on the board shall be filled by a majority vote of the remaining members by the appointment of a resident of the district or the trustee residence area in which the vacancy occurs, as appropriate, and the appointee shall hold his office until the next annual election, at which a trustee shall be duly elected and qualified for the remainder of the unexpired term.

21-6-216. Newly organized school district a body corporate; authority of trustees; old districts to cease to exist.

(a) On the effective date of the proposal, each proposed newly organized school district shall be and become a body corporate under the name and number as indicated in the proposal as a school district, and the new board of trustees shall have full authority and power to act as the board of trustees to do all things necessary with reference to the business and educational affairs of the new school district using the

funds on hand or the funds received through existing levies of the old districts as nearly as practicable for the balance of the fiscal year.

(b) When members of the board of trustees of the new school district assume their duties as provided in this article on the effective date of the proposal each of the old districts or portions of districts from which the new district was formed shall cease to exist as a legal entity and the board of trustees of each former district or districts situated within the new district shall cease to function and the terms of office of the members thereof shall automatically expire.

21-6-217. New districts may draw proportion of funds from old districts; transfer of property.

(a) Whenever the district boundary board establishes a new district from districts already organized, the board of trustees of the newly organized district may draw its proportion of the public school funds for paying teachers or other legal school expenses from the school treasury of the district or districts from which it was separated until such time as the newly organized district receives its proper apportionment of school monies and taxes. In like manner, any district that is established from two (2) or more districts may draw its proportion of the proper school funds for payment of teachers or other necessary legal school expenses from the treasuries of the former districts.

(b) All real and personal property of any district combined under this article shall be and become the property of the newly organized district. All real and personal property shall be transferred or conveyed by operation of law unless otherwise provided in the approved proposal. However, real property which was transferred in accordance with this subsection from a then existing school district to a newly organized school district and on which is located a structure used as a school which the district has closed or intends to close shall not be conveyed or offered for sale to any other entity unless the municipality in which the property is located is first offered a right to purchase the property. If the municipality and school board cannot agree on a price for the property, the property shall be sold to the highest bidder at a public auction.

21-6-218. Allocation of assets and debts upon reorganization of districts.

Whenever a district boundary board reorganizes any school districts under the provisions of this article, the board shall allocate equitably the assets and debts of the districts affected by the action of the district boundary board.

21-6-219. Adjustment of state foundation entitlement.

(a) When two (2) or more districts or parts of districts are organized into a school district and the total fiscal resources of the new school district are less than the combined fiscal resources of the districts the last year before organization, then the director shall adjust the state foundation entitlement to compensate for the differences in fiscal resources. The adjustment shall be equal to one hundred percent (100%) of the initial difference in each of the first two (2) fiscal years after the new organization, fifty percent (50%) of the initial difference in the third fiscal year and twenty-five percent (25%) of the initial difference in the fourth fiscal year. The adjustment shall also provide reimbursement for expenses incurred by the school districts involved in the new organization. Expenses which are reimbursable shall be determined in accordance with rules adopted by the director, shall not exceed one hundred thousand dollars (\$100,000.00), and shall be paid in equal amounts over a period not to exceed three (3) fiscal years.

(b) When any district consolidates two (2) or more schools within the district and the total state aid to the district would decrease because of the consolidation, the director shall adjust the state foundation entitlement to compensate for the decrease for not more than one (1) year.

21-6-220. Name or number of newly created district.

In all cases, where a school district created by the action of the boundary board has been created from the territory of preexisting school districts, or the territory formerly belonging to a school district is annexed to a preexisting district, the district boundary board shall designate a descriptive name and a number for the newly created district or the district to which territory was added.

21-6-221. School advisory boards.

(a) Whenever any school within any school district is located twenty (20) road miles or more from the nearest town or city that is the population center of the district and whenever fifty percent (50%) of the parents of children attending the school agree, they may call a meeting at the school for the purpose of electing an advisory board of three (3) members for a term of three (3) years. The initial board shall have one (1) member elected for one (1) year, one (1) member for two (2) years and one (1) member for three (3) years.

(b) The advisory board may aid and advise the board of trustees of the district in all matters concerning the operation of the school in their area. The advisory board may

present grievances and recommendations at any regular meeting of the board of trustees of the district.

(c) The advisory board secretary shall keep minutes of the meetings of the advisory board. These minutes shall be submitted to the board of trustees of the district and read at their next scheduled meeting.

(d) There shall be an election held annually for the purpose of electing a successor for the advisor whose term has expired. An advisor may be elected to succeed himself or herself. The election need not comply with the elections provisions of this code.

(e) Following the election of the advisory board the members of the board shall organize themselves by electing one (1) of their members as chairman and one (1) as secretary.

(f) The district trustee, within whose election area the school is located, is an ex officio member of the advisory board but shall not vote.

21-6-222. Election of elementary school districts to create unified school districts; levy of taxes at maximum rates.

(a) Any elementary school district not yet organized and unified under the provisions of the Wyoming School District Organization Act of 1969, may petition the district boundary board to be included within a unified school district of the county in which it is located.

(b) Any elementary school district electing to come under the provisions of this section shall levy taxes in the same manner and subject to the same maximum rates as provided for the unified school district.

21-6-223. Elementary school districts not electing to organize and unify; affiliation with unified high school districts.

An elementary school district not electing to unify shall affiliate itself with a unified school district and become an elementary supporting district for the high school within that district for purposes as defined by law.

21-6-224. Judicial review of actions of board.

(a) Any school district or a district boundary board, if aggrieved by any action of the state committee, may institute proceedings for judicial review thereof in the district court of the county in which an affected school district is located pursuant to provisions of the Wyoming Administrative Procedure Act. No other person shall have standing to appeal a decision of the state committee made under this article. The state committee shall be named defendant, and service of process shall be pursuant to the Wyoming Rules of Civil Procedure.

(b) The appeal shall be heard promptly. Pending the appeal provided by this section, all proceedings regarding the proposal shall be stayed unless otherwise ordered by the court to which appeal is taken.

21-6-225. Contract rights and benefits of employees and teachers.

No contract right, fringe benefit, benefit granted under school policies, or continuing contract status of any employee, or any rights under the Wyoming Teachers' Employment Act shall be denied or reduced as a result of school district reorganization, except as provided by W.S. 21-7-111(a)(iv). The new school district shall have the right to establish a uniform salary and benefit schedule for employees of the previous school districts and shall have the right to establish the length of the contract year.

21-6-226. Boundaries of school districts; filing with the department of revenue.

(a) Each school district board shall file a copy of an official map or legal description designating the geographical boundaries of the school district or the changes to its geographical boundaries with the department of revenue, the county assessor and the county clerk in the county or counties within which the district is located in accordance with the department's rules adopted pursuant to W.S. 39-11-102(c)(xxiv) regarding tax districts and as follows:

(i) Within ten (10) days after the effective date of formation; and

(ii) Annually, by a date determined by the department, if the school district has changes to its geographical boundaries in the preceding year.