

**OPINION
62-199**

February 13, 1962 (OPINION)

SCHOOL DISTRICTS

RE: Reorganization - Approval of Alteration of Boundaries

This is in response to your letter in which you ask whether or not it is necessary that a county superintendent must first recommend changes in boundaries of a reorganized school district before any other steps may be taken by individuals, school boards, and/or county committees to develop plans of reorganization.

This question is governed by section 15-53-23 of the N.D.C.C. and provides as follows:

"REORGANIZED BOUNDARIES OF SCHOOL DISTRICTS NOT TO BE ALTERED WITHIN FIVE YEARS - EXCEPTION. Except as provided in section 15-27-01, the boundaries of a reorganized school district shall not be altered within five years after reorganization without the recommendation of the county superintendent and approval by the county and state committees during the life of said committees."

It is observed that the statute does not provide the sequence in which a proposal for altering boundaries of a reorganized school district shall be accomplished. This section specifically provides that a reorganized district shall not be altered within five years without the recommendation of the county superintendent and approval by the county and state committees during the life of said committee. Inasmuch as the statute does not provide for any sequence, it is, to a great extent, immaterial which sequence is adopted. It might well be that the state committee might not wish to entertain a proposal to change boundary lines without first having the approval of the county committee, however, this is not a matter of law.

Thus, in direct response to your question, it is our opinion that no given sequence need be followed in submitting a proposed change in boundary lines on a reorganized school district. The statute requires that the county committee gives its approval and also requires that the state committee gives its approval. In addition to this, the county superintendent must recommend the change before such change will be permitted. All of these requirements must be met, but it is not mandatory under existing statutes that the requirements be met in any specific sequence.

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