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MEMORANDUM

To: Chairman Aurand and members of the House Committee on Education
From: Zach Fridell, Assistant Revisor of Statutes
Date: Feb. 14, 2018
Subject: House Bill 2723 – Permitting residents to petition and vote for a transfer of school district territory.

House Bill 2723 (HB 2723) would establish a procedure to allow residents to petition and vote to transfer territory from one school district to another, provided that a majority of students in the territory to transfer attend a district other than the one where they are a resident.

If a majority of students in a township, city, or portion thereof, over the past five years, have attended a district other than the one where they are a resident, then residents can petition the county election officer by collecting the signatures of 25 percent of the residents of the area to be transferred. Once submitted, the clerk will put the issue of whether to transfer the territory from one district (the transferor) to another district (the transferee) to a vote of the residents in the township, city, or portion thereof.

If the voters approve the transfer, the transferor can bring to the state board a challenge to the vote. After a hearing, the state board is directed to uphold the transfer unless there is clear and convincing evidence that the transfer should not be upheld as the board considers the factors set out in 72-532(d).

If the transfer is upheld, the transfer will take place on June 1 of the second subsequent year following either the vote or the determination of the board, whichever is last. The transferred property will be subject to any bonds incurred in the original district before the transfer, and any bonds approved by the transferee district after the transfer.

No real property will be transferred as a result of a transfer of territory using HB 2723.

The act would go into effect July 1, 2018.