

**72-7108. Authorization to transfer school territory; agreement of boards of education; petition by one board; approval by state board; criteria to be considered; procedure; limitations. [See Revisor's Note]** (a) Transfers of territory from one unified district to another unified district shall be made only as follows:

- (1) Upon the written agreement of any two boards approved by the state board of education; or
- (2) upon order of the state board after petition therefor by one board and a public hearing thereon conducted by the state board of education.
- (b) The effective date of any such transfer shall be the date of approval thereof or order therefor issued by the state board of education or the July 1 following.
- (c) Notice of the public hearing on such a petition shall be given by publication by the state board of education for two consecutive weeks in a newspaper of general circulation in the unified district from which territory is to be transferred, the last publication to be not more than 10 nor less than three days prior to the date of the hearing. The notice shall state the time and place of the hearing and shall give a summary description of the territory proposed to be transferred.
- (d) Prior to issuing an order, the state board shall consider the following:
  - (1) City boundaries and the area within three miles surrounding any city with more than one district in the area;
  - (2) available capacity of districts involved in the territory transfer to serve existing or additional students;
  - (3) condition and age of buildings and physical plant;
  - (4) overall costs including renovation of existing buildings versus construction;
  - (5) cost of bussing;
  - (6) food service;
  - (7) administration and teachers;
  - (8) areas of interest including access and distances for parents to travel to participate in student activities;
  - (9) matters of commerce, including regular shopping areas, meeting places, community activities and youth activities;
  - (10) districts that are landlocked with changing demographics that cause declining enrollment; and
  - (11) effect on students living in the area.

The foregoing shall not be deemed to limit the factors which the state board of education may consider.

(e) Within 90 days after receiving an agreement or, if a public hearing is held, within 90 days after the hearing, the state board of education shall issue its order either approving or disapproving such transfer petition or agreement, or approving the same with such amendments as it deems appropriate.

(f) Whenever a petition for transfer of territory has been denied by the state board of education, no petition for transfer of substantially the same territory shall be received or considered by the state board of education for a period of two years.

**History:** L. 1963, ch. 393, § 25; L. 1965, ch. 410, § 6; L. 1967, ch. 400, § 1; L. 1968, ch. 394, § 1; L. 1969, ch. 346, § 1; L. 1970, ch. 290, § 1; L. 1988, ch. 356, § 280; L. 1989, ch. 283, § 14; L. 1999, ch. 165, § 13; L. 2002, ch. 167, § 2; July 1.