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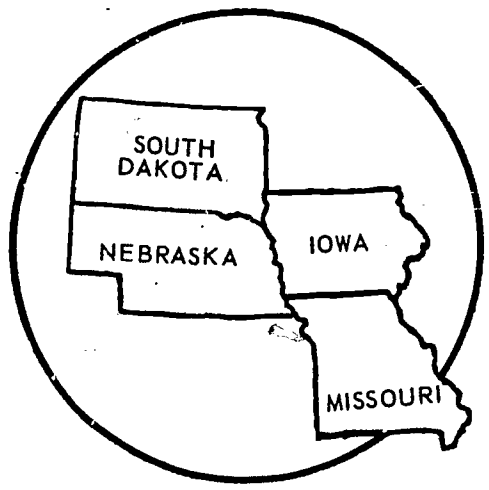
The impact of recent technological, social, and economic change has necessitated a re-examination of educational structure, and has resulted in school district reorganization projects in many states. The purposes of this paper are to review the various legislative techniques employed by 33 states in their attempts to merge or reorganize school districts, and to determine what types of legislation have been effective in establishing adequate district structure. Current legislative attempts are divided into 3 distinct types according to degree of exigency: permissive legislation, mandatory legislation, and semipermissive legislation. Examples of these types of legislation are provided, and conclusions are drawn as to what important legislative features should be included in state laws to promote effective district reorganization. (DK)



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Prepared by

Arthur L. Summers

Missouri State Project Director
State Department of Education
Jefferson City, Missouri
January 1968

For

The Great Plains School District Organization Project
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FOREWORD

The impact of scientific, technological, social, and economic change on the American way of life necessitates a re-examination of the educational system. These changes modify established needs and create new needs to be met by the public school system. Instructional programs and supporting services must be developed to meet these needs.

The primary purposes of school district organization are to make possible: (1) the desired quality or excellence of the programs and services; (2) the efficiency of the organization for providing the programs and services; and (3) the economy of operation, or the maximum returns received for the tax dollar invested in education.

The determination of the form and structure for school district organization is a function of the several state legislatures. Some states have adopted a very permissive type of legislation, others semipermissive, and some have mandatory statutes. Mr. Arthur L. Summers, Director of the Great Plains Project in Missouri and member of the State Department of Education, was invited to assess the strengths and limitations of various legislative procedures concerning school district organization. This paper is his report to the four states. It is an up-dating of a similar chapter which he wrote for School District Organization, American Association of School Administrators, published in 1958.

The value of this paper rests upon its utilization by those with advisory and/or decision making responsibilities about the educational structure in each state. It represents a beginning point for further study and evaluation, and for establishing criteria upon which guidelines can be developed for effective and constructive school district organization.

Respectfully submitted,

Ralph D. Purdy, Project Director
Great Plains School District
Organization Project

January 1968

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PART I

INTRODUCTION

The Great Plains Project on School District Organization is a four-state cooperative program designed to seek out more clearly the problems, needs and possible solutions to improving school district structure. The state departments of Iowa, Missouri, Nebraska and South Dakota have undertaken cooperatively this interstate project on school district organization. One of the problems among several identified is the need for effective legislation for creating strong school districts for all parts of the state.

The Purpose of this Paper

In examining the various phases of school district reorganization structure, it was determined that constructive legislation was a key factor to securing sound and adequate school district administrative units. This seemed to be a common problem to all four states. The purpose of this paper is an attempt to examine the various types of legislation used by several states for merging and organizing school districts and to determine the types and features of legislation that have been effective in the realignment and establishment of adequate district structure.

The Scope of the Study

Since 1945 some 38 states have reduced the number of school districts. For the purpose of this study, 33 state laws for merging existing school districts or the creation and establishment of new districts were examined. For the most part, the review of state laws deals with those states that created a large number of districts during the early history of development and thereafter enacted laws permitting or requiring the merging of districts.

School Districting - A Function of the State

In the American system of public schools, the local school district has been and is the basic administrative unit. Most state constitutions contain provisions for the state to provide for a system of public schools. Other states have implied constitutional powers for a state system of public schools. As a result of these constitutional provisions, the several states have assumed the responsibility mandated by the constitutions.

In assuming the role that education is a function of the state, the people, through the state legislative process, have in each state established the framework for the operation of a statewide public educational system. It is likewise the responsibility of the people through legislative processes to adjust laws upgrading the structural framework to provide educational programs to meet needs and changing conditions, and to provide equitable educational opportunities for all youth wherever they reside within the state.

By legislative action, the local school district has been established as the basic administrative unit for the operation of a public school system. Local

school districts are creatures of the state, and have only the powers delegated to them from the state legislature. The legislature has the power to establish or cause the establishment of a system of school districts within a state. It may alter school district boundaries, merge existing school districts, or abolish districts and create new districts. Reorganizing school districts to keep pace with progress and changing conditions is a function of the state and of the state legislature.

Through legislative processes, practically all of the states have been active at various times enacting laws, creating, abolishing, and recreating school districts. The experience in Missouri may be cited as an example of the pattern followed in many states.

As early as 1839, Missouri enacted legislation making the congressional township the district unit. During 1853 legislation was enacted which virtually abandoned the township system and created subdistricts within townships. In 1866 the township system was reestablished but was again abandoned in 1874 for the small common school district system, and by 1900 the number had increased to more than 10,000 separate school districts in the state. The first consolidation law for merging districts was enacted in 1901, and strengthened by legislative amendments in 1913, 1919, and 1921. A district reorganization law was enacted in 1931 which was largely ineffective because of the permissive nature for procedure. No further action was taken until 1948, when the present Missouri school district reorganization law was enacted.

Making adaptations and modifications in local school district structure, as a state developed from early frontier days to the present modern space age, seems to be typical of the efforts made in most states.

General Types of Legislation for Redistricting

The types of legislation adopted for school districting or reorganization of school districts vary greatly among the states. In the main, legislation may be classified into three general types with some variations in each. For the purpose of this study in determining effective features of legislation, these three types are designated and defined as permissive legislation, mandatory legislation, and semipermissive legislation. These are defined as follows:

1. Permissive legislation provides the procedure for merging districts by leaving all of the initiative to be taken and completed by the voters at the local level.

2. Mandatory legislation establishes a statewide pattern of school districts by legislative decree without referring the action to the voters for approval.

3. Semipermissive legislation is mandatory in part by requiring that essential preliminary steps be taken in planning and presenting a proposed pattern of reorganized districts to the voters but actually leaves final approval or rejection of a proposed reorganization to a vote of the people in the area affected.

As already indicated, the legislation for school redistricting may be characterized as permissive, mandatory and semipermissive. An analization of these characteristics, and the relation of one to the other and/or differences is undertaken in this paper.

PART II

PERMISSIVE LEGISLATION FOR SCHOOL REDISTRICTING

Permissive legislation for creating new school districts or merging existing school districts delegates authority and initiation for action to the voters affected at the local level. Generally, permissive legislation does not require any approval from a county level or state level. Such legislation is often entirely voluntary and at the discretion of the local school districts. Usually no overall planning for an adequate district is required. Initial procedures usually begin at the local level by action on the part of local school boards or petitions signed by a specified number or per cent of the electors in the local area and completed by final approval or rejection by the voters.

The Need for Permissive Legislation in the Past

In the early development of districts in pioneer days, there was need for workable legislation to be used at the local level for the creation and elimination or merging of districts. At least this was the procedure adopted in a number of states, particularly the states that developed large numbers of small school districts. Even though most states have reduced the number of districts by more forceful legislation, there are still a number that have permissive laws or remnants of these laws from the past. Such laws are not workable for planning and adopting adequate school districts for all parts of a state.

Creation of Varied District Legislation

Many states enacted laws permitting the formation of several kinds of districts without any preplanning being required. A number of states have a hodgepodge of laws designed to fit certain situations and permitting districts of varying sizes, classes and types to be annexed or consolidated but do not provide for well-planned district reorganization. At one time Missouri had eight different laws for creating and merging various classes and sizes of school districts. It is reported that Indiana had at one time as many as 22 different laws for this purpose. Approximately three-fourths of the states have or have had statutory provisions of permissive nature for merging school districts.

Merging and reorganizing school districts under permissive legislation has been a slow and tedious process. Missouri is an example of this slow process. By the year 1900 there were 10,499 school districts in the state. The first consolidation laws were enacted in 1901 and thereafter amended several times. These laws were permissive and were designed to permit and encourage to some degree the consolidation of school districts and were the main laws for merging school districts until 1948 when the Missouri School District Reorganization Law was enacted. Over this 47-year period, the number of school districts was reduced from 10,499 to 8,422.

Examples of Permissive Legislation

Illinois - The State of Illinois had a number of laws permitting voluntary merging of districts at the local level. A common district could be annexed to an adjoining consolidated district upon a petition signed by two-thirds of the voters

of the common district. Another provision made possible the merging of additional districts to a consolidated district by a majority vote in each district affected. An elementary district could annex to a twelve-year school district by initiating a petition signed by 50 voters or 20 per cent of those residing in the district, whichever was fewer. This petition was presented to the county superintendent who was required to call an election in each district concerned.

Missouri - As already indicated, Missouri, over the years, has had several laws of permissive nature for merging districts. These separate laws provided for merging common school districts, the annexation of common districts to town or city districts, and consolidation of districts. Under the various laws, all of the procedures can be initiated and completed by the voters at the local level without any preplanning or the approval of any agency at the county or state level, except in the case of consolidated districts where the county superintendent approves the boundary lines.

As previously indicated, the consolidation law enacted in 1901 and strengthened in 1913 was designed to merge school districts. Financial incentives were offered to encourage consolidation. However, initial action could only begin at the local level when a petition signed by 25 or more qualified voters was presented. A revised consolidation law was enacted in 1931 creating a county board of education in each county to lay out proposed districts. These proposed districts could be brought to a vote upon the signing of a petition by 50 or more signers. This law remained in force for 32 years and not a single district was formed under its procedure.

Permissive Legislation Inadequate

Most states with large numbers of school districts have had, or do have, permissive legislation for joining districts. With this type of legislation, the following difficulties seem to exist:

1. Usually there is no overall planning for adequate redistricting.

2. Voluntary merging of districts may result in disregarding the right of of all children to reside in good school districts. The wealthy districts merge, leaving the less wealthy to operate schools.

3. Permissive legislation that has been developed by any of the states for merging districts completely disregards any statewide planning for a pattern of adequate school districts.

4. Experience shows that the consolidation of large numbers of school districts by permissive legislation is a slow and long drawn-out process and satisfactory results have not been achieved.

As far as statewide planning and the establishing of adequate school districts are concerned, the evidence shows that permissive legislation has been the least effective. The mandatory and semipermissive types of legislation have been used almost exclusively in establishing or causing to be established a planned, organized system of school districts for an entire state.

PART III

MANDATORY LEGISLATION FOR SCHOOL DISTRICT REORGANIZATION

Approximately one-fourth of the states have reorganized school districts by mandatory legislation. The legislature by law creates and establishes school districts without referring the approval of new districts to the voters.

The following includes states where the legislatures established the county as the school district: Maryland 1868, Louisiana 1912, Virginia 1933, Florida 1939, and Nevada 1956.

Modified county unit districts have been established by mandatory legislation in at least eight states. In reorganizing the school districts, provisions were made for establishing a city school district in counties where a city of a certain size was located separate from the rest of the county. Examples of states establishing modified county unit districts are Alabama 1903, Tennessee 1907, Kentucky 1908, Utah 1915, North Carolina 1923, Virginia 1923, and Mississippi 1953. The State of Georgia in 1945 adopted a constitutional amendment providing that school districts in the state be organized on a modified county unit basis. As a result, 159 county systems and 41 independent city districts were established.

Some states enacted what may be termed direct mandatory legislation, wherein the state legislature simply established the school districts. The States of Nevada and West Virginia are examples of legislative acts directly establishing the county as a school district. Other states enacted what may be termed indirect mandatory legislation wherein the legislature enacted legislation creating a state agency and a county agency, and requiring the state and county agencies together to establish school districts. The States of South Carolina, Mississippi, and Pennsylvania are examples of using indirect mandatory legislation to reorganize districts in relatively short periods of time.

A brief description of the direct mandatory legislation enacted in Nevada and West Virginia and the indirect mandatory legislation in South Carolina, Mississippi, and Pennsylvania will indicate the type of legislation and procedures used to reorganize and establish school districts without referring the redistricting to the voters. Also, Kansas and Wisconsin are examples of state legislation empowering county agencies to establish districts.

TABLE I

EIGHT STATES ENACTING MANDATORY LAWS
FOR SCHOOL DISTRICT REORGANIZATION

Types	States							
	W. Va.	Miss.	Nev.	Fla.	Pa.	S. Car.	N. Mex.	Va.
Date of Act	1933	1953	1956	1939	1963	1951	1941	1922
Direct Legislation	yes		yes	yes				yes
Indirect Legislation		yes			yes	yes	yes	
County Unit	yes		yes	yes				
Modified County Unit		yes				yes	yes	yes
State Agency with Duties		yes			yes	yes	yes	yes
County Agencies with Duties		yes			yes	yes	yes	
State Agency to Establish Districts		yes			yes	yes	yes	
Financial Incentives	yes[1]	yes[3]			yes[4]	yes[2]	no	

1. A state aid law was enacted allocating money to all new districts to supplement local revenues.

2. State aid of $15 per pupil (later increased to $20) was granted annually to school districts to apply on building indebtedness.

3. State building aid was not granted to districts that were not reorganized in conformity with standards adopted by the state agency.

4. Transportation reimbursement to all districts and $800 per teaching unit.

NEVADA

Marked improvement in school district organization on a statewide basis has been preceded in most instances by a thorough study of the state's school system. This was true for the State of Nevada. In 1953 the Governor of the State appointed the Governor's School Survey Committee. At a special session of the legislature in 1954, $30,000 was appropriated for use of the Survey Committee.. Upon the basis of the study and recommendations made by this Committee, legislation was enacted in 1955 which dissolved all of the 186 existing school districts in the state and established the county as the local unit of school administration.

There are 17 counties in the state. This mandatory legislation, which became effective March 2, 1956, made each of the 17 counties a local school district. The state contains an area of 109,802 square miles of territory. The following general provisions in this reorganization law show the steps taken in this procedure.

County as a Unit

The law provided that every school district existing and operating under existing laws be dissolved and disestablished upon the effective date of the act, and the functions of all such school districts heretofore existing be transferred to county school districts created by the act and to joint school districts which may hereafter be created. The bonded indebtedness remained with the original district unless it is voted by the voters of the new district to be assumed by the new district.

Debts and Liabilities

On the effective date of the act, all debts, liabilities and obligations, except bonded indebtedness of the school districts abolished became the debts and liabilities and obligations of the county school district which included the area of the abolished districts.

Joint School Districts

The 1955 Act provided that two or more contiguous counties may be joined together to form a joint district. The board of trustees of any county school district employing 45 or fewer certified employees may petition the board of trustees of any contiguous county district to create a joint district. If the trustees of the county districts involved agree on the formation of a joint district, then such agreement is presented to the state board of education. If the state board of education finds that the creation of the joint district will result in improvements of the schools in the area, the state board of education shall, by a written order, create the joint school district. The law also sets out the procedure for a withdrawal of a county from a joint school district or the dissolution of a joint district and re-establishment of county districts, subject to approval of the state board of education.

Board of Trustees

The board of trustees of a county district consists of five or seven members. There shall be seven trustees for a county school district enrolling 1,000 or more pupils the preceding year and five in counties enrolling fewer than 1,000 pupils.

A portion of Nevada law establishing school districts by direct mandatory legislation reads as follows:

> "Sec. 48. Existing School Districts Dissolved; Transfer of Functions; Assumption of Obligations by County School Districts.
>
> 1. Every school district, joint school district, union school district, consolidated school district, educational district, and every other kind or type of school district or educational district heretofore created and existing and operating under the provisions of 'An Act concerning public schools of the State of Nevada, establishing and defining certain crimes and providing punishment therefor, and repealing certain acts and parts of acts relating thereto,' approved March 15, 1947, and being chapter 63, Statutes of Nevada 1947, or any other law of the State of Nevada, is hereby dissolved and disestablished upon the effective date of this act; and the functions of all such school districts and educational districts heretofore existing are hereby transferred to the county school districts created by this act and to the joint school districts which may hereafter be created.
>
> 2. On the effective date of this act, all of the debts, liabilities and obligations, except bonded indebtedness, of the school districts and educational districts abolished by this act shall become and be the debts, liabilities and obligations of the county school district whose territory includes the areas of the school districts and educational districts abolished by this act."

WEST VIRGINIA

In 1932 there were 450 school districts in the State of West Virginia. The people of the state, through the legislature in 1933, adopted the county unit law. Each of the 55 counties became a school district by one act of the legislature.

This act provided:

1. A school district shall include all of the territory in one county. The existing districts, sub-districts and independent districts were abolished.

2. The county school system shall be under the supervision and control of a county board of education of five members elected by the voters.

3. The bonded indebtedness incurred by the former school districts shall remain the debt of the property originally pledged as security.

In 1938 the Research Division of the West Virginia State Department of Education pointed out some of the advantages that had developed and were continuing to develop and improve as a result of the reorganization of school districts:

1. A total of 275 school board members were operating the schools in lieu of some 1,500 prior to reorganization.
2. A strong spirit of unity in school administration was developing over the entire state.
3. It was now possible to more nearly provide every child with the same opportunities.
4. There was evidence of improvement of teacher qualification all along the line.
5. The growth of stronger leadership was developing.
6. Improving the school district structure had a wholesome influence upon higher education.
7. Greater cooperation developed among county and state governments.
8. More efficient schools.
9. Better trained teachers, better supervision.
10. More adequate facilities and equipment.
11. Enrichment of programs.
12. Holding power of schools increased.

SOUTH CAROLINA

The South Carolina Act provided an illustration of legislation which required a county agency and a state agency to reorganize the school districts.

In 1948 there were 1,737 existing school districts in South Carolina. The state contains slightly over 30,000 square miles of territory. As a result of indirect type of mandatory legislation enacted in 1951, the number of school districts was reduced to 107. A brief description of this law follows:

State Agency

The State Education Finance Commission was comprised of seven lay members appointed by the Governor, with the Governor and State Superintendent serving as ex officio members. This Commission was authorized (a) to prescribe and pro-

mulgate rules and regulations necessary to carry out the provisions of the law, (b) to disburse funds as provided by the General Assembly, (c) to promote the improvement of the school system and physical facilities, (d) to make plans for the construction of necessary school buildings, (e) to operate efficient pupil transportation, and (f) to effect desirable consolidation of school districts.

The law, furthermore, instructed the Commission to make a survey of the entire state school system, setting forth the need for the new construction, new equipment, new transportation facilities, and such other improvements necessary to enable all children of South Carolina to have adequate educational advantages. An appropriation of $100,000 was made to defray expenses of the Commission.

County Agency

Seven-member county boards were established in all counties. These county boards of education were authorized and empowered to consolidate schools and school districts without referring the matter to the voters when, in their judgment, such consolidation would promote the best interest of the cause of education. Consolidation of two or more districts was completed, according to the provisions of this law, when an order for such consolidation was filed by the county board with the State Education Finance Commission. County boards were also given the authority to abolish all school districts not maintaining schools and to consolidate such school districts with adjoining districts. Although the county agency could establish new districts, the law authorized the state agency to deny state building aid to any county until an acceptable plan of consolidation of districts was submitted by the county agency.

Provisions in the law for handling the indebtedness of existing districts and incentives for reorganization included in the formula for distributing state school money were tremendously strong factors in this reorganization program.

Pupil Transportation

To assure adequate pupil transportation along with district organization, legislation was enacted which placed the control and management of all school bus transportation in the state with the Commission. This authority included the purchase of school bus equipment.

The great strength of the South Carolina school district reorganization law was in the authority vested in county boards to merge existing school districts into new administrative units and the authority placed in the State Finance Commission to require county boards to reorganize districts before state school building funds could be secured. The annual state building grant of $20.00 for each pupil enrolled was, likewise, a stimulating factor.

MISSISSIPPI

Mississippi was one of the states with a large number of school districts. In 1932 there were 5,560 school districts in the state. By various laws of permissive nature over a period of some 31 years, the number of districts had been reduced to 1,417 by the year 1953. With the area of the state slightly over

47,000 square miles, there were necessarily many small districts. After 31 years of trying to encourage the improvement of school districts, the people of the state, through the legislature, decided to move more rapidly than in the past and design the type of school districts that would be of a more permanent nature. The people of the state could then settle down to the business of developing educational programs and operating improved schools within the districts.

The Mississippi law enacted by the legislature in 1953 brought about school district reorganization within a period of four years. The law created at the state level a State Educational Finance Commission to supervise and approve of the district reorganization proposals presented by county boards of education. The county boards were authorized and required to reorganize local districts in each of their respective counties in a manner that would meet the approval of the state agency. This requirement was made effective by the provision making it possible to deny state school building funds to any county until such time as the county board presented a plan of school districting that met the approval of the state agency. As a result of this type of legislation, the 1,417 school districts existing in Mississippi in 1953 were reorganized into 151 districts by July 1957.

Although the law did not provide for a referendum by the electors to approve or reject the proposals, it did provide for the proposed enlarged districts to be presented and reviewed with hearings at the local and county levels. At the same time the law required the state agency and the county agencies to work together with the state agency having the final responsibility for approving the type of reorganized districts to be ordered established in the county.

This law provided all of the necessary details for proposing, reviewing, and establishing the districts within counties and across county lines. The major provisions in the law included the following:

1. The legislature's purpose and philosophy about education.
2. The procedure for creating the state agency (State Educational Finance Commission).
3. Setting out the duties of the state agency.
4. The time limit for the reorganization to be completed.
5. The duties of the county board of education.
6. Proposing districts within and across county lines.
7. How districts are to be established.
8. Securing a board of education for the new districts.
9. Settlement of assets and liabilities.
10. Incentive by providing state building aid to the new districts.

The main portions of the Mississippi law enacted in 1953 are given as an example of indirect mandatory legislation for reorganization of school districts:

Purpose and Philosophy

The legislature hereby recognizes that in order to discharge the constitutional mandate, set forth in section 201 of Article 8, that it shall be the duty of the legislature to establish 'a uniform system of free public schools, by taxation or otherwise, for all children between the ages of six and twenty-one years,' equality of educational opportunity with respect to instructional personnel, school buildings and facilities, transportation facilities, curriculum and all other school facilities should be provided for all such children; that the burden of providing such equality of educational opportunity can no longer be borne entirely by the local taxing units; and, therefore, that a program of state aid therefor should be instituted. The legislature, therefore, declares and determines that the maintenance of the uniform system of free public schools to insure and provide substantial equality of educational opportunity is the joint responsibility of the State of Mississippi and the local taxing units thereof.

Creation of the State Agency

There is hereby created a state educational finance commission; and for the purposes of this act the term 'commission' shall be construed to mean 'state educational finance commission.'

The commission shall be composed of six members who shall be appointed by the governor, subject to confirmation by the Senate; but provided, however, no such confirmation shall be made by the Senate until said appointment or appointments have been referred to the proper Senate Standing Committee and an individual report made on each appointee by said Senate Standing Committee reporting that in its judgment such appointee has the proper qualifications and is a proper person to perform the duties of this office. The position herein created shall be considered an office as contemplated in the Constitution, and any person accepting such position shall thereupon vacate any other office held by him; and provided, further, that no person holding membership on this commission under the provisions of this act shall seek any elective public office, or accept any other appointive office, while serving on the commission herein created. One member shall be appointed from each congressional district of the state as presently existing. In making the original appointments, two members shall be appointed for a term expiring April 1st, 1956; two members shall be appointed for a term expiring April 1st, 1958; and two members shall be appointed for a term expiring April 1st, 1960. Thereafter all appointments shall be for terms of six years commencing on April 1st of the year in which the appointments are made, and new members of the commission shall be appointed from the same district as their predecessor.

Duties of the Commission

The commission shall select an executive secretary, who shall be the administrative officer of the commission, and shall perform such duties as are required of him by law, and such other duties as may be assigned to him by the commission. . . . . .

The commission shall have the power and authority to employ such technical, professional, and clerical help as may be necessary for the administration of this act and for the performance of such other duties as may be imposed upon the commission by law, and to define the duties and fix the compensation of such employees.

Said commission shall meet on the third Monday of each month, and shall meet at such other times as may be designated by law, or upon call by the chairman or a majority of the members of the commission. At its first meeting, the commission shall organize and elect a chairman and a vice-chairman, and, as soon as practicable thereafter, the commission shall adopt such rules and regulations not contrary to the provisions of this act and the other laws of the State of Mississippi as shall be necessary and proper to govern its proceedings. Four members of said commission shall constitute a quorum for the purpose of doing business. The commission may either elect a secretary from among its membership or designate the executive secretary as its secretary.

Said commission shall distribute and disburse, subject to the provisions of law, such funds as may be appropriated by the legislature, and such funds as may otherwise become available, for constructing, improving, equipping, renovating, and repairing school buildings, or other school facilities, as authorized and directed by Senate Bill No. 1204, Extraordinary Session of 1953. No funds shall be distributed by said commission to any school district operating a school in the State of Mississippi until such school district shall have conclusively shown that it has complied with all the requirements of the laws of the State of Mississippi for the operation of schools or school districts, and until such school district shall have complied with all the applicable regulations of the commission.

The commission shall promulgate such reasonable rules and regulations as shall be necessary and proper to carry out the provisions of this act and of such other acts, the administration of which shall be vested in the commission, but no such rule or regulation shall be in conflict with any applicable statute. It shall be the duty of the commission to furnish the board of trustees or other governing body of all school districts and the attorney general certified copies of all rules and regulations prescribed by the commission, which distribution shall be made not less than thirty days prior to the effective date of all such rules or regulations.

The commission shall keep full, complete, and permanent minutes and records of all its proceedings, including the rules and regulations adopted by it, and said minutes shall be signed by the chairman, or vice-chairman, and attested by the secretary.

Subject to the provisions of any applicable statute, the commission shall formulate policies and approve or disapprove plans for the location and construction of all necessary elementary and secondary school buildings. Subject also to any applicable statute, the commission shall have supervision over, and the power to approve, or disapprove, all surveys of educational needs made by any school board or board of education, may assist such boards in making such surveys, and may make supplemental surveys of such needs.

Any county board of education, or board of trustees of a municipal separate school district aggrieved by any final rule, regulation or order of the state educational finance commission shall have the right of appeal to the chancery court of the county in which said school district or any part thereof may be located or situated . . . .

Abolishing and Proposing Districts

All school districts in existence in the State of Mississippi upon the effective date of this act are hereby abolished, but all such school districts shall continue to exist with all the powers, rights, privileges, and prerogatives thereof as now provided by law until such school district shall be reconstituted or the territory thereof consolidated with other territory as is hereinafter prescribed. As soon as practicable after the passage of this act, and in no event later than July 1, 1957, the county board of education of each county, pursuant to a survey of such county for the purpose of determining the educational needs of the county from the standpoint of the efficiency of operating schools and school districts, shall, by an order spread upon its minutes, consolidate the territory of the county in such school districts or reconstitute existing school districts so that all of the territory of such county shall then be included within such school districts as the county board of education shall deem necessary to promote the physical, mental, moral, social and educational welfare of the children involved, the efficiency of the operation of the schools, and the economic and social welfare of the various school areas. The sections or parts of sections comprising and constituting each such school district, or other sufficient legal description thereof where the territory included is not described by section, township, and range by government survey, shall be fully and accurately described in such order and a certified copy thereof shall be forthwith transmitted to the state educational finance commission created by House Bill No. 2, Extraordinary Session of 1953. Such order shall be considered by said commission from the standpoint of whether same promotes the physical, mental, moral, social and educational welfare of the children involved, the efficiency of the operation of the school system of the county, and the economic and social welfare of the various school areas of the county, and shall be approved or disapproved by said commission. If same shall be disapproved it shall be returned to the

proper county board of education with a statement of the reasons for such disapproval and for amendment in accordance therewith. If the county board of education shall not concur, in whole or in part, with the reasons stated for disapproval by the commission, it shall resubmit its order or modified order, supported by such documentary evidence as may be prescribed by the rules or regulations of the commission, and by such additional documentary evidence as may be deemed appropriate by the board. If the commission shall not approve the resubmitted order or modified order, it shall thereupon docket the controversy for public hearing as soon as circumstances may permit upon not less than five (5) days notice to the county board of education. At said hearing, the secretary of the commission shall cause to be recorded all oral proof made and all rulings or orders made or entered, and shall preserve such additional evidence as may be introduced at said hearing, all of which shall be made available for the record in the event of an appeal from the order entered by the commission after said hearing. No such order shall be effective until finally approved by the commission and no school district shall be eligible for any grant of funds from the state public school building fund until the consolidation or reconstitution of same shall have been approved by the commission as herein provided.

County Board to Propose Districts

In consolidating and reconstituting school districts as provided in section 1 hereof, the county boards of education may, subject to the approval of the state educational finance commission, constitute and establish one school district in such county embracing and including all of the territory of the county exclusive of the territory embraced within the limits of a municipal separate school district, as reconstituted and reorganized, except that with the consent and agreement of the board of trustees of all or any of the municipal separate school districts in such county, and with the approval of the state educational finance commission, the territory of any such municipal separate school district or districts may likewise be embraced and included in such county-wide district. Where any such county-wide district is created, the county board of education shall be the governing body of such school district. Likewise, by agreement and joint action of all of the county boards of education concerned, and subject to the approval of the state educational finance commission, territory lying in two or more adjoining counties and consisting of all or any part of the territory of such counties outside the limits of a municipal separate school district may be embraced and included within one school district.

Subject also to the approval of the state educational finance commission, and by agreement between and the joint action of the board of trustees of the municipal separate school district and all county boards of education concerned, territory lying in the same or in any adjoining county or counties may be added to and incorporated within such municipal separate school district, and the board of trustees of the municipal separate school district shall be the governing body of all the territory so included and embraced within such district. It is expressly provided, however, that when an application is submitted to the educational finance commission for the approval of a municipal separate school

district embracing added territory in the same or adjoining counties, the same shall be considered by the said commission in connection with the plans submitted by the county boards of education of all counties involved from the standpoint of whether or not the overall plan will best promote the educational interests of all such counties and the efficiency of the operation of the schools thereof, and from a consideration of the educational needs of all districts which would adjoin the proposed municipal separate school district.

State Aid for Buildings

It is found and determined that the state should make an annual grant of $12.00 for each child in average daily attendance during each school year and that such moneys be applied for the purpose of establishing and maintaining adequate physical facilities for the public school system and/or the payment of existing debt therefor . . . .

PENNSYLVANIA

Pennsylvania is one of the more recent states where the legislature in 1963 adopted mandatory legislation to reorganize school districts. Similar to many other states, Pennsylvania has had a history over a long period of time of enacting and amending laws providing for joint operations, consolidations and mergers of districts.

Some 2,500 school districts were still in existence in 1947 when the Pennsylvania school district reorganization law was enacted. However, this law was semipermissive in that the county agency (county boards) and the state agency (state board of education) were given certain duties to perform in preparing and proposing enlarged districts to the voters affected.

County boards were required to submit proposed district plans to the state board of education for approval. When plans were approved, the county board could submit the proposed districts to the voters. There was no time limit set for presenting the proposals, and as a result many approved proposals were never submitted to the electorate. Under the 1947 law, with amendments from time to time to the enactment of the mandatory law in 1963, the number of districts was reduced from approximately 2,500 to 2,056. This reduction amounted to slightly fewer than 500 districts over a period of sixteen years.

In 1963 the Pennsylvania legislature enacted a mandatory type of school district reorganization law to bring about a merging of districts within a relatively short period of time. The philosophy and determination of the legislature to improve the district structure were expressed in the introductory part of the Act stated as follows:

"Section 290. Purpose; Construction of Subdivision.

The purpose of this subdivision is to provide a flexible framework and effective and orderly means whereby the administrative units of the Commonwealth's public school system can be expeditiously reorganized. While deeply impressed with the continuous dedicated responsibility exercised over the last century by the citizenry through their local boards of school directors, the General Assembly

must also be cognizant of the responsibility placed upon it by Article X., Section 1 of the Constitution of Pennsylvania which requires in part, that 'The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools wherein all the children of the Commonwealth above the age of six years may be educated . . .' As the evidence demonstrates beyond reasonable dispute that the present administrative system of more than two thousand (2,000) school districts is incapable of providing adequate education and appropriate training for all of the children of the Commonwealth above the age of six, the General Assembly hereby renews its dedication to its responsibility of providing a thorough and efficient system of public schools within the Commonwealth. It is hereby declared to be the purpose and intention of the General Assembly to establish the procedures and provide for the standards and criteria under which school directors and district administrators and county boards of school directors and county administrators shall have the power and bear the duty of determining the appropriate administrative units to be created in each county to carry out the responsibilities shared by them and the General Assembly, of educating and training each child within his capacity to the extent demanded by the immediate requirements of growth and strengthening of this Commonwealth and nation. Only where such local officials fail to act, or act arbitrarily outside of the standards and criteria provided for in the sections following, shall the Commonwealth through its duly authorized agencies and officials act to insure compliance with law within the powers set forth below and as restricted therein. The improvements in the educational system hereby obtained are not to be construed as a final resolution of organizational problems. Local school officials as agents of the General Assembly are directed to continually review organizational patterns and adopt without delay all changes which will accelerate the progress of public education. It is further declared to be the purpose and intention of the General Assembly that the above may be used in construing and arriving at legislative intent with respect to the provisions of this subdivision."

To carry out this mandatory 1963 Act, certain duties were assigned to both the Pennsylvania state board of education and county boards of education.

The major duties assigned to the state board of education included:

1. The adoption of standards for approval of administrative units, taking into consideration topography, pupil population, community characteristics, transportation of pupils, use of existing buildings, population changes, and capability of providing a comprehensive program of education.

2. The approval or disapproval of plans submitted by county boards.

3. A provision that a proposed district shall contain a pupil population of not fewer than 4,000 unless the factors of topography, pupil population, transportation, population changes, et cetera, would necessitate a smaller pupil population.

4. That where a plan is disapproved, it shall be returned to the county board for amendment and resubmission in accordance with the recommendations of the state board.

5. The obligation of the state department to prepare county plans for any county board that failed to do so by January 1, 1965, and submit such plans to the state board for approval.

6. The right to receive appeals, hold hearings, and make final decisions.

7. A provision that all school districts approved by the state board shall on July 1, 1966, constitute and be deemed established as school districts.

The major duties assigned to county boards of education included:

1. Preparation of district reorganization plans conforming to the standards adopted by the state board.

2. Preparation of plans on or before July 1, 1964, and submission of plans to the state board within 60 days after plans are prepared.

3. The obligation to confer with local board members, administrators, state department, and other interested persons.

Other provisions of the Pennsylvania Act:

1. A new district shall assume all of the assets and liabilities except bonded indebtedness which remains an obligation of the former school district.

2. School board directors consisting of nine members are elected at large, or the district may divide into either three or nine regions with an equal number of members elected from each region.

3. With some modification, all professional employees retain the seniority rights which they had at the time of the merger.

4. All reorganized districts receive a supplemental state aid payment of $800 per teaching unit.

5. State transportation reimbursement was made available to all districts.

6. The formation of new districts could disregard county lines.

In summarizing, this indirect mandatory school district reorganization act provided for county boards to submit district reorganization plans, in conformity with approved standards, to the state board within a required time limit. Where a county board failed to do so, the state department of education was directed to prepare a plan for the county and file it with the state board. All proposed districts included in plans approved by the state board of education were established as districts on a given date (July 1, 1966) mandated by the legislature.

Under the 1963 Act, the merging of school districts in Pennsylvania decreased in number from 2,056 to approximately 466 by July 1, 1966. This was a reduction of 1,590 districts within a period of three years.

Mandatory Legislation for County Agencies

Kansas and Wisconsin are two states that have adopted legislation authorizing a county agency to reorganize and establish districts by direct action. A brief description of this type of legislation is reviewed.

KANSAS

The Kansas legislature enacted a district reorganization law in 1945 which was declared unconstitutional in 1947. Each five-member county agency was required to make a comprehensive county-wide survey within the first six months and directed to complete the reorganization plans in a three-year period. After developing a proposed reorganization plan, the hearings were to be held. Following the hearings, the agency could alter or modify the plan, and issue final orders establishing new districts.

The county agencies were not required to present the plans to any state agency for review or approval.

Before the law was declared unconstitutional, about one-third of the 8,000 existing districts were reorganized. In 1947 the Kansas Supreme Court ruled the 1945 district reorganization act unconstitutional because it did not contain an adequate standard upon which the school reorganization county agencies could exercise the authority conferred on them, and it constituted an improper delegation of legislative power.

When the reorganization law was declared void, the merging of districts practically ceased until a new, strong semipermissive reorganization law was enacted in 1963. This new Kansas act is discussed under the semipermissive laws for district reorganization.

WISCONSIN

The 1947 Wisconsin act was similar to the earlier legislation in Kansas in that the county school agency was not required to submit reorganization plans to any state agency for approval and that it was empowered to issue orders directly establishing new school districts without a vote of the people. It differed from the Kansas act in that no time limit was specified within which the county agency was compelled to act. However, amendments to the law made in 1949 did require county agencies to prepare comprehensive reorganization plans and file them with the state superintendent of public instruction by a specified date.

The Wisconsin law did not give the state educational agency much latitude to provide strong educational leadership or authority to establish and maintain standards in the reorganization program. The law provided that the state superintendent shall advise and consult with the several county school agencies. He was also empowered to make recommendations to county agencies with respect to the creation, alteration, consolidation, and dissolution of school districts.

County School Agency

The act required the county board of supervisors to appoint a county school agency of six members for three-year terms. Three members had to be residents of villages and open country, and three had to be from towns and cities. The county superintendent served as secretary to the agency but was not entitled to a vote.

The county agency was empowered to act when petitioned by an elector or upon its own motion. Before issuing an order to establish a new district, the agency was required to hold a hearing on proposed reorganizations.

A 1951 amendment to the law provided that within 30 days after the public hearings on a proposed reorganization, the county agency was required to hold conferences with the school boards in the area involved in the proposed reorganization. The reorganization orders issued had to represent the decision reached in the conferences.

Referendum

The law was amended in 1949 so that any district established by order of the county agency was subject to a referendum within 30 days after the order was recorded. A referendum could be initiated by resolution of the county school agency itself; by the city council in any city included in the reorganization plan; by a petition signed by either 500 electors or 10 per cent of the electors, whichever number was less, in either incorporated or non-incorporated areas in the reorganization. If the order to establish a new district was not approved in the referendum, the county agency, after the expiration of one year, could prepare a second plan and proceed in the same manner as followed in the first attempt. If the second referendum failed to bring approval, the county school agency, with the advice of local school boards, continued to work, to issue orders, and to provide for referendums as long as need for reorganization continued to exist but successive plans could not be presented more frequently than with a one-year lapse of time between each referendum.

Assets and Liabilities

The assets and title to property and the claims, obligations, and contracts of the component districts become the assets and liabilities of the new district.

It may seem that the Wisconsin reorganization law has not been as effective as it might appear to be at first, since it authorized the county agencies to order the establishment of districts subject to referendums when called for. Experience has shown that this referendum is not often used. Careful hearings on proposals eliminated the need for a referendum in a number of instances. During the time this 1947 law has been in operation, the number of districts was reduced from about 6,400 to 4,300 in 1957. However, to a great extent the merging of districts has taken place under other existing laws.

Perhaps the weakest point in the Wisconsin reorganization law, as well as in several other comparable laws, is lack of authority or force to require a county

agency to act. Laws requiring agencies to act, or providing for replacements and remedies when agencies fail to act, are considered to be effective in accomplishing desired results.

In 1962 a new Wisconsin legislative act became operative requiring that all elementary districts be included in a twelve-year district. This act caused the elimination of elementary districts, and along with other district reorganization laws, the number of districts was reduced from 1,967 districts in 1961 to 545 districts by 1966.

In 1965 legislation was enacted dividing the state into 19 Cooperative Educational Service Areas with a board of control over each area involving several counties. The former county agencies in charge of district reorganization were eliminated. The board of control of each Cooperative Service Agency was given the duty to appoint a seven-member agency school committee to be in charge of school district reorganization over all the territory within the Cooperative Service Agency. Instead of having some 71 county agencies, one for each county, in charge of district reorganization procedures, 19 agency school committees were given this responsibility.

Each agency school committee was directed to study and evaluate the existing school district structure, and, where needed, propose enlarged districts to operate comprehensive school programs and services. The agency school committee could order the establishment of a new enlarged district. As previously described, a petition presented within 30 days could force a referendum on the order.

OTHER STATE LAWS

In 1947 the legislature of the State of Arkansas referred to the voters of the entire state a resolution for the reorganization of school districts. The major proposition of the Act read as follows:

> "On June 1, 1949, there is hereby created in each county a new school district which shall be composed of the territory of all school districts in the county which had less than 350 pupils enumerated....."

This proposition was adopted by the voters of the state in November 1948, and became effective June 1, 1949. Thus the school districts were reduced immediately from 1,589 to 423. Since that time the merging of districts has been at a slow pace. The number of districts in 1966 was 398.

Another type of mandatory legislation pertains to limited-size districts. Some 24 states have adopted legislation forcing the abolition of certain sized districts. Such legislation usually delegates authority to either a state agency or a county agency to annex to adjoining districts those districts falling below stipulated limits such as pupil enrollment, average daily attendance, non-operating districts, or non-twelve-year districts.

An Oklahoma act in 1949 directed the state board of education to annex non-operating districts and districts with fewer than 13 pupils in average daily attendance to districts maintaining schools.

In 1949 a Texas legislative act required a county board to consolidate a district which had not operated a school for two years with an active contiguous district. A 1947 law permitted a county board to consolidate districts of limited size and to annex common school districts of any size and independent districts of fewer than 250 pupils - all without a vote of the electorate. As a result of these laws, and others over a twenty-year period, the 5,145 districts in the state were decreased to 1,303 by 1966.

In this paper, reference has been made to the 1962 Wisconsin law and the 1965 Iowa law requiring elementary districts to be attached to twelve-year school districts. A 1965 South Dakota law required all elementary districts to be attached to twelve-year school districts by 1970. By a referendum this law will be voted on in the fall of 1968.

It should be observed that laws which abolish districts of specified limitations do reduce the number of districts in a state but do not provide for a careful, systematic plan for overall adequate school district reorganization.

CHARACTERISTICS OF MANDATORY LEGISLATION

Some fourteen states have used mandatory legislation to establish a pattern of school districts on a statewide basis. As defined in this paper, this number of states has adopted the use of direct and indirect types of mandatory legislation for creating and establishing enlarged school districts.

Common Features of Direct and Indirect Legislation

In almost every state using this type of legislation, a statewide survey was made prior to enacting mandatory legislation. Legislatures usually made provisions for creating study committees giving certain directions for the survey to be carried out. Funds were made available for this purpose.

The legislation establishing new districts included such provisions as:

1. The effective dates new districts were to be established.
2. The establishment of new districts to conform to the county as a county unit or a modified county unit.
3. The election or appointment of school board members for new districts.
4. The assumption of assets and liabilities including bonded indebtedness of the former districts.
5. Laws for transportation were revised to apply to new districts.
6. State aid laws were revised to assist new districts, and in some to provide incentives for developing and operating schools.

Direct Mandatory Legislation

States establishing districts by direct mandatory legislation adopted a brief and simple law directing the disestablishment of existing district and the establishment of new districts to be effective on a certain date or within specified time limits. Usually the act included revisions of all other laws to conform to the satisfactory operation of the new districts established. Since the new districts were established by a direct act of the legislature, no penalties or incentives for accomplishing district reorganization were necessary. However, in some cases the state aid laws were adjusted to encourage the development of facilities, programs and services within the newly established districts.

Indirect Mandatory Legislation

This type of mandatory legislation created a state agency at the state level and a county agency at the county level, and authorized and directed the two agencies to reorganize and establish new districts. Some features common to this type of legislation included:

1. The creation of a state agency usually separate from the state educational agency but with some cooperative liaison with the state educational agency.

2. Authorization of the state agency to adopt standards and promulgate rules for the reorganization process.

3. Directions to the county agencies to study school districts, hold hearings and submit proposed districts to the state agency for approval.

4. Authorization of the state agency to withhold state funds if and until the county agency complies with directions in submitting proposals to conform to approved standards.

5. Time limits of two to four years within which to establish new districts.

6. The exact procedure for ordering the new districts established and the effective date new districts were to begin operations.

PART IV

SEMIPERMISSIVE LEGISLATION FOR SCHOOL DISTRICT REORGANIZATION

Semipermissive legislation for school district reorganization is a type of legislation that contains some mandatory features and some permissive features for the adoption of school districts. This type of legislation requires that certain essential preliminary steps be taken in preparing plans, proposing enlarged districts, and presenting such proposals to the voters for approval. Such legislation usually emphasizes careful planning and is mandatory in directing that proposals be presented but permissive in leaving the right to the electorate to approve or reject the proposed district.

The four states (Iowa, Missouri, Nebraska and South Dakota) involved in the Great Plains Cooperative Project on school district organization are typical of those states enacting semipermissive legislation for reorganizing districts. A synopsis of this legislation for each of the states is related in the Appendix of this paper.

In reviewing the several state laws, there are many features and patterns that are common to the semipermissive type of legislation. Also, there are unique features contained in certain state laws that encouraged district reorganization to move at a more rapid pace than in other states.

Three Major Provisions of Semipermissive Legislation

Most of the state laws with semipermissive features contain three general provisions:

1. Provisions for establishing at the state level a state agency or place with an existing state educational agency, such as a state board of education or state department of education, responsibility for assisting, counseling, reviewing, and approving or disapproving reorganization plans prepared by county agencies at the county level.

2. Provisions for creating at the county level a county agency, usually a county board of education, and authorizing it with certain mandatory powers and duties to prepare and present district reorganization plans, hold hearings, and call elections for the approval of plans by the voters.

3. Provisions permitting the voters within the affected areas to ratify or reject the proposed plan of district organization.

Organization of State Agency

Each of the states enacting semipermissive type of district reorganization legislation has established a state agency or lodged with an existing state agency some responsibilities for assisting in a statewide program of district reorganization.

The creation and organization of a state agency at the state level varied among the states. C. O. Fitzwater, in his study of School District Reorganization Policy and Procedures, found that the establishment of state agencies followed three general patterns:

1. The one most commonly followed placed responsibilities with the chief state school officer or the state board of education. Colorado, Iowa, New York and South Dakota placed responsibility with the chief state school officer. The Missouri law made the state board of education responsible.

2. Another pattern has been followed in at least three states - Illinois, Minnesota and Nebraska - where a special state agency or commission was created to carry district reorganization responsibilities at the state level with the advice and assistance of the chief state school officer.

3. Legislation for a third type has created a special state agency or commission to function independently of the state department or state board of education. However, in most cases the chief state school officer or a member of the state board of education has been placed on state commissions of this type. California, Idaho, North Dakota and Washington followed this procedure. These independent state commissions functioned only for a period of time, usually no more than four years. In some states the duties of such state commissions were then transferred to the chief state school officer or state board of education. This transfer of duties gave continuity to the reorganization program. Membership in these states agencies ranged from six to ten members, with seven to nine members most common. Also, the legislation in most cases specifically required that lay citizens be represented on the agencies.

Powers and Duties Given to State Agencies

The powers and duties assigned to the state agencies varied greatly among the states. Some state agencies were given important and even forceful powers in directing and assisting the agencies at the county and local levels. Others were given little responsibility. Among important duties and powers assigned to state agencies are the following:

1. Developing and establishing principles, policies and procedures for a statewide program of district reorganization.

   a. Directing surveys and providing essential information.

   b. Providing plans for procedures, standards and data.

   c. Preparing manuals that set forth principles and standards to guide county agencies and procedures to be followed.

2. Providing professional assistance to county agencies responsible for studying and preparing plans for the counties.

3. Appointing county agencies in counties where the local authorities failed to create a county agency or appointing a new county agency when such agency fails to or refuses to prepare and present plans for district reorganization.

4. Granting county agency an extension of time beyond that prescribed in the law if the state agency deems necessary.

5. Receiving, reviewing, approving and rejecting county plans for reorganizing districts.

   a. Reporting to the county agency when plans are unsatisfactory; the findings, reasons and suggestions for improvements.

   b. Receiving plans and reporting findings or actions of state agency within the period of time prescribed by law.

6. Making reports to each session of the legislature, together with any recommendations for legislation.

7. Completing various steps of the program within specified time limits.

The effectiveness and adequacy of a state program of district organization may well depend upon the comprehensive power and duties given to a state agency and the financial assistance necessary to the agency for performance of these powers and duties. The extreme contrast may be found in the responsibilities assigned to a state reorganization agency in the district reorganization laws of Idaho and Iowa.

The Idaho act empowered and authorized the state agency to employ professional assistants, to disburse funds necessary for carrying out the law, to aid the county agencies, to receive plans and report findings, to approve or reject county plans, to modify county plans, to grant extension of time to county agencies, to appoint a county agency if one were not elected or failed to perform its duties, and to establish districts without voter approval under certain conditions.

In contrast to the Idaho district reorganization law, Iowa's original act placed very little responsibility for district reorganization upon its state agency, which is the chief state school officer. The limited powers and duties prescribed in the act included the following: to cooperate with the several county agencies in making studies and surveys, to render a decision in case of controversy over planning districts across county lines, to receive a plan for filing from the county agency, and upon request from a county agency to prepare a plan with recommendations to the county agency.

Creation of County Agencies

Nearly all of the states with semipermissive legislation provided for establishing a county agency, or placed the responsibilities with an existing county educational agency. Creating a county agency was optional in a few states.

The number of members to serve on county agencies varied among the states from five to thirteen, with five to nine most common. Also various ways of selecting members to the county agency included: being elected by existing school board members, by presidents of existing school boards, by popular vote, and by appointment.

The length of term for county agencies to function ranged from a specified time to an indefinite period of time. The more recent laws enacted provide for an indefinite period for the agency to serve, or until the program of district reorganization is completed. Table III shows some of the variations among a sampling of the state laws for creating county agencies.

In Wisconsin, by 1965, a revision in the law provided that instead of having a county agency for each county to administer the district reorganization law, an agency school committee of seven members is appointed to serve all the territory of several counties that belong to each of the nineteen cooperative educational service areas.

Duties and Powers Delegated to County Agencies

The importance and effectiveness of the county reorganization agencies depend to a large degree upon the authority and responsibility lodged with them. Some state laws placed greater responsibility upon county agencies than did others. Responsibilities assigned to county agencies by these legislative acts fall into three general categories as follows: (a) studying existing school districts within the county, (b) preparing plans for reorganizing the districts, and (c) presenting proposed plans to the voters. The following is a summary of the major duties and responsibilities usually assigned to county agencies.

1. Study the school districts of the county and make recommendations for desirable reorganization which will provide better educational opportunities, more efficient and economical administration, and a more equitable distribution of public school revenues. In developing a plan for reorganization, give consideration to such factors as pupil population, educational needs, location and condition of existing school plant facilities, assessed valuation of taxable property and tax rates, assets and liabilities of existing school districts, conditions of roads and provisions for pupil transportation, and educational opportunities provided in the schools included in the reorganization proposals. The enumeration of such items in legislation or in reorganization manuals prepared by state agencies clearly indicates the intent of having the county agency make an objective and thorough study of factors pertaining to reorganization proposals.

2. Within certain time limits the county agency is usually required to prepare and complete a proposed plan of district reorganization for the county and submit it to the state agency. Items required by the laws to be included in the plans are as follows:

a. Written description of proposed plan including maps, charts, statistical data and other information needed to support the plan.

b. A plan for adjusting assets, liabilities and bonded indebtedness.

c. Division of existing districts where necessary.

d. The procedure for forming joint districts crossing county lines and the right of appeal to a board of arbitration if two or more county agencies cannot agree.

3. Hold public hearings on tentative plans and on completed plans before being submitted to a vote of the people.

4. Specify election procedures such as:

a. That the proposed plan be submitted to the voters within a given period of time.

b. That petitions be signed by a specified number or per cent of electors calling for an election.

c. That the county superintendent or county agency be responsible for preparing and calling elections.

d. That notices be posted and published in newspapers of general circulation.

e. That subsequent plans be prepared and presented when previous plans are defeated.

TABLE II

PROVISIONS FOR STATE PLANNING AGENCIES FOR SCHOOL DISTRICT REORGANIZATION IN SEVEN STATES

State	Name of Agency	Method of Selection	Number of Members	Length of Term
Colorado	Commissioner of Education and Special Asst.	Appointed by State Bd. of Education	-	Serve at pleasure of State Board
Idaho	State Committee	Nine members appointed by State Bd. with one member to be a State Bd. Member	6	To terminate at the end of four years
Iowa	State Bd. of Education	Nine members elected by the people	9	-
Kansas	State Supt. of Public Instruction	Elected by the people	-	For a two-year term
Missouri	State Bd. of Education	Appointed by Governor	8	For eight-year terms
Nebraska	State Committee	Five members appointed by Governor, sixth member is State Supt.	6	For five-year terms -
South Dakota	State Superintendent	Elected by the people	-	Two-year term

TABLE III

COUNTY AGENCY AND RESPONSIBILITIES IN SEVEN STATES

State	Name of Committee	Creating Committee	Number of Members	Length of Term	Length of Time Committee Functions
Colorado	School planning committee	Mandatory	9 to 13[1]	2 years[1]	Until plan is completed
Idaho	County committee	Mandatory	6	4 years	4 years[2]
Iowa	County bd. of education	Mandatory	5	5 years	Indefinite
Kansas	County planning board	Mandatory	6	Not specified	Not specified
Missouri	County bd. of education	Mandatory	6	3 years	Indefinite
Nebraska	County committee	Mandatory	6 to 10	4 years	Indefinite
South Dakota	County board[3]	Optional	7	4 years	Indefinite

1. Committee members are to be elected and committee to continue until plan of reorganization is completed.

2. In 1949 amendment to abolish committees where reorganization had not been completed and establish new committees.

3. Changed from county committee to county board of education in 1955.

Characteristics of Semipermissive Legislation

The effectiveness of semipermissive legislation for organizing adequate school districts depends upon the mandatory provisions of the law for requiring plans and subsequent plans to be prepared and presented to the voters, and the voting process. The laws are most effective when they provide a clear, simple presentation to the voters, and when they require no more than a simple majority vote for approval. Also, laws requiring county agencies and state agencies to continue until reorganization of districts is completed have been effective.

A State Agency Required

States enacting semipermissive legislation with one or two exceptions created or delegated to an existing state educational agency certain responsibilities and duties. Some were delegated much more rigid and forceful powers than others. Regardless of powers and duties expressed in the laws, state agencies were helpful in interpreting the laws, counseling with county agencies and school officials, and maintaining a degree of uniformity in the reorganization of school districts. However, those states where state agencies were given the obligation and authority not only to assist in district reorganization programs but also to insist and require that certain steps be completed have been the most effective in achieving district reorganization.

County Agency Required

Most of the states with this type of legislation required county agencies to be established. Establishing a county agency was optional in a few states. Those states requiring the establishment of county agencies with certain duties delegated to be performed were more effective in securing district reorganization.

County Agency Required to Prepare Plans

The laws in at least 14 states required the county agency to prepare a plan of district reorganization within some specified time limits. In other states, the preparation of plans was optional, or no time limits were specified.

County Agency Required to Present Plans to the State Agency

Most of the states requiring county agencies to prepare plans also required that such plans be filed with the state agency for review before being submitted to voters.

State Approval of Plans

In several states the law requires county agencies to receive the approval of plans by the state agency before submitting proposals to the voters. Other states do not. For example, Iowa, Missouri and Nebraska county agencies can present district reorganization proposals to the voters without state agency approval.

Hold Public Hearings

Public hearings on plans were required in a number of the states. Usually the county agency was given the responsibility to hold hearings on proposals and authorized to make adjustments following such hearings.

Time Limits for Completing Plans

The requirement of time limits for developing and presenting plans varied considerably among the states. The most common time limits ranged from six months to two years. Missouri's original law provided time limits for preparation of plan, submission to state agency and to the voters, and submission of a second plan for any part of the first plan that was defeated. However, there was no remedy or penalty attached if time limits were not met. In the original laws for Colorado, Iowa and Nebraska, no time limits were required.

Plans Submitted to Voters

The county agencies in four of the states listed in Table IV were required to present plans to voters, one was required to do so if petitioned by a per cent of voters, and two were not required to do so.

Required Voting Majorities

All of the states with semipermissive legislation set out procedures and required certain majorities for adoption of proposed districts. For the twelve states examined in Table V, five required a simple majority of all votes cast in the proposed district, six required two or more majorities. Iowa required a majority vote in each of 75 per cent of the component districts. Nebraska and South Dakota required a single favorable majority vote in common districts and a separate majority vote in high school or independent districts included in a proposal.

Subsequent Plans to be Prepared

Several of the state laws made provision for preparing and submitting second and subsequent plans when proposals were defeated. For the most part, these were permissive and did not provide any firm requirements or time limits to continue to submit plans to voters.

Establishing Districts

Two states, Idaho and Kansas, using semipermissive legislation, incorporated in each of the state laws a provision for establishing districts without approval of voters where proposed districts were defeated by the voters.

The 1947 Idaho law provided that where no proposed districts were presented or where proposals were rejected by the voters, the county agency could recommend a proposed district or districts to the county commissioners. Within 10 days after receiving the recommendation, the county commissioners were required to order the establishment of the district or districts. This provision was later

repealed. Under the Idaho districting laws, the number of districts has decreased from 1,082 districts existing in 1947 to 216 by 1953, and by 1966 there were 117 districts.

The 1963 Kansas district reorganization law provided that where a proposed district was rejected by the voters, thereafter the school board of an existing high school district within the proposed district could petition the state superintendent to establish an enlarged district without submitting the proposal to the voters. This particular provision of the law seems to have been most effective. There were 1,848 districts when the law was enacted in 1963, and three years later the number had been reduced to 349 districts.

Financial Incentives

Very few states have made direct grants to encourage the adoption of district reorganization plans. Four of the nine states reviewed in Table VI provide state aid inducements. California provides an additional $20 per pupil annually in state foundation program for new unified districts. Missouri's one time grant of $50,000 on a matching basis for construction of new buildings has served as an encouraging factor. It seems difficult to measure just how effective financial incentives have been as a major factor in achieving school district reorganization. None of the state laws examined using semipermissive legislation have adopted any financial penalties; that is, deny state monies to districts for not reorganizing.

Bonded Indebtedness

The settlement of bonded indebtedness against districts included in a new district seems to be considered in one of three ways. In some states, the law provides for the bonded debt to remain against the property of the former district. In other states, the debt is assumed by the entire new district. In others, the laws provide for the solution of the bonded debt to be a part of the proposed plan when presented to the voters. The states examined in Table VI illustrate these varied solutions for bonded indebtedness.

Minimum-Sized Districts

Many of the state laws have not specified any minimum size. Most contain general statements to the effect that districts should be of such size to provide adequate educational programs at an economic cost in operations. The following states have specified size of districts as follows:

a. Missouri requires a proposed district to have no fewer than 200 pupils or 100 square miles of territory. The State Board may approve a district with less requirements.

b. Iowa requires 300 pupils of school age and the State Board may approve a district with fewer pupils.

c. In California, a unified district must have 2,000 pupils with certain flexible alternatives.

d. Indiana set a minimum of 1,000 pupils, or 144 square miles, or $5,000 assessed valuation per pupil.

e. Michigan's minimum is 2,000 pupils.

f. Pennsylvania recommends 4,000 pupils.

g. Kansas set a minimum of 400 pupils or 200 square miles.

h. Maine and Wisconsin require 300 and 500 high school pupils respectively.

TABLE IV

REQUIREMENTS FOR SUBMITTING PROPOSED PLANS TO VOTERS

County Agency	Colorado	Idaho	Iowa	Kansas	Missouri	Nebraska	S.Dakota
Must prepare plan	yes	yes	yes	yes	yes	yes[3]	yes
Present plan to state agency	yes	yes	yes	yes	yes	yes	yes
Must secure state approval	yes	yes	no	yes	no	no	yes
Must submit plan to voters	yes	yes	no[1]	yes	yes	no	no
When rejected by voters, must submit a second plan	yes	no	no	no	yes	no	no
May submit subsequent plans	yes	yes	yes	yes	yes	yes	yes
State agency may prepare plans when county fails	yes	yes	yes	no	no	no	yes
State agency may order districts established	no	yes	no	yes[2]	no	no	no

1. County board required to submit proposal to voters upon receiving a petition signed by 20% or 400 voters, whichever is smaller.

2. After October 1, 1964, any operating high school could petition the state superintendent to establish a unified district.

3. 1955 amendment required county agencies to prepare and present plans in two years but no remedy or penalty was specified if a county agency failed to do so.

TABLE V

VOTING PROCEDURES REQUIRED FOR RATIFYING PROPOSED REORGANIZED DISTRICTS

States	Majority Vote of the Entire District	Two or More Majorities Required	Majority Vote in Each Component District or Per cent of Component Districts
California	yes		
Colorado	yes[1]		
Idaho	yes[2]		
Illinois		yes	
Iowa			yes
Kansas		yes[3]	
Minnesota		yes	
Missouri	yes		
Nebraska		yes	
New York	yes		
North Dakota		yes	
South Dakota		yes	

1. The first laws in 1949 required a majority vote in each component district.

2. If a component district had over one-half the voters, a separate favorable majority was required in it, and a favorable majority in the remaining area.

3. If the proposed district contained a city district, a majority vote was required in the city, and a majority vote in the remaining part.

TABLE VI

STATE LAWS - BONDED INDEBTEDNESS AND FINANCIAL INCENTIVES
FOR DISTRICT REORGANIZATION

State	Incentives	Provisions for Bonded Indebtedness
California	An additional $20 per pupil in the state foundation program for unified districts.	A county plan may include a proposal for the new unified district to assume its share of bonded indebtedness. A separate two-thirds approval of those voting is required.
Colorado	None	Existing bonded debt remains the obligation of the former districts, except if recommended by the committee and approved by majority vote, the debt is assumed by the new district.
Iowa	None	The plan of reorganization may provide for division of assets and liabilities. If not, the new board may make settlement with the former boards.
Kansas	None	Bonded debt remains with the former districts.
Missouri	Grant of state building aid not to exceed $50,000 on a matching basis to aid in constructing new buildings.	Bonded debt is assumed by the reorganized district.
Nebraska	None	Any indebtedness remains with the former districts unless a different solution is voted.
Pennsylvania	$800 per classroom unit for merged districts and those reorganized under Act 299 of 1963.	Bonded debt becomes the liability of the new districts, except that which former districts incurred for current operations.
Maine	Reorganized unit receives annually 10% more operational aid.	Debts to be included as a part of the total plan when voted.
South Dakota	None	The bonded debt remains with the former districts.

PART V

CONCLUSIONS

All types of legislation ranging from direct mandatory legislation to extreme permissive legislation have been enacted by the several state legislatures in establishing or attempting to establish adequate school districts. Some states have determined the type and size of school districts desired and proceeded to establish, or caused to be established, school districts in a short period of time. A number of other states, recognizing the need for improved school district structure, have enacted, amended, and reenacted permissive and semipermissive laws working at the reorganization of school districts over a period of many years.

The four states, Iowa, Missouri, Nebraska and South Dakota, cooperating in the Great Plains School District Organization Project, are among those states that have been laboring for better districts over long periods of time and are still in the process of attempting to perfect more adequate school districts. The number of districts has been reduced largely by merging the elementary districts with the existing twelve-year school districts, thus leaving many small and weak twelve-year school districts. If the district structure in these four states is to be rounded out to make the best possible districts in relation to the resources within each state, there will undoubtedly need to be enacted much more forceful and direct legislation to bring this about within a reasonable period of time than has been enacted in the past.

Permissive Legislation

Most states have laws providing for the voluntary merging of districts or changing of boundary lines between two or more adjacent districts. No overall planning for adequate redistricting is required. Usually no approval from the state or county agency is required. All action and voting is initiated and carried out at the local level. However, in some states during the process of a district reorganization law, any voluntary merging of districts is required to be approved by a state or county agency to see that such mergers fit into the plan of district reorganization. Permissive legislation for merging districts has not resulted in securing satisfactory statewide school district reorganization.

Important Features of Mandatory Legislation

Mandatory legislation reorganizes and establishes school districts by direct legislative action without referring the proposition to the voters for approval. This procedure saves time, effort and money. Districts can begin to function immediately. The educational benefits to be derived from a statewide system of good school redistricting can be made available to all the youth, regardless of where they live within the state, in a relatively short period of time.

Some of the important features of mandatory legislation examined include:

1. A statewide study showing the educational needs and the kinds and sizes of school districts to meet these needs.

2. The desired district boundaries properly described to be established by legislative action.

3. The removal and amendment of any laws not in conformity with efficient and economical operation of the new districts.

4. Laws for local financing and state aid need to be adjusted to encourage and assist new districts.

5. Procedures for electing or appointing school board members.

6. Procedures for adjusting assets and liabilities of former districts.

7. The date or time new districts are to begin operation.

8. Provisions for transporting pupils.

Where mandatory action is delegated to a state agency and county or multi-county agencies, the following features were included:

1. A statewide study is required to determine the educational needs which would assist the state and county agencies directed to study, prepare and establish districts adequate to meet educational needs.

2. The legislative act contains in detail all of the procedures to be followed:

   a. The creation of a state agency with given duties, powers and authority to oversee and assist in completion of the reorganization program.

   b. The establishment of a county agency or multi-county agency with assigned duties and powers.

   c. Specifying the time limits for establishing districts and remedies for failure to do so.

   d. Setting out the procedures for securing school board members for new districts.

   e. Providing for penalties, or incentives to encourage perfecting reorganized districts.

   f. Providing for settlement of all assets and liabilities.

   g. Specifying the exact procedure to be followed in ordering the establishment of new districts.

3. Establish a state agency with authority to perform its duties continuously during the time it takes to complete the district reorganization program.

   Some important duties and powers delegated to the state agency were:

   a. To adopt rules, regulations and standards to be carried out.

   b. To approve all reorganization plans before ordering districts to be established.

   c. To advise with local agencies.

   d. To hold hearings on proposed plans.

   e. To make final decisions where county agency fails or refuses to perform in accordance with the law, rules, and standards.

4. Create or assign to an existing educational county agency the powers and duties sufficient to assist in completing the program of redistricting at the county level. Included in these delegated powers and duties are the following:

   a. Preparation of proposed plans and submission to the state agency.

   b. Hearings on proposed plans.

   c. Revision of proposed plans to meet with approval of state agency.

   d. The right to cooperate with county agencies across county lines.

   e. Exact procedure for ordering and establishing new districts where this responsibility is assigned to the county agency.

Important Features of Semipermissive Legislation

Semipermissive legislation for district reorganization has been enacted in a number of states, particularly the Midwest and Western states. This type of legislation requires that essential preliminary steps be taken in preparing plans and proposals, and that the final adoption of the proposal be submitted to the voters for approval.

How rapidly a state moves toward the completion of school redistricting depends upon the mandatory and permissive features contained in the state law.

States using semipermissive district reorganization laws can point to progress over an extended period of time. With very few exceptions, most of the states using this type of legislation initiated in the 1940's and 1950's are still in the process of attempting to secure adequate or more adequate school districts for all parts of the state. The four states of Iowa, Missouri, Nebraska and

South Dakota are typical. These states have been involved in district reorganization under semipermissive laws for the last 20 years and are still in the process of attempting to attain adequate school districts for all parts of each state.

From the review of the various state laws, and examination of other research studies available, the following major features should be a part of any semipermissive legislative act, if effective district reorganization is to be the result.

1. The legislative act should include these provisions:

   a. Define overall objectives the state desires to accomplish in school redistricting.

   b. Establish a state agency and county agencies or multi-county agencies for the duration of the reorganization program with necessary powers and duties to achieve results and complete the program.

   c. Give direction to and provisions for desirable standards to be developed and followed.

   d. Arrange state aid laws and financial incentives to encourage perfecting districts meeting prescribed standards.

   e. Repeal and/or amend any existing laws that cause road blocks to the formation of new districts.

   f. During the period of the district reorganization, require any merging of districts under other laws to be approved by the state and county agencies, or provide for a moratorium on merging of districts except by the district reorganization law.

   g. Provide for mandatory referendum on proposed districts, clear instructions for calling elections, specifying time limits, and requiring a single majority of the total votes cast for ratifying the proposal.

   h. For proposals rejected by voters, provide for revision of proposals and requirements for submission of subsequent plans, causing every effort to be made to attain satisfactory districts over the entire state.

   i. Prescribe time limits within which various procedural steps are to be completed to attain reorganization of reasonably adequate school districts for the entire state and remedies where time limits and directions are not followed.

   j. Where districts have been rejected by the voters, authorize the state agency to establish districts under certain alternatives and prescribed conditions.

k. Procedures for adjusting assets and liabilities.

l. Provisions for transporting pupils.

2. Create a state agency to administer the reorganization program for the time required to complete the redistricting. Delegate to the state agency the necessary powers and duties to accomplish results. These powers and duties include the following:

   a. Employ necessary professional and clerical assistance.

   b. Formulate policies and principles to be followed.

   c. Develop methods of procedure to guide county agencies.

   d. Adopt standards for redistricting.

   e. Counsel with county agencies, school officials and citizens.

   f. Require overall planning of proposed districts and that all merging of districts take place within the plan.

   g. Approve or disapprove plans, or parts of plans, submitted by county agencies.

   h. Recommend changes in plans to meet prescribed standards.

   i. Appoint a new county agency where any existing county agency fails to perform its assigned functions within the time limits required or be authorized to perform the functions in lieu of the county agency.

   j. Make periodic reports on the progress of district reorganization to the state legislature.

   k. Establish districts under certain prescribed conditions.

3. Create a county agency or multi-county agency with provisions for continuing until the redistricting program is completed, for the purpose of planning, preparing and presenting district reorganization plans. The major powers and duties assigned to a county agency include:

   a. Provisions for organizing, meeting, and conducting business.

   b. Sufficient funds for operations.

   c. In general terms, the factors to consider in making studies and preparing plans.

   d. Procedures and preparations of comprehensive plans for school redistricting that meet standards prescribed by the state agency.

e. Requirements for plans to be presented to the state agency within certain time limits.

f. Provisions for requiring consultation between the state agency and the county agency where a plan or a portion of a plan is disapproved by a state agency and for requiring the county agency to revise and resubmit the plan within a specified time limit.

g. Provisions for holding hearings on proposed plans.

h. Consideration of reorganization proposals presented by local people when such proposals are consistent with standards for comprehensive plans.

i. Provisions for carrying out election procedures for approval of proposed districts by voters and for electing or appointing board members for new districts adopted.

j. Where previous proposals are defeated, requirements for continued study, revision, and resubmission of proposals within specified time limits until reorganization program is completed.

The evidence shows that effective legislation is the key to sound and adequate school district reorganization. Education is a responsibility of the state. Only the state through legislative processes can provide the necessary framework for making or causing the formation of adequate school districts that can provide the quality and quantity of educational facilities, programs and services for the youth of today and tomorrow.

PART VI

A P P E N D I X

APPENDIX A

NUMBER OF SCHOOL DISTRICTS AND TRENDS

BY STATES

1932–66

States	Number of School Districts					Percent Decrease or Increase School Districts		Area in Sq. Mi. of Each State
	1932	1948	1953	1961	1966	1932–48	1948–66	
Alabama	112	108	111	114	118	-3.6	+9.2	51,078
Alaska	17	23	28	30	27	+35.3	+17.4	586,400
Arizona	500	322	329	297	298	-35.6	-7.5	113,580
Arkansas	3,193	1,589	423	418	398	-50.2	-75.0	52,725
California	3,589	2,429	2,018	1,650	1,187	-32.3	-51.5	156,803
Colorado	2,041	1,884	1,147	341	183	-7.7	-90.2	103,967
Connecticut	161	174	172	176	178	+8.1	+2.2	4,899
Delaware	126	126	115	92	51	0.0	-59.5	1,978
Dist. of Col.	1	1	1	1	1	0.0	0.0	61
Florida	67	67	67	67	67	0.0	0.0	54,262
Georgia	272	189	203	199	195	-30.5	+3.2	58,518
Hawaii	1	1	1	1	1	0.0	0.0	6,424
Idaho	1,418	1,011	216	118	117	-28.7	-88.4	82,808
Illinois	12,070	11,061	2,607	1,552	1,340	-8.4	-87.9	55,947
Indiana	1,292	1,196	1,144	888	404	-7.4	-57.9	36,205
Iowa	4,870	4,856	4,558	1,391	501	-.3	-89.7	55,986
Kansas	8,748	5,643	3,903	2,303	349	-35.5	-93.8	82,113
Kentucky	384	256	227	207	200	-33.3	-21.9	40,109
Louisiana	66	67	67	67	67	+1.5	0.0	45,177
Maine	518	493	491	462	323	-4.8	-34.5	31,040
Maryland	24	24	24	24	24	0.0	0.0	9,887
Massachusetts	355	351	351	438	397	-1.1	+13.1	7,907
Michigan	6,965	5,434	4,736	1,981	900	-22.0	-83.5	57,022
Minnesota	7,773	7,606	5,298	2,420	1,250	-2.1	-83.6	80,009
Mississippi	5,560	4,194	1,417	150	149	-24.6	-96.4	47,420
Missouri	8,764	8,422	4,331	1,735	888	-3.9	-89.5	69,270
Montana	2,439	6,800	1,201	1,025	900	+178.8	-86.8	146,316
Nebraska	7,344	6,991	6,276	3,348	2,400	-4.8	-65.7	76,653
Nevada	266	211	185	17	17	-20.0	-91.9	109,802
New Hampshire	244	239	235	230	189	-2.0	-20.9	9,024
New Jersey	552	561	557	588	593	+1.6	+5.7	7,522
New Mexico	98	104	100	99	90	+6.1	-13.4	121,511
New York	9,467	4,609	2,961	1,280	939	-51.3	-79.6	47,929
North Carolina	200	172	172	173	169	-14.0	-1.7	49,142
North Dakota	2,228	2,267	2,111	1,066	548	+1.8	-67.0	70,054
Ohio	2,043	1,583	1,365	840	712	-22.5	-55.0	41,122
Oklahoma	4,933	2,664	1,888	1,255	994	-46.0	-62.7	69,283
Oregon	2,234	1,363	893	510	390	-39.0	-71.4	96,350
Pennsylvania	2,587	2,540	2,502	956	595	-1.8	-76.6	45,045
Rhode Island	39	39	39	41	40	0.0	+0.3	1,058
South Carolina	1,792	1,737	103	109	108	-3.1	-93.8	30,594
South Dakota	3,433	3,409	3,385	2,964	2,016	-0.7	-40.9	76,536
Tennessee	194	150	150	154	151	-22.7	+0.7	41,961
Texas	7,932	5,145	2,146	1,539	1,303	-35.1	-74.7	263,644
Utah	40	40	40	40	40	0.0	0.0	82,346
Vermont	268	268	263	262	264	0.0	-1.5	9,278
Virginia	125	125	127	131	131	0.0	+4.8	39,899
Washington	1,792	628	551	419	360	-65.0	-42.7	66,977
West Virginia	450	55	55	55	55	-87.8	0.0	24,090
Wisconsin	7,662	6,385	5,463	1,967	545	-16.7	-91.5	54,715
Wyoming	400	359	322	212	173	-10.2	-51.8	97,506
GRAND TOTAL	127,649	105,971	67,075	36,402	23,335	-16.98	-78.0	3,569,952

SOURCE: SCHOOL DISTRICT ORGANIZATION JOURNEY THAT MUST NOT END, 1962
Published by American Association of School Administrators, 1962

ESTIMATES OF SCHOOL STATISTICS, 1966–67
Published by National Education Association, 1966

APPENDIX B

A SUMMARY OF DISTRICT REORGANIZATION LEGISLATION IN MISSOURI, IOWA, NEBRASKA AND SOUTH DAKOTA

The reorganization legislation in the four states of Missouri, Iowa, Nebraska and South Dakota as herein reviewed follows the patterns of legislation adopted by some twenty states in the late forties and early fifties. In the main, this legislation created three levels of action for bringing about school district reorganization characterized as follows:

1. Creating at the state level a state agency, or assigning to the state commissioner or state board of education responsibilities for assisting, counseling, reviewing, and approving or disapproving reorganization plans prepared by committees or agencies at the county level.

2. Establishing at the county level a county agency, or county board of education, and assigning to it powers and duties to study and prepare plans of district reorganization, hold hearings, and call elections for adoption of proposed districts by the voters.

3. Permitting the voters in the areas involved to ratify or reject the proposals.

MISSOURI REORGANIZATION LAW

Missouri became a state in 1821. By 1839 legislation was enacted making the township the unit for local school district administration. The township system was finally abandoned in 1874 in favor of the small district system. By 1900 there were 10,499 districts.

The first consolidation laws were enacted during the years from 1901 to 1921. A gradual consolidation of school districts took place under the consolidation laws and amendments to such laws through the twenties and the thirties. By 1948 the number of school districts had been reduced to 8422.

In January 1948, a school district reorganization bill was enacted and became operative in the fall of 1948. This law is still in effect, and with a few amendments is basically the same as the original law. The major features of this act are related below.

State Agency

At the state level, the state board of education was assigned certain responsibilities which included the following:

1. Establish within the state department of education a section for district reorganization. The state board, through this section, advises with county boards, assists in preparing plans for district enlargement, and promotes efficiency in school administration and the improvement of educational opportunities.

2. Upon receiving plans of district reorganization from county boards of education, the state board has the responsibility of reviewing, and either approving or disapproving the plans within 60 days. If the plans are disapproved, reasons for disapproval shall be submitted to the county board of education. If any or all of the proposed districts in the plan are approved, the county board shall be notified.

County Boards of Education

The 1948 law directed that a six-member county board of education be created in each county. The law did not stipulate how a county board was to be created in case a county failed to do so. However, no remedy was needed, as all counties complied.

Within 60 days after the law became effective, each county superintendent was directed to call a meeting of all the school board members within the county for the purpose of electing six members to the county board of education. The members were elected for one, two and three-year terms respectively. Thereafter, members were and are elected for three-year terms. With certain exceptions, only one member could be elected from a township or school district. In 1957 this phase of the law was amended providing for the voters in the county to elect county board members, electing three from each of the two county court districts in each county.

The county board shall meet quarterly and more often if necessary. A meeting of the county board can be called by the county superintendent, the chairman, or any four members. The county superintendent is by law the secretary of the board and shall furnish clerical assistance. Board members serve without pay but are reimbursed for necessary expenses by the state. No funds are made available for making studies or employing any assistance.

Duties of County Boards

County boards were assigned the following responsibilities:

1. Within six months after its organization, make a complete comprehensive study and prepare a plan of district reorganization. The study shall include: (a) the assessed evaluation of existing districts and the differences in valuation under the proposed plans; (b) the size, geographical features, and the boundaries of the proposed enlarged districts; (c) the number of pupils attending school, average daily attendance, and the population of the proposed enlarged districts; (d) the location and conditions of school buildings and accessibility to pupils; (e) the location and condition of roads and natural barriers in the county; (f) the high school facilities and recommendations for improving them; (g) the conditions affecting the welfare of the teachers and pupils; and (h) any other factors concerning adequate facilities for pupils.

2. Upon completion of a county study, but not later than May 1, 1949, the law directed the county board to submit a plan of district reorganization to the state board of education. The plan is required to be in writing and to include charts, maps, and information for necessary documentation.

3. Continue to study the county school system and propose subsequent plans as conditions warrant.

4. County boards of adjoining counties may cooperate in the solution of common organization problems and submit to the state board of education for final decisions the questions on which they fail to agree.

Approval of Reorganization Plans

Upon receiving a plan of district reorganization from a county board, the state board of education is required to examine and approve or disapprove the plan. Within 60 days after receiving a plan, the state board is required to notify the county board of its decision, indicating the reasons for its decision if the plan is not approved.

If the plan is disapproved, the county board is required to revise the plan as it may deem advisable and to resubmit the plan to the state board within 60 days. Within 60 days after receiving the revised plan, the state board is required to approve or disapprove the plan and to notify the county board of its decision. After approval of the state agency has been secured, the county board is required to submit the proposed reorganization to the voters within 60 days.

The 1948 act provided that if a plan were disapproved twice by the state agency, the county board could submit its own plan to the voters on the first Tuesday of November 1949 without the approval of the state board of education. However, unless approved by the state board, no proposed plan of reorganization could be submitted to the voters for a district without an assessed valuation of $500,000 or at least 100 pupils in average daily attendance the preceding year. In 1955 the law was amended to the effect that plans disapproved by the state board could not be submitted to the voters unless each proposed district had 200 pupils in average daily attendance the preceding year or an area of at least 100 square miles.

Election Procedures

The law directs the secretary of the county board to call elections in each proposed district. The county board is responsible for the arrangements for polling places, providing ballots, appointing election officials, and conducting elections in the same manner as other state and county elections are conducted.

A favorable majority of all the votes cast in a proposed district is required for adoption. In the first initial operation of the law, where a proposed reorganization plan was not adopted by the voters, the law directed the county board to prepare a second plan in the same manner as the first and to submit it to the voters within a period of two years but not sooner than one year from the date of the last election.

If the second plan was defeated, the law directed the county board to continue to study the school system of the county and to submit subsequent plans as conditions warrant. Subsequent plans cannot be submitted sooner than one year from

the date of the last election. Submitting subsequent plans is at the discretion of the county board. However, following the first three years, 1949 through 1952, when plans were required to be presented to voters, county boards have continued to submit plans.

Election of District Board Members

Within 30 days after a reorganization plan has been adopted by the voters and a new district has been formed, the county board shall arrange for holding an election to elect six board members for the new district. The new board is subject to the statutory provisions applicable to other six-director districts in the state. In addition, the new board is authorized to provide transportation for all pupils living one mile or more from any central school building.

Upon the election and organization of the new board, the boards of former component districts are automatically dissolved. All records, property, and funds of the old districts are transferred to the new district. The new board is required to accept full responsibility for all existing contracts and legal obligations of the former districts, including bonded indebtedness and other liabilities. The assets of all former districts become the property of the newly formed administrative unit.

Amendments to the 1948 School District Reorganization Law

A 1951 amendment increased the state building aid to reorganized districts from $25,000 not to exceed $50,000 on a matching basis. The building aid formula is based on $100 per pupil currently enrolled.

A new reorganized district was to receive state aid for the total number of teaching units of the component districts for a period of 3 years. When the 3-year period ceased, the new district frequently received less state aid than the former component districts. This part of the law was later changed with the adoption of a state aid foundation program.

In 1955, an amendment permitted the state to approve a county plan in part and disapprove other parts. Also, the minimum size for a reorganized district was changed from an assessed valuation of $500,000 or 100 pupils in A.D.A. to 100 square miles or 200 pupils in average daily attendance.

The county board was authorized to divide any existing unreorganized districts and place any part with a proposed enlarged district.

In 1963 an amendment changed the election of county board members from "to be elected by the existing school board members" to "be elected by the electors in each of the two county court districts in each county." This affected all counties except Jackson and St. Louis Counties.

If a proposed district were defeated by the voters, no subsequent plan involving any part of the same area could be submitted sooner than one year.

A 1967 Act created a Missouri School District Reorganization Commission composed of nine members, of which five laymen and two professional educators were appointed by the Governor and one member from the Senate Education Committee

appointed by the Senate President pro tem, and one member from the House Education Committee appointed by the Speaker of the House.

This Act directs the Commission to develop a master plan of school district reorganization for the entire state and present the master plan to the state board of education by November 15, 1968. Each school district shall be composed so as to promote efficiency in school administration and improve the educational opportunities of school children. Hearings shall be held in each college district. The Commission is authorized to employ personnel including professional consultants.

Upon receiving the master plan, the state board may also hold hearings and shall submit to the legislature by January 15, 1969, all reports, data and recommendations received from the Commission, along with the state board's own specific legislative recommendations as to the best way a reorganization plan might be implemented. The recommendations of the state board shall be advisory only.

The Act provides that all mergers under the consolidation law cease until October 15, 1969, but permits the merging of districts to continue under the district reorganization and the annexation laws.

Conclusions

Missouri's 1948 school district reorganization law has been in operation for 20 years. In addition to the district reorganization law, there are other laws permitting school districts to merge. During this period of time the number of districts decreased from 7736 elementary districts to 337, and the K-12 districts from 686 to 478, or to a total of 815 districts on July 1, 1967.

Some of the stronger features of district reorganization include the following:

1. In the beginning, county boards were directed to submit proposed enlarged districts to voters, and, if defeated, resubmit the same proposal or a revised proposal, all to be within certain time limits.

2. Furthermore, the law directed the county board to continue to study school districts and submit proposals to the voters as conditions may warrant, with no time limits specified.

3. The county board is a continuing body authorized to promote and propose merging of districts.

4. Proposed districts are adopted by a single majority vote.

5. The incentive of the state providing as much as $50,000 on a matching basis to aid a reorganized district to construct r w buildings.

Some features or lack of provisions in the law which tend to weaken the effectiveness of the reorganization law:

1. The law did not require an overall master plan to be followed as the redistricting progressed.

2. No time limit was set for determining the completion of satisfactory redistricting.

3. Enlarged elementary districts can be formed without any consideration for high school education.

4. The original law provided for county board members to be elected by existing school board members making it possible for the county board to be controlled by board members from small districts. This was changed by the legislature in 1963 to elect county board members by popular vote. As a result, some increased activity in reorganization took place.

5. If a county plan were disapproved twice by the state board of education, the county board could submit the proposals to the voters without state board approval.

6. The original law provided for the first plans to be submitted to voters within certain time limits but made no provisions for plans to be presented to the voters where a county board failed to comply.

7. The minimum size in the formation of a district of 200 school age pupils or 100 square miles is much below any desirable minimum standards.

IOWA REORGANIZATION LAW

The following year after Iowa became a state, the county school inspectors were empowered to divide their counties into school districts. In 1858, legislation was enacted creating township school districts and the existing districts were made sub-districts of the township units. This pattern of districting continued to develop and by 1905 there was a total of 9403 districts.

Consolidation legislation was enacted in 1906 and amended in 1913. For the next several years, the consolidation of districts progressed until the early twenties when the consolidation activity began to cease. For the next 20 years, numerous legislative provisions and amendments were enacted providing permissive legislation for merging districts. None of these laws had any real force and very little consolidation of districts was accomplished.

By 1944 there were 4856 districts, compared to 9403 which existed in 1905. Iowa's major school district reorganization law was enacted in 1945. The basic elements of this law have continued in effect. After working under a district reorganization law and amendments thereto for the last 22 years, Iowa still has a total of some 500 school districts.

The major features of the 1945 school district reorganization law and the amended changes are summarized as follows:

State Agency

At the state level, the state board and state superintendent of public instruction were authorized to perform certain duties in connection with the district reorganization law. These include the following:

1. The state department shall cooperate with the county boards of education in making studies and surveys.

2. In the planning of joint districts across county lines where disagreement arises, the question may be appealed to the state board for a decision.

3. Where a county had not completed plans by July 1958, the state board was directed to complete such surveys and plans by January 1, 1959. Following this period of time, upon the request of county boards, the state superintendent shall prepare county plans with recommendations and submit same to the county superintendent.

4. Reorganization surveys and plans are to be filed with the state board.

5. The state superintendent may approve the formation of an enlarged district with fewer than 300 persons of school age.

County Boards of Education

The county board of education consists of five members, one member to be elected from each of four separate areas of the county by the voters in each of the respective areas. The county board is in charge of the county school system. Therefore, school district reorganization responsibilities were assigned to them. An Iowa county board has many duties other than school district reorganization.

Duties of County Boards

County boards were assigned the following duties pertaining to school districting:

1. County boards were directed to make a study and survey of existing school districts for the purpose of promoting school district mergers.

2. The survey included a study of (a) adequacy of the educational program, (b) average daily attendance, (c) property valuations, (d) existing buildings and equipment, (e) natural community areas, (f) road conditions, (g) transportation, (h) economic factors, and (i) other matters influencing educational programs meeting required minimum standards.

3. In conducting the study and survey, a county board was required to consult with local school officials and to hold public hearings.

Approval of Reorganization Plans

County boards were required to call upon the State Department of Public Instruction for advice and counsel so that their reorganization plans would conform with the statewide plan of education and with state laws. Cases of controversy over a proposal involving territory in two or more counties had to be submitted to the state department for adjudication and its decision was final.

Reorganization plans were to be developed and submitted to the voters progressively, without waiting for completion of the comprehensive county plan. A plan could include provisions for division of assets and liabilities of the districts involved but if it did not, the division had to be made in accordance with existing legislation.

When any reorganization plan had been developed and approved by the county board, it had to be submitted to the voters at the next school election. If the plan was rejected by the voters, a new plan could not be submitted within a 2-year period. There were no provisions requiring a county board to submit to the voters a second or subsequent proposal.

School district mergers under laws other than the district reorganization law must have the approval of the county board.

Election Procedures

The original law required a 60 per cent favorable majority of the votes cast in each of the affected districts for adoption. This was later changed to 80 per cent where the proposal included five or more existing districts. The present law requires a majority vote in 75 per cent of the districts affected.

Election of District Board Members

A new school district formed under the district reorganization laws may by petition determine the number of board members to be five or seven. These may be elected at large or from designated geographical sub-districts.

The 1947 Amendments

A number of amendments were enacted in 1947 which were designed to correct weaknesses in the 1945 law. Those of major importance included:

1. County boards were required to begin making studies and surveys within six months after the effective date of the amendment (May 1947) but no date was set for their completion.

2. The operation of other existing laws providing for district consolidations, mergers, or other boundary changes was suspended until June 30, 1953.

3. Procedures for ratification of reorganization plans by the voters were changed to require a bare majority, instead of 60 per cent, of the votes

cast in each district. However, any reorganization proposal involving all or portions of five or more districts had to be approved by favorable majorities in 80 per cent of the districts in order to carry but no district having an unfavorable majority could be included in the new district.

4. The provision that a defeated proposal could not be voted on within two years was repealed.

5. Funds up to $500 per county were allowed to help defray costs of making county surveys and developing reorganization plans.

The 1951 Amendments

The changes made in the reorganization law during the 1951 legislative session included the following:

1. Pending completion of final reorganization plans, county boards were required to prepare tentative plans and to file them with the state department of public instruction but no time limit was specified.

2. The 1947 amendment suspending operation of the laws relating to consolidation, mergers, and other boundary changes was repealed. However, no proposal for making such changes could be effected without approval by the county board.

3. Upon the written request of a county board, the state superintendent was required to prepare a reorganization plan together with suggestions and recommendations for the county.

The 1953 Amendments

The 1953 legislature made sweeping changes in the laws relating to redistricting. All legislation dealing with district consolidation, mergers, or boundary changes which had accumulated over the years was repealed, and the only redictricting provisions which remained were those contained in the reorganization law. Moreover, that law was revised extensively; the major changes made in it included the following:

1. All districts created or enlarged were to be designated as community school districts.

2. Any district created or enlarged required a minimum of 300 pupils. However, where conditions of population sparsity or other factors made it desirable, the state superintendent might grant permission for formation of districts smaller than the minimum prescribed.

3. As in 1951, the county boards were required to file their tentative reorganization plans with the state superintendent within ten days after approving them but, as formerly, no time limit was set for their completion. However, if a proposal for a merger, consolidation, or

boundary change was presented to the county board for approval, then the board was required to adopt and file a tentative county plan with the state department of public instruction within 60 days.

4. No proposal for a reorganization could be brought to a vote by local people without the county board's approval.

5. Separate provisions were made for reorganization proposals affecting two districts. If approved by the county board, two adjoining districts could be merged by a favorable majority vote in each. In such instances the proposal had to be initiated by petition of any ten legal voters in the area, or by a majority if the total number was fewer than ten.

6. Different procedures were prescribed for proposals involving all or portions of three or more districts. These included the following steps:

   a. A petition describing the boundaries of the proposed district, and signed by at least one-third of the voters residing within it, must be filed with the county superintendent. If the proposed district did not conform to the county plan, the petition had to request that the county plan be amended to conform with the proposal.

   b. A public hearing must be held on the proposal. Objections to the proposal might be submitting in writing before the hearing or presented orally during it. The county board was empowered to approve the proposal as presented, to reject it, or to amend it. If amended, another hearing had to be held after which the board was required to approve or reject the proposal as amended. If approved, the board must then issue an order fixing the boundaries of the proposed new district.

      If the proposal contained territory in more than one county, all county boards involved had to act jointly in conducting the hearings and in reaching a decision on the proposal. However, no board member living or owning land within the proposed district could participate.

   c. An election must be called within 30 days after the county board had issued its order approving the proposal, except in the case of joint districts sufficient time had to be allowed for appeal to the state superintendent.

      A favorable majority vote was required in 75 per cent of the component districts for adoption of the proposed new district. However, no component district having an unfavorable majority vote could be included in the newly formed district.

      In addition, provision was made requiring a separate vote in any district containing a city, town, or village with a population of

200 or more persons. Likewise, a separate vote was required in consolidated districts which maintained a central school.

d. A newly formed district containing a city, town, or village of more than 200 population had to include at least one farmer on its five-member board.

7. As previously, a reorganization proposal could include a plan for dividing assets and liabilities of districts. If it did not, the reorganized district board and the boards of the old districts were to decide on this ussue after the new district was established. If they could not agree, one member from each board must be appointed to arbitrate the matter but their decision was subject to court appeal.

The 1957 Amendments

The legislature strengthened the district reorganization law by requiring that all county boards in the state shall have completed survey and plans by July 1, 1958. The state board was directed to complete the survey and plan on or before January 1, 1959 for any county failing to comply.

The 1965 Amendments

The 1965 legislature amended the district reorganization law mandating the county board to attach all territory in elementary districts to districts maintaining twelve grades by July 1, 1966. Thus, some 700 elementary districts were attached to twelve-year school districts within a short time.

Conclusions

Iowa's 1945 school district reorganization law with amendments from time to time has been in operation for 22 years. During this time the number of school districts has decreased from 4856 to 501 districts existing in 1967. These are composed of 455 twelve-year districts and 46 elementary districts.

Some of the stronger features of the district reorganization law include the following:

1. At the county level, reorganization responsibilities were assigned to the existing county boards of education which were continuing agencies for planning and preparing plans.

2. The obligation of the state board of education to assist county boards in study and planning made it possible to have some uniformity in statewide planning.

3. The merging of districts or changing boundary lines could take place only with the approval of county boards, which allowed for a county master plan to be followed.

Some features or lack of provisions in the law which tend to weaken the effectiveness of bringing about good school district reorganization:

1. The law did not require an overall master plan to be followed on a statewide basis.

2. Plans were not required to be approved by a state agency which prohibited following any standard on a statewide basis.

3. Requiring a majority vote in each of at least 75 per cent of the districts in a proposal was often difficult to attain and allowed minority groups to make decisions.

4. The requirement that any new district formed must have 300 or more pupils seemed to be a low standard and a negative influence on establishing adequate districts.

5. While the law provided for county boards to continue at work on district reorganization, there was no provisions requiring county boards to submit subsequent plans to voters.

NEBRASKA REORGANIZATION LAW

On becoming a state in 1867, Nebraska legislature authorized county superintendents to organize school districts. In 1881 a law provided for new districts to be formed from existing districts upon petition by the voters concerned. By 1910 there were slightly over 7,000 school districts.

Provision for district consolidation was first made in 1869. More effective consolidation legislation was enacted in 1915 and again in 1919. However, by 1932 there were 7344 districts but by 1948 the number of districts had decreased to 6991.

During the 1940's, there had been considerable interest over the state for a stronger school district reorganization law. In 1949 the legislature enacted a school district reorganization law. The major features of this act and the amendments through the following years are summarized.

State Agency

There was created a six-member agency for reorganization of school districts to be known as the state committee. The state superintendent was designated as a non-voting member and secretary to the agency. The other five members were appointed by the Governor, one each for terms of one, two, three, four and five years, respectively. Three members were laymen and two had to hold valid state teachers' certificates. The members were to be reimbursed for necessary expenses. The chairman or any three members could call a meeting.

Duties of the state agency included the following:

1. Initiate, set up, and recommend to the county agency plans and procedures for school district reorganization.

2. Furnish advice and assistance to county agencies.

3. Receive from county agency plans for approval or disapproval and notify the county agency within 30 days. The functions and actions of the state agency shall be advisory only.

4. If the county agency failed to submit a plan within two years, the state agency was directed to dissolve the county agency and cause a new one to be elected. However, the law was later amended, deleting this provision.

County Agency

County agencies, composed of six to ten members, were to be established in each county. The county superintendent was required to call a meeting of school board members who were to determine the size of the committee within the limits prescribed and to elect the members, other than the county superintendent, for four-year terms. The county superintendent was designated as a non-voting member and as secretary.

A majority of the members was to be elected from rural elementary districts but not more than one from any district. When terms of members expired, their successors were to be elected.

The members were to serve without pay but were to be reimbursed for necessary expenses. Meetings were to be held on call of the chairman or any three members.

Duties of County Agency

County agencies were assigned the following duties:

1. Agencies were required to consider reorganization procedures submitted to them by the state agency. They were required to make studies and to determine whether or not any reorganization should be attempted. They were not required to develop reorganization proposals but had to submit an annual report of their activities to the state agency.

2. The county agency was directed to prepare plans as follows:

   a. When a county agency determined that redistricting would be desirable, plans were to be prepared indicating the reorganizations proposed. In preparing a plan the agency was directed to give consideration to: (1) educational needs of local communities; (2) economies in transportation and administration costs; (3) future use of school buildings: (4) convenience and welfare of pupils; (5) reductions and disparities in per pupil valuation among districts; and (6) equalization of educational opportunities.

      One or more public hearings were to be held before completion of a reorganization proposal. Records were to be kept of all hearings.

After the hearings a written report of the proposal was to be prepared containing: (1) a description of the proposed new district boundaries; (2) a summary of reasons for the reorganization; (3) a statement of terms for adjustment of assets and liabilities of component districts; (4) a statement of findings with respect to location of schools, utilization of existing buildings, construction of new buildings, and transportation requirements for the proposed new district; and (5) a map showing the boundaries of existing districts and the proposed new district.

b. This report was to be submitted for review by the state agency, whose recommendations were advisory only. If the state agency recommended changes in the proposal, the county agency was required to consider them and then determine whether or not to accept them. Additional public hearings might be held to assist in arriving at a decision, which had to be announced within 30 days.

Election Procedures

When a proposal was finally approved by the county agency, it had to be submitted to the voters in a special election which was to be held not less than 60 nor more than 120 days after receipt of the state agency's recommendations. All electors of districts having boundaries affected by the proposal were entitled to vote. Election notices were to be published in a local newspaper, and were to contain a description of the proposed district and a statement of terms for adjusting assets and liabilities of component districts.

All the rural territory included in the proposal constituted a voting unit but any high school district was to be treated as a separate unit. A favorable majority vote was required in each voting unit for adoption of the proposal.

When a proposal was adopted by the voters, the new district had to be classified by the county superintendent in accordance with statutory classification provisions. Within 30 days thereafter the county superintendent was required to appoint the board members for the new district. The new board was to begin functioning at once, and the members were to serve until their successors were elected at the next annual school meeting or election following the establishment of the district.

Amendments to the Reorganization Law

The reorganization law has not been changed in any fundamental way since 1949. However, several amendments have been added, most of them in 1951. Those of major importance are listed below:

1. A 1951 amendment empowered county agencies to employ professional and clerical help, with the cost of such services to be paid from funds appropriated by the county board of supervisors.

2. Another 1951 amendment provided that reorganization proposals involving territory in two or more counties were to be prepared by a special committee composed of not fewer than three members from each county agency involved.

3. A 1953 amendment added two new provisions for voting units in reorganization elections. As a result, each of the following constituted a separate voting unit: (1) the rural territory included in a proposal; (2) any high school district; (3) a Class I district having an incorporated village; and (4) if the major area of any elementary district was nearer to a high school not included in the proposal than to one in it, then that district, plus any others similarly situated, became a separate voting unit.

   For adoption of a proposal, a favorable majority vote was required in each voting unit, except in the fourth type which required 55 per cent of the votes cast to be favorable.

4. In 1965, a new provision was added to the law for reorganizing Class I or II districts to one or more other existing Class II, III, IV or V districts. This can be initiated by filing a petition signed by 25 per cent of the voters of a district with the county agency. When the plan of reorganization as called for in the petition is approved by the county agency, or the state agency, or both, the proposition is then submitted to the voters of the districts affected. A majority vote in each district is required for the adoption of the proposal.

Conclusions

Nebraska's 1949 school district reorganization law with some amendments and additional provisions has been in operation over a period of 18 years. In addition to the district reorganization laws, there were other laws which permitted the merging of districts. During this period of time, the number of school districts was reduced from 6991 to 2400 in 1966. There are 1785 operating elementary districts, 228 non-operating districts, and 387 K-12 or 1-12 districts.

Some of the stronger features of the district reorganization law include the following:

1. The state agency was made a continuing agency with the obligation to provide advisory assistance at the local level.

2. The county agency was also made a continuing agency with the obligation to prepare and direct the reorganization planning.

3. Once a plan was approved by the county agency, it was to be submitted to the voters within a certain time limit.

Some features or lack of provisions in the law which tend to weaken the effectiveness of the reorganization law:

1. The law did not really require a county agency to prepare a plan and submit it to the voters.

2. There are no provisions for requiring the submission of a second or subsequent plan where the first proposals were defeated.

3. Requiring a majority vote in each district affected in a proposal for adoption is difficult to obtain and allows minority groups to control elections.

4. County agencies were not required to prepare and submit proposals to the voters within any time limit.

5. The law did not provide for any minimum standards for size of districts.

6. No financial incentives to encourage satisfactory district enlargement were provided in the law.

SOUTH DAKOTA REORGANIZATION LAW

South Dakota became a state in 1889. Under the territorial government, many small common districts were formed but in 1883 township districts were established in most counties. Later legislation permitted the division of township districts into smaller districts.

A 1913 law provided for independent consolidated districts. However, other laws enacted permitted the organization of independent districts and county high school districts. By 1932 there were 3433 school districts in the state. At the time the district reorganization law was enacted in 1948, there were 3409 school districts.

The school district reorganization law enacted in 1951 with amendments added in following legislative sessions continues to be the basic school district reorganization law. The major features of the law and amendments are related below.

State Agency

At the state level the administrative supervision of the reorganization program was vested in the state superintendent of schools. In 1955 some responsibilities were assigned to the state board of education that was created. The following includes the powers and duties given to the state agency:

1. To employ staff members to assist county agencies by furnishing them with plans of procedure, other information, and such additional services as might be necessary. Also, within 30 days after all county agencies had been organized, meetings were to be called for purposes of explaining the legislation and other factors relating to the reorganization program.

2. To formulate and adopt a set of minimum standards which all proposed reorganized districts would have to meet. These standards were to include a provision that insofar as practicable all reorganized districts would constitute natural social and economic communities.

3. To examine reorganization plans submitted by county agencies, approving those which would meet the minimum standards formulated.

4. To hold a public hearing on any proposed plan within 30 days after receiving it from the county agency. Any plan had to be either approved or disapproved within 60 days after the hearing.

5. To make surveys and prepare reorganization plans in any county where the county agency failed or refused to submit plans.

County Agency

Upon petition by 10 per cent or more of the school board members in a county, the county auditor was required to call a county convention of the local district boards for the purpose of selecting the members of a county reorganization agency. The agency was to be composed of seven representative citizens.

The state's attorney, the county auditor, the county treasurer, and the county superintendent were designated as ex officio members of the county agency but could not vote. The county superintendent was also designated as ex officio secretary of the agency.

Members were to serve without compensation but were to be reimbursed for necessary expenses. Members were to hold office until reorganization had been completed in the county but not in excess of five years. Meetings were to be held upon call of the chairman, the county superintendent, or a majority of the members but the county agency had to meet at least twice during the first year of its existence. The county superintendent was required to engage necessary clerical help, subject to approval by the agency.

Duties of County Agency

County agencies were given the following responsibilities and duties:

1. Within a year after the date of the county convention creating it, the county was required to complete a preliminary written reorganization plan. The preliminary plan had to be supported by studies and surveys containing specified items of information concerning educational and other conditions in the county. Any plan involving territory in two or more counties was to be prepared by joint action of the respective county agencies. Each plan had to include a proposal for an equitable adjustment of all property, assets, debts, and liabilities among the districts involved. However, bonded indebtedness was to remain the obligation of the district incurring it.

2. After the preliminary written plans were prepared, public hearings were to be held. At each hearing the county agency was to explain the proposed plan, indicating the estimated costs of the school program in the proposed new district, and providing a statement concerning adjustment of assets and liabilities of the districts included in the plan.

3. After considering the suggestions made in the public hearing and making any revisions or modifications considered necessary in the preliminary

plan, the agency then had to adopt its final reorganization plan. The final plan was to be adopted not later than 18 months after the county agency had been created. However, if necessary, the agency might request the state superintendent for an extension of time but this could not exceed six months.

4. The final comprehensive plan was to include recommendations concerning the location of schools, the utilization of existing buildings and the construction of new buildings, transportation plans, current school costs under existing conditions and estimated costs under the proposed reorganization, the disposition of assets and liabilities of each district, a summary of the reasons for each proposed reorganization, and such other records and reports as the state superintendent might require.

5. Before submitting its comprehensive plan, the county agency could prepare and submit to the superintendent partial plans for one or more reorganizations within the county but such partial plans had to fit into the comprehensive plan to be prepared later.

Election Procedures

After the state superintendent had held a public hearing on a reorganization proposal, had approved it, and the county superintendent was so notified, the latter was to call an election on the proposal within 30 days.

If the proposed reorganization included only common school districts, a majority of the total votes cast in the special election was required for it to carry. However, if the proposed reorganization contained an independent school district or an independent consolidated district, a separate favorable majority was required in each such district, and a favorable majority of all the voters residing in the common school district was also required.

If a proposal was rejected by the voters, it could be brought to a second vote but not sooner than one year. Unless approved by the state superintendent, the same proposal could not be brought to a vote more than twice. However, the county agency could prepare a revised plan, submitting it to the state superintendent for approval, and follow the same procedures as for the original plan.

School District Reorganization Amendments

1955 Revisions - Duties pertaining to school district reorganization were assigned to the state board of education, as well as the state superintendent of schools.

During 1955 to 1957 new county boards of education were required to be created. County boards were to be composed of seven members. The former ex officio members were eliminated. After the initial election, board member terms were for four years. County board members were elected by the school district board members. School board members could serve on the county board but other local, county and state officials could not.

County board members receive $5.00 per day when performing duties and seven cents per mile. The county superintendent serves as secretary and is authorized to call meetings and is required to do so upon written request of four county board members.

Among the several duties of the county board, one provides for assignment of responsibilities relative to the reorganization of school districts. These include:

1. Prepare a master plan for the county to meet minimum standards adopted by the state board of education.

2. May employ technical assistance.

3. Determine the method of disposition of assets and liabilities of each district concerned.

4. Hold hearings and explain the proposed reorganization plan.

5. If a master plan is adopted, it is to be filed with the state board. If the plan is disapproved by the state board, the county shall revise the plan and resubmit in 90 days. This process continues until a master plan is approved.

In the election procedures, a master plan or any part could be submitted to the voters only upon a petition signed by 10 per cent of the electors in an independent district and 10 per cent in the common school district. When the petition was filed, the county superintendent was required to call the election. For adoption, a majority of votes was required in common districts and a majority in independent districts.

The 1965 law required county boards to combine certain types of districts with other districts. This is to be completed by January 1, 1968. The types of school districts to be combined with other school districts:

1. A school district with all taxable property in such district assessed at a lower valuation than $100,000.

2. A school district which fails to elect a school board member for two successive annual elections.

3. A school district which by 60 per cent of the votes cast in a special election approves of merging with another school district or districts.

4. A school district which has failed to operate a school during the preceding two fiscal years.

A 1967 mandatory act set out the requirement that all land area within the state shall on or before July 1, 1970 become a part of independent (K-12) district offering an accredited school program and meeting the standards adopted by the state board of education.

To carry out this act, the law created a "State Commission on Elementary and Secondary Education" to consist of five members, one from each Supreme Court district, appointed by the Governor. When the state commission takes official action to combine districts, the chairman and the vice chairman of the county board of education affected shall sit with the state commission as voting members.

This act also provided for the county board to continue its functions and after January 1, 1969, all reorganization proposals are to be approved by the state superintendent before being submitted to the voters.

(Note: Following the enactment of this 1967 law, a state referendum was initiated pending a vote of the people on the act in the general election of 1968.)

Conclusions

The South Dakota's 1949 school district reorganization law with amendments and new laws added has been in operation over a period of 17 years. During this period of time, the number of school districts has decreased from slightly over 3400 to 2016 in 1966. This includes 225 K-12 districts, 1093 K-8 districts and 698 non-operating districts.

Some of the stronger features of the district reorganization law include the following:

1. Assignment of duties and responsibilities to the state educational agency gave some continuity to the reorganization program.

2. Requiring plans to be approved by both the state and county agencies provides for a more satisfactory pattern of good school district reorganization.

3. The law provided for a careful survey of educational problems and needs within each county.

Some features or lack of provisions which tend to weaken the effectiveness of the reorganization law:

1. The 1951 law did not require a county agency to be established. The law was permissive and not all counties created agencies.

2. If the county agency failed to agree on a plan or prepare or submit a plan, there was no provision for presenting a plan to the voters.

3. Up until 1967, merging of districts could take place under laws other than the reorganization law without the approval of the state superintendent or the county agency.

4. In case the first proposals were defeated, there were no provisions requiring that a second plan or subsequent proposals be prepared and presented to the voters.

5. There were no provisions for financial incentives to encourage the adoption of new enlarged districts.

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