

**OPINION
61-179**

July 11, 1961 (OPINION)

SCHOOL DISTRICTS

RE: Annexation - Attachment of Entire School District

Your specific question is: "May a special school district, under the annexation laws of North Dakota, annex an entire contiguous school district?"

For a great number of years entire school districts have been annexed to other school districts under our annexation statutes without any question being raised. In fact, this was the only way an entire district could be joined to another until 1947 when our school reorganization law was enacted except by consolidation in common school districts.

Sections 15-27-14, 15-27-15, and 15-27-16 have been replaced by Chapter 158 of the 1981 Session Laws, and annexation in public school districts is now governed by sections 15-27-04 through 15-27-07 of the North Dakota Century Code. However, as far as we can see, no change in the meaning nor the language of the statute was effected, except to make the annexation statutes, as changed, applicable to all public school districts.

While it is true that the language employed seems to indicate that it refers only to annexation of a portion of a district to another district, it is certain that this law never has been so construed, and it seems doubtful that the legislature intended that in no event could an entire district be attached to another school district. Neither does there seem to be any logical reason why an entire district could not be attached by annexation to another district. Therefore, the only limitation as we see it is that no part or area of a district can be left with less of assessed valuation than \$100,000.00 per teacher or \$125,000.00 per teacher in the case if the remaining area has a graded school with two or more teachers.

From the above-mentioned reasons we are of the opinion that an entire district may be annexed to a contiguous district as well as parts or areas of a district.

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