

N.D.A.G. Letter to Koppang (July 7, 1989)

July 7, 1989

Mr. Alton N. Koppang
Director
School Finance & Reorganization
Department of Public Instruction
State Capitol
Bismarck, ND 58505

Dear Mr. Koppang:

Thank you for your June 8, 1989, letter in which you request an opinion concerning what constitutes a majority of qualified electors within the meaning of N.D.C.C. § 15-40.2-01 and what constitutes a quorum of a school board when some of the members have resigned or refuse to attend the meetings.

I will respond to your second question in this letter. The first question, however, will require more research and analysis. Therefore, I will respond to your first question in an opinion to be issued later.

In your letter you indicate that Golva Public School District has a five-member school board and that two members have resigned and a third member has boycotted meetings. You ask what constitutes a quorum of the school board in such a situation. N.D.C.C. § 15-29-01 provides:

15-29-01. School board -- Quorum -Majority Vote. The public school district school board shall consist of the members elected according to the provisions of chapter 15-28. A majority of the board shall constitute a quorum, and the agreement of a majority of those members present shall be necessary for the transaction of any business.

The Golva Public School District school board is a five-member board. Therefore, pursuant to N.D.C.C. § 15-29-01, three members of the school board constitute a quorum.

I recognize the difficulties created for the Golva Public School District because two school board members have resigned and a third refuses to attend the meetings.

However, that does not change the fact that the school board is a five-member school board and that three members constitute a quorum. N.D.C.C. § 15-29-06 provides procedures for filling vacancies on school boards. Filling the vacancies created by the two resignations is the means by which the school board will gain a quorum.

I hope I have adequately addressed your question. I will forward to you an opinion

concerning the meaning of the phrase "a majority of qualified electors," as soon as possible.

If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

Nicholas J. Spaeth

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