

HOUSE OF REPRESENTATIVES

EDUCATION COMMITTEE

Minutes

BUDGET SESSION - 1964

The third meeting of the Education Committee convened at 2:05 P.M., Thursday afternoon, February 6, 1964 in Room 529 with Chairman Bower presiding. All the members were present except Mr. Dreiling.

Chairman Bower presented State Superintendent Adel F. Throckmorton to the Committee.

Mr. Throckmorton reported on the progress of unification of school districts and problems involved. He pointed out that the State is divided up into county planning units, each of which consists of all common school territory under the County Superintendent, although Johnson County has two units. In the beginning, Counties were required to select planning boards. If they couldn't agree, committees were supposed to be appointed by the State Superintendent. He was happy to report that every County selected its own board and that he only had to appoint one board member in a case where there were two second-class cities.

He talked further of the overlapping or gray areas where joint rural high schools have boundaries different from the common school districts, putting them under jurisdiction of different County planning boards; this gives people of these gray areas the opportunity of holding elections to express themselves as to whether they want to stay with the planning unit as governed by the common school district or if they want to get out from under the school board and get over into another County. He further stated that there were 238 gray areas that held elections and that it was a much "stickier" problem than had been imagined. It resulted in a few instances, where one common school district would vote to stay and one would vote to go, in disconnected territory, which wouldn't work and comply with the law. However, of the 238 elections, 233 or 234 of them were settled by the elections. The law provides that when a territory votes to transfer that the next step is for the two planning boards to make their recommendations and if both boards recommend a transfer or if the area votes

to stay where it is there is no problem. In the event one recommend to transfer and one not to, then the law provides that the State Superintendent has to give his approval before the transfer is made. He went on to relate that out of the 238 gray areas only one posed any real problem; one problem was resolved in McPherson and Saline Counties by referring it back to the two planning boards and their office did not have to make a decision. Further, a few instances were where a small tract was involved; carrying out what the people voted would put the planning board in a position of not being able to carry out the law. The one real problem in Grant and Haskell Counties where it so happened that the gray area took sizable proportions of Red Rock Common school district. Of the people voting, a small majority voted to transfer (but not a majority of all residents). This transfer would have taken 55 pupils out of an elementary school with 150 enrollment and placed them in a planning unit 13 to 15 miles from an elementary school at Satanta; it would have broken up a good program in a fine school, a very good building and a nice school; many parents complained to his office and people in this district didn't like to lose 40% of their enrollment. When he failed to approve the transfer, he was charged with being dictatorial. After giving the decision, the Haskell people asked for a hearing and they learned more about what the real issue was and they felt that they could work out the problem between the two boards, but they haven't been able to and it is still "holding fire." This doesn't mean the end of it because when plans come in, machinery is set up whereby transfer of territory can be made.

On the subject of Counties setting up boards, Mr. Throckmorton reported that one of their first duties is to conduct a study to assemble information regarding the schools -- education problems, enrollment, transportation, school facilities, courses given in schools; this is necessary for them to base their decision as to how to re-district their Counties. Approximately 80 reports have been received from Counties; these reports are in the form of what the law refers to as a public document, giving all this information and the law provides that it is to be

available to the planning units. Some are distributed to school boards, some to the County Superintendents' offices, and some use a combination of methods making the study available to the people of the County. It was felt that there are several others completed but not yet mailed to them and from information that they have 20 counties are thinking in terms of County units; most of the other Counties are dividing into two to five districts, and he had heard of some Counties planning five or more districts where population probably will justify it. He stated that the apparent progress to date is very encouraging but he felt that there are about a million people who want to see the Superintendent because the County Planning Board isn't doing things the way people want it done and of course he can do nothing.

He stated that he felt his responsibility was to see that the plans complied with the requirements of the law and in case of the area involving county lines to use influence to see that some groups of people aren't discriminated against, although he has not checked with the Attorney General for a ruling on this. He felt that bonded indebtedness would be a problem, especially in cities. He reported that they have had a few boards tell them that they don't think they can develop plans that the people will accept. It was felt that in some areas people were thinking in terms of minimums; instead of improving education, they are thinking in terms of taxes and we can't have education without money to support it.

Mr. Throckmorton then invited the members to ask questions they might have pertaining to unification.

Mr. Finney asked if there had come to their notice the possibility of possible suits to attack the constitutionality of the unification bill; he answered that he had heard that there was almost enough money raised to start suit but did not know where or what the charges were going to be.

Mr. Lill asked what the suit could do to unification and Mr. Throckmorton answered that it would depend on what the suit is; if it delays the whole operation there might be no elections, but the provision that rural high schools and city districts could apply to be-

come unified districts would still be operative. The latest date for election is September, 1964. If they tie it up past the election dates, there would still be the opportunity of setting up unified districts. Of course, they might stop that too; but unless declared unconstitutional it could go on at any time, whenever the court is through with it, unless the Legislature changes the law. I feel a suit to tie it up doesn't really destroy everything; it depends on what they can tie up.

Mr. Don Smith asked if it is possible after being unified a group could petition to transfer from one district to another. He answered that if people petition out after unifying the procedure of the two boards is to try to agree on the transfer. If one board won't agree, the other board can appeal to the State Superintendent. Mr. Smith also asked how many boards had submitted completed plans and the Superintendent answered none -- 8 or 10 are expected any day and he feels there will be 70 to 75 reported in by March 1st.

Mr. Finney asked what the stumbling block was in the Haskell situation -- perhaps valuation -- and the Superintendent answered affirmatively. Further, the primary interest was the two high school districts and not much thought was given the elementary district in the process.

Mr. Nesmith asked if a high school district voted down every plan submitted and the rural high school district school board members then petitioned his office to unify that district would it be advisable for his office to unify it. Mr. Throckmorton answered that he would hesitate in such a case. There would be only 90 days after declining until the Legislature meets. However, in this instance, as in the Red Rock case, the Legislature evidently had in mind that the Superintendent exercise his own judgment.

Mr. Hughes asked about the progress in Community high school Counties and Mr. Throckmorton answered that quite a few were working toward County units and foresaw no problems; two or three have some problems where other high school districts nearby want territory in order to qualify themselves.

Mr. Tillotson asked the Superintendent to clarify his position about

approving plans and the Superintendent answered that it was his thinking after conferring with the Attorney General that the first responsibility is to see that an application meets the requirements of the law, whether it will qualify; then to ask for a meeting with every board and review the plan with them and make sure an understanding is reached where an issue is raised by a minority, or where plans look as though they are not workable, discuss them with the board and try to persuade them to make changes. If a plan is legal, then the State Superintendent felt he would not be in order to execute his veto power just because he thought a better plan could be developed. In other words (Tillotson) "you don't think I don't like is sufficient reason to refuse a plan" -- the Superintendent agreed that would create resentment and that it was not his function. He felt he could properly make suggestions for a better plan.

Mr. Throckmorton advised further the Attorney General has held that when under agreement by the two planning boards, territory is taken out of one planning unit and attached to another planning unit, that the transfer for planning purposes is ineffective until the State Superintendent has approved one plan or another and when so transferred to another planning unit, the people vote with the County to which the territory was transferred. The wording of the law was vague so the Attorney General's ruling was needed.

Mr. Lill asked if he felt that provisions of the law for transfer of territory will be adequate under unified districts, and the Superintendent felt that House Bill No. 377 takes care of that.

Mr. McCall asked if there was any opposition or criticism that the levy limit was not placed in this law and Mr. Throckmorton answered that he had heard criticism but no particular opposition and if there is any organized opposition, he hadn't heard of it.

Mr. Don Smith related that the Attorney General's ruling on the thirty units course needing to be "under one roof" was reversed. There was a discussion on the thirty units. Mr. Throckmorton said one point the law doesn't cover is where there is a junior high school or a high school

predominately vocational, the Attorney General ruled these may be counted for the thirty units. There probably could be on interchange of students or teachers to make up the thirty units where the courses are not duplicates. In their guide sent to planning boards, it was suggested that high schools should have at least six pupils in a class.

Mr. Hughes asked when the vocational-technical unit student is transferred to one of those schools for one-half days what about the transfer of the unit and Mr. Throckmorton advised that these things haven't been resolved yet; it is unprecedented to have a student under the jurisdiction of two boards. Those units from the area vocational schools would not count for State aid or graduation because of different governing bodies. They could also affect athletic eligibility.

The meeting adjourned at 2:55 P.M..

Respectfully submitted

By


Chairman