

# **Bond Case Briefs**

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## **SCHOOL DISTRICTS - SOUTH DAKOTA**

### **Schaefer v. Tea Area School Dist. 41-5**

**Supreme Court of South Dakota - November 10, 2015 - N.W.2d - 2015 WL 7074791 - 2015 S.D. 87**

City residents petitioned to area school board to have school district boundary changed to exclude their residences. The board denied the residents' request, and they appealed. The Second Judicial Circuit Court affirmed. Residents appealed.

The Supreme Court of North Dakota held that:

- Notice of appeal was not rendered defective because it failed to individually name each of originally petitioning residents, and
- Substantial evidence supported school board's decision to deny petition.

Substantial evidence supported school board's denial of city residents' petition to have school district boundary changed to exclude their residences. Community alignment factor did not apply, given that more than one school district existed within community, and regardless, residents moved into district knowingly, school district provided bussing, and free parking, to area identified in petition, granting petition would serve to further blur otherwise clean district boundaries, no proof was offered to board regarding special needs, and residents who asserted on appeal that their children had special needs also indicated they were pleased with current instruction, new nearby school in district was being built, and all students at issue were in other district through open enrollment.