

STATE OF MINNESOTA
IN COURT OF APPEALS

Save Indus Group (SIG) and
Jacob Hasbargen,

Petitioners,

vs.

Ind. School District No. 363
(South Koochiching – Rainy River),

Respondent.

**STATEMENT OF THE
CASE OF PETITIONERS**

DATE OF DECISION: May 31, 2023
and Denial of Reconsideration on June 14,
2023

APPELLATE COURT
CASE NUMBER: _____

1. Court or agency of case origination and name of judge or hearing officer who presided.

School Board of Independent School District No. 363 (South Koochiching – Rainy River).

2. Jurisdictional statement.

(A) Appeal from _____

Statute, rule or other authority authorizing appeal:

Date of entry of judgment or date of service of notice of filing of order from which appeal is taken:

Authority fixing time limit for filing notice of appeal (specify applicable rule or statute):

Date of filing any motion that tolls appeal time:

Date of filing of order deciding tolling motion and date of service of notice of filing:

(B) Certiorari Appeal.

Statute, rule or other authority authorizing certiorari appeal: Minn. Stat. § 606, *et seq.*

Authority fixing time limit for obtaining certiorari review.

Minn. Stat. § 606, *et seq.*

May 31, 2023, and denial of reconsideration on June 14, 2023

School Closing

(C) Other appellate proceedings.

Statute, rule or other authority appellate proceeding:

Authority fixing time limit for appellate review (cite statutory section and date of event triggering appeal time, *e.g.*, mailing of decision, receipt of decision, or receipt of other notice):

(D) Finality of order or judgment.

Does the judgment or order to be reviewed dispose of all claims by and against all parties, including attorney fees? Yes (X) No (___)

If yes, provide date of Order:

May 31, 2023, and denial of reconsideration on June 14, 2023

3. State type of litigation and designate any statutes at issue.

School closure, Minn. Stat. § 123B.51; and violation of Minnesota Constitution, Art. XIII, § 1.

4. Brief description of claims, defenses, issues litigated, and result below. For criminal cases, specify whether conviction was for a misdemeanor, gross misdemeanor, or felony offense.

Independent School District 363 South Koochiching-Rainy River, located on the northern border with Canada, has since 1979 had two Pre-K-12 schools, in adjoining communities, one in Northome and one in Indus.

On May 31, 2023, the School Board voted to close the Indus School and have all educational services performed solely at the Northome facility, effective July 1, 2023.

The decision was purportedly based on declining population and enrollment in the District and projection of continued diminution of both, as well as financial considerations now and in the future.

Both Jacob Hasbargen, a community resident, in his individual capacity as well as a large segment of the community in Indus under the auspices of an unincorporated group known as Save Indus Group (SIG), the Petitions in this action, raised a number of concerns and appeal the closure, challenging the school closure on several grounds.

5. List specific issues proposed to be raised on appeal.

1. Was the decision to close the Indus School “necessary and practicable” within the meaning of Minn. Stat. § 123B.51
2. Was the decision to close Indus School arbitrary, capricious, not supported by substantial evidence, contrary to law or unreasonable?
3. Did the decision to close Indus School violate Minnesota Constitution, Art. XIII, § 1.

6. Related appeals.

List all prior or pending appeals arising from the same action as this appeal. If none, so state.

None.

List any known pending appeals in separate actions raising similar issues to this appeal. If none are known, so state.

None.

7. Contents of record.

Is a transcript necessary to review the issues on appeal? Yes (X) No ()
If yes, full (X) or partial () transcript?

Has the transcript already been delivered to the parties and filed with the trial court administrator? Yes () No (X)

If not, has it been ordered from the court reporter? Yes () No (X)

If a transcript is unavailable, is a statement of the proceedings under Rule 110.03 necessary? Yes (☐) No (☐)

In lieu of the record as defined in Rule 110.01, have the parties agreed to prepare a statement of the record pursuant to Rule 110.04? Yes (☐) No (☐)

8. Is oral argument requested? Yes (X) No (☐)

If so, is argument requested at a location other than that provided in Rule 134.09, subd. 2? Yes (☐) No (X)

If yes, state where argument is requested:

9. Identify the type of brief to be filed.

Formal brief under Rule 128.02. (X)

10. Names, addresses, zip codes and telephone numbers of attorney for appellant and respondent.

**ATTORNEYS FOR
PETITIONERS**

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MEYER NJUS TANICK, PA

Dated: July 26, 2023

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