

N.D.A.G. Letter to Wogsland (May 19, 1992)

May 19, 1992

Honorable Dan Wogsland
State Senator
District 23
Route 1, Box 196
Hannaford, ND 58448

Dear Senator Wogsland:

Thank you for your letter, received by my office on March 16, 1992 (dated February 25, 1992), regarding the authority to annex out of a school district that is involved in a school district boundary restructuring consortium.

N.D.C.C. § ch. 15-27.6 applies to school district boundary restructuring. Such restructuring contemplates the cooperation of numerous contiguous school districts called a consortium. The school districts participating in the consortium will eventually vote on whether to reorganize into a new school district whose boundaries encompass the participating districts. N.D.C.C. § 15-27.6-07 through N.D.C.C. § 15-27.6-10. However, as an alternative to participating in the vote, school districts or parts of school districts that are participating in a consortium may attempt to become annexed to a contiguous school district outside of the consortium. N.D.C.C. § 15-27.6-07. If the annexation is approved, that school district or part of a school district, is no longer a participant in the consortium, but becomes a part of the school district to which it has been annexed. Residents or qualified electors in a school district involved with a consortium may attempt to annex to another school district at any time. N.D.C.C. §§ 15-27.6-07. See also N.D.C.C. §§ 15-27.2-01 and 15-27.2-02.

The procedures and requirements of residents or qualified electors who want to annex out of a school district that is involved in a consortium are no different than the procedures and requirements for any other annexation. In other words, for all annexations, the procedures and requirements of N.D.C.C. ch. 15-27.2 must be followed.

I trust I have responded to your questions.

Sincerely,

Nicholas J. Spaeth

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