

# School District Annexation

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# Definitions

## NDCC 15.1-12-01

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- Annexation – alteration of district boundaries through the removal of land from one district and attachment to another
- Contiguous – tracts of real property which share a common point or would share a common point but for a road or right of way
- State Board – State Board of Public School Education
- Dissolution – district ceases to function and property is attached to other districts
- Reorganization – formation of a new district through combination of two or more existing districts

# Annexation of Property – Exchange

## NDCC 15.1-12-02

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- Property owner may petition to annex property through exchange of one property for another
  - Each property to be annexed must be contiguous to the property it is being annexed to
  - Petitioner must reside on property
  - Petitioner must get written approval from one elector in each residence within the boundary of the property to be exchanged
  - Petitioner must get written approval from the owner of the property exchanged
  - Difference in taxable valuation not greater than \$1,000

# Annexation of Property – Eligibility

## NDCC 15.1-12-03

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- Real property may be annexed
  - Must be a single contiguous area
  - Does not constitute an entire school district
  - Petition is signed by 2/3 of electors residing on property to be annexed
  - Petition must be filed with county Superintendent of Schools
  - Public hearing
  - Annexation petition approved by State Board

# Annexation - Petition Requirements

## NDCC 15.1-12-04

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- Petition must
  - Be obtained from county Superintendent of Schools
  - Identify all property – before circulation
  - Identify one child residing on annexed property whose parent(s) intend(s) to send the child to public school
  - Be signed in the presence of the petition carrier
  - Be presented to the County Superintendent
- Signer may have name removed from petition by appearing before the County Superintendent

# Annexation - Hearing

## NDCC 15.1-12-05

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- County Superintendent gives notice of hearing, official paper, 14 days prior to hearing
- Prior to the hearing, County Committee
  - Determines number of electors residing on property to be annexed
  - Ensures 2/3 of electors have signed the petition
  - Statutory requirements have been met

# Annexation - Hearing

## NDCC 15.1-12-05

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- At the hearing, the county committee accepts testimony and evidence as to . . .
  - Value and amount of property held by each district
  - Amount of bonded and other indebtedness of each district
  - Levies or exempted properties
  - Taxable valuation of each property before and after annexation
  - Size, boundaries, geographic features of each affected district
  - Number of students in each district

# Annexation - Hearing

## NDCC 15.1-12-05

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- At the hearing, the county committee accepts testimony and evidence as to . . .
  - Population of each district
  - Schools in the district and distance students in petitioned area would have to travel to attend
  - Location & condition of roads, highways, barriers
  - Conditions affecting welfare of students
  - Boundaries of other governmental entities

# Annexation - Hearing

## NDCC 15.1-12-05

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- At the hearing, the county committee accepts testimony and evidence as to . . .
  - Educational needs of each community
  - Potential savings in transportation & administration
  - Potential disparity of per pupil valuation between districts
  - Potential to equalize or enhance educational opportunities
  - Any other relevant information

# Annexation - Hearing

## NDCC 15.1-12-05

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- County Committee makes finding of facts and either approves or denies the petition
- If approved, all pertinent information forwarded to State Board for final approval
- If not approved, and appealed, all pertinent information forwarded to State Board for hearing

# Annexation - Hearing

## NDCC 15.1-12-05

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- State Board . . .
  - Publishes notice, 14 days prior to hearing
  - Conducts hearing, makes specific findings, gives approval or denial
  - May approve without hearing if County Committee conducts hearing, approves annexation, and no opposition is presented

# Annexation - Hearing

## NDCC 15.1-12-05

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- If school districts involved include property in more than one county, the County Committee of the county that comprises the major portion of the property conducts the hearing
- If school districts involved include property in more than one county, and major portion of property not in the same county, the County Committees of those counties encompassing the major portion jointly conduct the hearing
- County Committees shall vote separately

# Annexation - Hearing

## NDCC 15.1-12-05

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- If State Board denies the annexation, another petition involving same property may not be presented to the County committee for a period of three months
- A petition involving any of the same property may not be presented to the State Board more than twice in a twelve month period



# Annexation - Hearing

## NDCC 15.1-12-05

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- County Committee decision may be appealed to the State Board
- State Board must give final approval of all annexations
- State Board decisions may be appealed to the district court



# Annexation – Effective Date

## NDCC 15.1-12-06

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- July 1 following final approval by the State Board

# Annexation – Transfer of Real Property

## NDCC 15.1-12-07

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- Legal title vests in the Board of the district to which the real property was annexed (or attached through dissolution, or included in a reorganization)
- A legally prepared certificate must be filed with the county recorder in which the property is located

# Payment of District Levies

## NDCC 15.1-12-08

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- Levies after annexation or dissolution . . .
  - Property subject to all receiving district's levies except those for bonded indebtedness prior to annexation or dissolution
  - However, County Committee & State Board may require levies for bonded indebtedness be applied

# Payment of District Levies

## NDCC 15.1-12-08

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- Levies after annexation or dissolution . . .
  - Property not subject to levies of former district except those to retire bonded indebtedness in effect prior to annexation
  - However, County Committee & State Board may exempt property from levies of former district which are required to retire bonded indebtedness before effective date of annexation.



# Additional Resources

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- <http://www.dpi.state.nd.us/forms/sfn17811.pdf>
- <http://www.dpi.state.nd.us/forms/sfn18858.pdf>
- <http://www.dpi.state.nd.us/forms/sfn18856.pdf>
- <http://www.dpi.state.nd.us/forms/sfn17813.pdf>



# For Additional Information

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