

Approved: 2 / 14 / 96  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairman Bill Mason at 3:30 p.m. on January 30, 1996 in Room 519-S of the Capitol.

All members were present except: John Ballou (excused)  
Ray Luthi (absent)  
Patricia Pettey (excused)  
Dale Swenson (excused)

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Beverly Renner, Committee Secretary

Conferees appearing before the committee: Ben Barrett, Legislative Research Department

Others attending: See attached list

Representative Powers moved that **HB 2671** - concerning community colleges student tuition rates be passed out favorably. Motion seconded by Representative Horst. Motion carried.

Ben Barrett, Associate Director-Legislative Research Department briefed the committee on the history of school district boundaries (Attachment 1). He developed organization of school districts from 1858 to the present. He quoted an early State Superintendent of Public Instruction, Peter MacVicar: "More difficulties probably arise from organization and changes of school district boundaries than from all other sources."

Questions from committee members were entertained.

The meeting adjourned at 4:40 p.m.

The next meeting is scheduled for January 31, 1996.



**BACKGROUND INFORMATION:  
SCHOOL DISTRICT ORGANIZATION IN KANSAS**

**Development of School Districts in Kansas**

**The Early Years**

The basic pattern for development of school districts in Kansas was established before admission of the territory into the Union in 1861. This development had its roots in the system of common school districts that county superintendents began organizing in 1858 and which later was written into the state's first constitution. The "county superintendent" system of organization lasted for about 100 years.

The county superintendent was responsible for dividing the county into a "convenient" number of school units. The general practice was to establish schools within walking distance of most pupils. Often, schools were built at two-mile intervals. Usually, these were one-teacher elementary schools with the instruction extending through the eighth grade. These schools were governed by a three-member board. As the population of the state increased the number of school districts increased until, by 1896, there was a total of 9,284 districts.

**Even Early -- School Boundaries Hard to Change**

State Superintendent of Public Instruction, Peter MacVicar, who served from 1867 to 1871, has been quoted as saying: "More difficulties probably arise from organization and changes of school district boundaries than from all other sources." One writer, commenting on this observation, added "no social change is made with more agonizing resistance than accompanies school district reorganization, and is then accepted with so much universal satisfaction a year or two after its consummation."

**Appearance of the High School**

For a number of years after 1858, only elementary education programs were provided, but in 1876 the Legislature authorized the establishment of the first public high schools in Kansas in first-class and second-class cities. These districts were not under the jurisdiction of county superintendents.

During the early years, little consideration was given to high schools, largely because an education to about the eighth grade was considered to be adequate. The first districts created to provide secondary education only were authorized in 1886 as county high school districts. Under this legislation, any county with 6,000 or more inhabitants could establish such a district. Initially, the growth of public high schools was slow. Much of the limited secondary education available at that time was provided by academies under church and college direction.

House Education  
1/30/96  
Attachment 1

## **Complexity of School District Boundaries and Types of School Organization**

By 1890, an increasing number of common school districts began broadening their instructional programs to include high school courses. When this occurred in county high school districts, the residents of such common school districts were subjected to double taxation. Not only were they taxed to finance the county high school; they also were taxed to support their local high schools. In 1923, corrective legislation provided that county high schools would become community high schools supported by all territory in the county that was not included in another district that maintained a high school.\*

As high school enrollments grew, several kinds of high school districts were formed. There was no central principle directed toward realigning districts so that there would be sufficient population and financial support in each with which to maintain 12 grades of school. As noted previously, 1876 legislation resulted in permission for the first-class and second-class cities to establish high schools. On report cites the Township High School Law (1881), the County High School Law (1886), the County Seat High School Law (1897), the Barnes Law (1905), the Rural High School Law (1915), the County High School Tuition Law (1915), and the Community High School Law (1923) as some of the noteworthy milestones in the development of the Kansas high schools.

The high school districts operated under their own governing boards, separate and apart from those providing only eight grades of instruction, and usually included within their boundaries all or part of several common school districts. The number of districts operating high schools reached a high of 690 in 1925-26 and began gradually to decline thereafter.

This movement represented a two level "system" of districts with noncoterminous boundaries that continued until the unification laws of 1963 and 1965 established new organizational patterns.

### **Description of School District Organizations -- As of the 1960s**

Many different types of districts were created to meet particular needs, each type having its own special laws, until by 1963 there were as many as 18 different types of districts in the state. In a 1960 publication, the school district organization was characterized as follows.

All school districts had a general pattern with much similarity. The districts had only those powers authorized by law. Their governing boards were chosen by citizens living within the district. Under varying procedures, budgets were adopted for which county clerks levied taxes within legal limitations -- to raise money for schools. The governing boards determined, within their delegated authority, the local policies and selected employees to carry them out. Beyond this point, dissimilarity was the rule.

The statutes authorized five types of school districts: common school, rural high, community high, cities of the second class, and cities of the first class. For many functions, each kind of district operated under a separate set of laws. Wide dissimilarities also existed within each type of school district.

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\* An interesting sidelight is that in 1911 a law was passed that provided for establishment of township high schools. That law was repealed in 1915 before many such districts had been organized.

### **Common School Districts**

Common school districts were the most numerous. They comprised 85 percent of districts and enrolled 40 percent of the pupils. They were governed by either three- or five-member school boards elected for three-year terms by the voters of their districts at annual meetings in June. There were, functionally, four categories of common school districts:

- those that operated no schools at all;
- those that operated one-teacher schools;
- those that operated two or more teacher elementary schools; and
- those that operated both an elementary and high school.

### **Rural High School Districts**

Rural high school districts were similar to common school districts in that their governing boards were three- or five-member school boards elected by voters at the annual meeting in June for three-year terms. A rural high school could offer only grades 9-12 (with the exception of a few rural high school districts which, through special legislation, also could offer grades 7 and 8). Rural high school and common school districts frequently overlapped. The boundaries of rural high school districts usually were not the same as those of the districts providing elementary education to the same area. In fact, a rural high school district could overlap part or all of several common school districts. Sometimes common school districts were split into two or more parts with the portions belonging to different high school districts. Thus, the boundary of two adjoining high school districts could run through the middle of a common school district. In other places part of a common school district that did not maintain a high school could be partly in a rural high school district and partly in no high school territory at all.

### **Community High School Districts**

Community high school districts were the newer version of the former "county high schools." In the 20 community high school counties, all the territory that was not in a district maintaining a high school automatically was taxed to support the community high school. The district, like the rural high school, offered instruction only in grades nine through 12. The district was governed by a board of trustees composed of six persons plus the county superintendent who was ex officio chairman of the board.

### **Cities of the Second Class**

Cities of the second class generally were unified districts in the sense that they operated schools offering K-12 or grade 1-12 programs. There were some exceptions. A few second-class city districts did not operate a high school -- either there was no high school in the city or the high school within the city was operated by a rural or community high school district. The governing boards of second-class city school districts were six-member boards of education chosen through elections in the spring for four-year terms.

### **Cities of the First Class**

Cities of the first class were unified districts. Each of the 12 first-class cities operated K-12 programs and was governed by a board of education elected in the spring for four-year terms. All first-class cities had six-member boards, except Kansas City and Wichita, which had 12 persons each on their boards of education.

These five classes of districts were subdivided because of some differences of organization. Records in the State Department of Public Instruction were kept on 14 separate categories. Common school districts were subdivided among: elementary and high school, county board of education, grades 1-9, board of education, elementary only with more than one teacher, elementary only with one teacher, and no school. The four classifications for rural high schools were: grades 9-12, board of education, grades 7-12, and no school. No division was made for second-class cities, although some limited themselves to elementary education.

### **Consolidation or Unification Efforts -- Selected Initiatives**

Early in the state's history, the statutes did make possible some amelioration of the district plan in their provisions for graded and for consolidated schools. For example, the 1861 Legislature set out a procedure by which "the inhabitants of two or more school districts" could "unite for the purpose of establishing a graded school, in which instruction shall be given in the higher branches of education." Such "union" or "graded schools" constituted one district, and their officers and the statutory provisions relating to them were the same as those already given for district schools.

#### **1901 Legislation**

The first move toward the consolidation of school districts occurred in 1901, but little was accomplished. Under this law, partially depopulated districts could be disorganized by county superintendents, provided less than seven children between the ages of five and 21 resided in the district. However, the county superintendent could not act until a petition signed by two-thirds of residents of the district had been filed requesting the disorganization. In order to further protect the district, the county superintendent's action was not final until it had been approved by the board of county commissioners. Nonetheless, many people did recognize the limitations of the small common school districts, and many small schools were closed. By 1939 more than 1,000 of the state's legally constituted districts no longer maintained schools.

#### **1945 Legislation**

The first major step in the reorganization of school districts was taken by the Legislature in 1945, when legislation was enacted requiring all elementary districts to reorganize. In 1947, the act was declared unconstitutional.

#### **1951 Legislation**

One report indicates that new impetus to district reduction was given by the 1951 Legislature, which passed legislation disorganizing all districts which had not maintained school for four years.

### **1957 Study Initiative and 1961 Legislation**

In 1957, the Legislature authorized a comprehensive educational survey in the state. This represented a major first step leading to statewide unification of school districts. The action authorizing the survey required a report of the findings to be made in 1960 to the Legislative Council. The result was the enactment of S.B. 400 in 1961 -- an act that was declared by the Kansas Supreme Court to be unconstitutional before any school district reorganization was accomplished. Even though the law was stricken down, it did serve the purpose of getting studies conducted and plans made for district reorganization in some counties.

### **Post-1961 Legislation -- Unification Completed**

In the 1963 Session, the first of the major unification laws was enacted. Its constitutionality was upheld in June of 1965. School unification was completed during the 1960s. In 1965, two unification acts passed which were designed primarily to refine the 1963 law. One bill enacted in 1968 permitted rural high school districts with a taxable tangible property valuation of not less than \$4.5 million and territory of more than 60 square miles to petition for establishment of unified districts. This legislation resulted in establishment of three districts. Another 1968 enactment brought the Greeley County district into the system of unified districts. Three enactments in 1969 completed the unification process. One brought two districts in Butler County that previously had been established by special legislation into the system; another disorganized 13 nonunified districts in Johnson County and combined them to form the Shawnee Mission school district; and the other provided for disorganization and attachment of the remaining seven nonunified districts. This completed the initiative to create a statewide system of school districts that all offered grades 1-12 and that, for the most part, operated under a single set of laws.

### **How the Main Unification Legislation -- the 1963 Law -- Was to Work**

The law established two main procedures for creation of unified school districts. One involved the use of planning boards and the conduct of elections, based principally on a county unit method of approaching the task, and the other was through direct petition of a qualifying school district.

### **The Planning Board/Election Alternative**

**Planning Units.** The law provided for a division of the state into 106 planning units, one planning unit for each county except Johnson County which was composed of two. Planning unit boundaries followed common school district lines rather than county lines. In 220 instances, territory was in a common school district in one county and a joint rural high school district in another county. Such areas were identified as "gray-areas" in the law, and county superintendents were required to conduct "gray-area meetings" before October 1, 1963, to determine which planning unit the majority of the "gray-area" electors preferred. The final decision in the disposition of "gray-areas" was delegated to the State Superintendent of Public Instruction.

**Planning Unit Selection Committees.** The first step was the organization of a selection committee for each planning unit composed of one board member from each school district in the planning unit. Each selection committee was required to meet on or before June 15, 1963, to select a six-member planning board for the planning unit.

**Planning Board Duties.** The duties of each planning board were to:

- make a complete study of the school districts in the planning unit and prepare a summary to be made available to planning unit residents on or before January 1, 1964, with the study to include the types of school districts in the planning unit, and to show enrollment trends, educational programs, special educational services offered, and financial data relating to taxable valuations, tax levies, bonded indebtedness, capital investment, and school transportation systems;
- formulate recommendations for one or more unified districts in the planning unit, each proposed district to have an expected enrollment of 400 students in grades 1-12, or at least 200 square miles and \$2,000,000 valuation if a proposed district did not have an expected enrollment of 400 pupils;
- conduct at least one public hearing in each proposed unified district in the planning unit to discuss boundary lines of the proposed districts;
- hold one or more joint meetings with the planning board of each adjacent planning unit; and
- submit the planning board recommendations to the State Superintendent for approval after hearings were held and before March 1, 1964.

**Processing of Planning Board Recommendations.** Planning board recommendations that were approved by the State Superintendent on or before May 1, 1964, were submitted to planning unit electors for their approval on June 2, 1964. In the June and also in September elections, the ballots of residents of first-class and second-class cities were counted separately from those of rural area residents, as the law required the proposal to carry in both the city and the rural areas. In planning units that had no first-class or second-class cities, all ballots were counted together.

### **The Petition Alternative**

**The Petition Method.** Any time after October 1, 1964, any rural high school district, the board of any city district, and the board of districts organized or operated under certain specified statutes were permitted to petition the State Superintendent of Public Instruction for the establishment of a unified district comprised of territory described in the petition. Among other requirements, the proposed unified district was required to have an expected enrollment of 400 pupils in grades 1 through 12 on the first September 15 after the district was organized, or a minimum of 200 square miles and \$2,000,000 valuation if the proposed district did not have an expected enrollment of 400 pupils, and the petition could include no more than ten square miles outside the petitioning district. (Legislation in 1965 permitted the petitioning district to include in the petition an unlimited amount of nonhigh school territory and disorganized district territory not within an established unified district and, also, not more than an additional 20 square miles of territory.)



## **Other Features**

The act provided that no district could be proposed in which it would be manifestly impractical to maintain, offer, and teach grades 1-12 (kindergarten, if desired) and in which at least 30 units of instruction in grades 9-12 were not offered, which units were approved by the State Superintendent. Also, all of the territory of the planning unit was to be included in some unified district.

## **Closure of School Buildings**

An important provision of the unification act dealt with the subject of the closing of schools within a district. The law provided that a district board could not close any attendance facility that was being operated at the time the unified district was organized if at least three-fourths of the territory of the district that formerly owned the building was included in the unified district, unless and until a majority of the resident electors in the attendance area of the disorganized district gave their approval either in the form of a petition or by a vote.

## **About the 1963 Unification Bill**

The 1963 unification legislation, H.B. 377, was a revised draft of H.B. 233, the bill designed to carry out the recommendations of the Legislative Council based on a two-year study of the operation of 1961 S.B. 400 (the "first" unification act).

## **Key Kansas Supreme Court Decisions**

### **The 1945 Law**

This legislation required all elementary districts to be reorganized. In 1947, the Court declared the law unconstitutional on the grounds that the Legislature did not have authority to delegate legislative powers to the county committees that were in charge of the program. More specifically, the Court explained that legislative powers, as distinguished from administrative powers, cannot be delegated unless there is a constitutional sanction for it. The Court said there was no provision in the *Kansas Constitution* authorizing the Legislature to vest in school reorganization committees the power to make legislative regulations concerning establishment of school districts. Further, the Court said that the 1945 school reorganization act did not contain an adequate standard upon which the school reorganization committees (established under the law) could exercise the authority conferred upon them, and, therefore, constituted an improper delegation of legislative power in violation of Art. 2, Sec. 1 of the *Kansas Constitution*.

Among other things, the law directed that the county committees make a comprehensive study of the county school system in order to determine the assessed tax valuation of existing districts and the differences in such valuation under possible reorganization plans; the size, geographical features, and boundaries of the districts; the number of pupils attending school and the population of the districts; the location and condition of school buildings and their accessibility to the pupils; the location and condition of roads, highways, and natural barriers within the district; the school centers where children residing in the districts attend high school; conditions affecting the welfare of the teachers and pupils; the boundaries of

other governmental units and the location of private organizations; and any factors concerning adequate school facilities for pupils. When school districts contained territory in two or more counties, the committees of the counties involved were required to meet in joint sessions to work out reorganization matters.

It was reported that, in fact, much was accomplished under the 1945 legislation as the Legislature validated all redistricting completed before the Supreme Court declared the reorganization acts to be unconstitutional.

### **The 1961 Law**

In an attempt to again attack the school district organization matter, the 1961 Legislature enacted a district reorganization law for the purpose of creating unified districts. It was reported that opponents of any kind of defensible realignment of districts exerted so much pressure that the bill, as introduced, was emasculated and, in a test case, declared by the Supreme Court in 1962 to be unconstitutional on the same grounds that invalidated the 1945 legislation. No district reorganization was completed under this act.

### **The 1963 Law**

In 1963, great care was taken to enact a reorganization law that would be held constitutional. The Attorney General and other attorneys worked closely with legislators to ensure that the bill would stand the test certain to follow. The role assigned the State Superintendent under the 1963 act was a complete reversal of the jurisdiction assigned to that officer under the 1945 and 1961 legislation. In order to ensure constitutionality, every significant procedure in the reorganization process required either the State Superintendent's decision or approval, including action taken by the county planning boards and, in some instances, the results of elections.

Key statements of the Kansas Supreme Court included the pronouncement that under then Art. 6, Secs. 1 and 2 of the *Kansas Constitution*, the State Superintendent of Public Instruction was authorized to perform any duties pertaining to the educational interests of the state which the Legislature deemed wise and prudent to impose upon that officer, and the Legislature had authority to delegate to the State Superintendent the power to perform duties or determine questions which, in the general classification of powers of government, are legislative in character -- such as the establishment or disorganization of school districts of the state. After reviewing the act, the Court held the act *not to be invalid* on the grounds that it conferred legislative power upon the State Superintendent in violation of then Art. 2, Sec. 1 of the *Kansas Constitution*; that it was vague or indefinite, or incapable of enforcement; and that it amended and repealed existing laws without referring to them in violation of then Art. 2, Sec. 16 of the *Kansas Constitution*.

With respect to the "delegation of legislative authority" issue, the Court explained that in *State, ex rel., v. Storey*, it was contended that the State Superintendent of Public Instruction was an executive officer under the *Kansas Constitution* and that the Legislature could not confer legislative power upon such an executive officer. Mr. Justice Harvey, speaking for the Court, said:

" . . . Forceful as this argument is, it overlooks article 6 of our constitution dealing specifically with education, the pertinent portions of which read:

'The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement by establishing a uniform system of common schools, and schools of a higher grade,

embracing normal, preparatory, collegiate and university department.' (Art. 6, § 2)

'The state superintendent of public instruction shall have the general supervision of the . . . educational interests of the state, and perform such other duties as may be prescribed by law . . . .' (Art. 6, § 1)

By these provisions of the constitution the legislature was required to establish a uniform system of common schools and schools of a higher grade. Realizing that many questions pertaining to educational matters naturally would arise, and which would need the attention of a competent official who could investigate and determine what is best to be done, our constitution gave to the superintendent of public instruction 'the general supervision of the . . . educational interests of the state,' and specifically authorized him to 'perform such other duties as may be prescribed by law,' without limiting those duties to such as might be classified as executive or administrative only. *He is authorized to perform any duties pertaining to the educational interests of the state which the legislature deems wise and prudent to impose upon him. Under these provisions it cannot be said that the legislature is without authority to authorize the state superintendent of public instruction to perform duties, or determine questions, with respect to the educational interests of the state which, in the general classification of powers of government, would be regarded as legislative in character.*" (Emphasis supplied.)

The Court explained that the Legislature has plenary power over the establishment, alteration, and disorganization of school districts. It could delegate any part of that power to the State Superintendent. The Court said: "Interested citizens may question the wisdom of the legislature in authorizing the state superintendent to reorganize the school districts of the state, but the question of the wisdom or necessity of a law is for the legislature and not for the courts."

## MAIN SOURCES OF INFORMATION

"The Kansas School System -- Its History and Tendancies," Clyde L. King, from *Collections of the Kansas State Historical Society*, Vol. XI, 1909-1910.

*Comprehensive Educational Survey of Kansas*, Volume II, prepared for Kansas Legislative Council, March, 1960.

"Summary of Principal Provisions of H.B. 377: Establishment of Unified School Districts." Kansas Legislative Research Department, April 22, 1963.

*Kansas Educational Progress 1858-1967*, State Department of Public Instruction, June, 1967.

*Reorganization of School Districts in Kansas: A Progress Report, 1963-1969*, George D. Keith, Director, School Organization Section, Kansas State Department of Education, 1970.

*State, ex rel., v. Hines*, 163 Kan. 300 (1947).

*School District, Joint No. 71 v. Throckmorton*, 189 Kan. 590 (1962).

*Tecumseh School District v. Throckmorton*, 195 Kan. 144 (1965).

## SELECTIONS FROM: COMPREHENSIVE EDUCATIONAL SURVEY OF KANSAS

Volume II, March, 1960, Kansas Legislative Council

**Brief Overview of History of Numbers of Kansas School Districts**

More than 200 school districts had been established previous to the adoption of the *Constitution*. During early statehood the number of districts multiplied. By 1870 their number exceeded 1,700; ten years later the number had jumped to more than 6,000. The number continued to grow, reaching a peak in 1896 of 9,284. Then a very slow decline began. As late as 1944-45 there were still 8,438 districts, a reduction of only 846 districts in half a century. The number of districts reduced at a more rapid rate after 1945. In 15 years Kansas had given up 5,600 districts -- almost seven times the number during the previous 50 years. The steady decline during recent years is shown in this listing:

1952-53	3,902	1956-57	3,175
1953-54	3,687	1957-58	3,004
1954-55	3,517	1958-59	2,794
1955-56	3,351		

**Discussion of Methods for Addressing School District Organization**

Various methods have been used to effect district reorganization. It can be done on a statewide basis through state legislation, it can be approached through a system of aids which encourages reorganization, or it can be attempted through an intensive promotional campaign which stresses the better educational program and other advantages which would accrue from such a plan. A combination of methods may also be used.

The states which have faced the problem of many districts have tried all of these methods of solving their educational problems. Their experiences have demonstrated that effective district organization can be attained only through action on the state level. A report regarding changes in school district structures noted that 23 states had replaced their existing school districts with new administrative structures solely by state law or through compulsory joint state and county action under strong state authority without referring the change to a popular vote in the abolished districts.

The report states that a record of more than a century had demonstrated that school districts of effective size had not been attained throughout the state in any other way. Many states had tried almost every conceivable combination of persuasion, penalties, and bribes (in the form of state aids) to get local districts to combine voluntarily. The 23 states which had taken state action all tried some of these methods first with little success. In the remaining states through extensive educational campaigns, inducements in the form of state aids, and tremendous effort by educational leaders, the number of districts have been reduced. However, the number of satisfactory districts created has been surprisingly small, and sound organization for effective education has not been achieved.

Voluntary reorganization has proven to be slow and relatively ineffective. It is actively opposed by persons residing in districts which are in a favored tax position. Opposition arises from school district officers and personnel who often have a vested interest in the existing organization. Voluntary reorganization frequently breaks down because of local controversies of long standing. The difficulties of drawing boundary lines, disposing of school property, and equitably allocating the bonded indebtedness complicate this process. Experience has demonstrated, however, that once effective reorganization has been accomplished these attitudes and controversies quickly disappear and there is little sentiment for a return to the former conditions.

Achieving sound district organization through statewide action is based on the premise that the state is responsible for the education of all the children. The inability of some districts to provide an adequate educational program is of concern to all the people of the state and not the sole responsibility of the citizens of those districts. The fear is sometimes expressed that district reorganization removes control of education from the people. Nothing can be more erroneous. The small district, with its few pupils, has no freedom of action. It has no choices on type of program, method of school organization, or services to be provided. The limited enrollments and meager funds prescribe a minimum program. There is no opportunity to consider a variety of programs and to select those programs which best meet the needs of the community. In general, these districts can do little more than attempt to satisfy the minimum requirements established by the state education agency. It is only as the district becomes larger that flexibility is possible.

### **Recommendation**

District reorganization should be accomplished on a statewide basis but with local participation. The state legislature should establish a school district for each county, to go into effect at the end of a two-year period. During that two-year period, counties could substitute some other plan of district organization, provided all districts conformed to standards established by the State Board of Education or the district plan for the county was approved by the State Board of Education. At the expiration of the two-year period, district organization as it now exists would be replaced and new districts, either on a county basis or as approved, would be legislated into existence.

**MEMORANDUM****Kansas Legislative Research Department**

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May 19, 1995

**STATUTORY OPTIONS FOR CHANGING  
SCHOOL DISTRICT BOUNDARIES**

The most recent reorganization of school districts occurred with the unification acts during the 1960s. The first major act was passed in 1961, but was declared unconstitutional. Another major law was passed in 1963. In 1965, the constitutionality of that act was upheld. Two additional acts were passed in 1965. Special legislation was enacted in 1968 which resulted in establishment of the South Haven, Powhattan, Attica, and Greeley County districts. Finally, unification was completed in 1969 when two districts in Butler County, established by special legislation, were brought into the system of unified districts; seven nonunified districts were disorganized and consolidated or incorporated into existing unified districts; and 13 nonunified districts in the Shawnee Mission area of Johnson County were disorganized and established as the present Shawnee Mission (USD 512) school district.

Present laws provide three alternatives by which school district boundary lines may be changed. They are:

1. transfer of territory;
2. disorganization; and
3. consolidation.

**Transfer of Territory.** Transfers of territory may be accomplished in one of two ways:

1. upon written agreement of any two boards of education and approval of the State Board of Education; and
2. upon order of the State Board of Education after
  - a. petition for transfer by one board, and
  - b. hearing on the proposed transfer conducted by the State Board of Education (or a hearing officer designated by the Board).

When the petition method is used, a hearing is required. The State Board publishes notice of the hearing for two consecutive weeks in a newspaper of general circulation in the district from which the territory is to be transferred. The last publication must be no more than 10 days and no less than three days before the hearing.

The State Board must act on an agreement or petition within 90 days after the agreement has been received or the hearing on the petition has been held. Whenever a petition for transfer of territory is denied by the State Board, no petition for transfer of substantially the same territory may be received or considered by the Board for a two-year period.

No transfer can be made which would result in a district having territory which is not contiguous with the other territory of the district.

The effective date of any transfer is the date of approval or order thereof by the State Board or on the following July 1.

The most common method of changing school district boundaries is through the transfer of territory method when there is a written agreement of the two boards involved. Such transfers are often, but not always, approved by the State Board of Education.

**Disorganization of School Districts.** There are four methods applicable to disorganization of a school district. When disorganization occurs, the territory of the disorganized district becomes a part of one or more existing school districts. The four options are:

1. By petition of the local board of education and attachment by the State Board of Education of the territory of the disorganized district to one or more other districts. (These petitions relate primarily to the inability of the district to meet accreditation standards or basic minimum requirements for establishment of a unified district.)

The State Board considers the petition and if it finds that there is only one high school in the district and that it cannot meet the 30 unit minimum accreditation requirements (exclusive of agreements entered into under K.S.A. 72-8233), or if it finds that the district fails to meet minimum requirements for establishment of a school district, and if it also finds that the educational system of the state and of the area in which the district is located will be improved by the proposed disorganization, the State Board issues the order, to become effective on the following July 1. The order specifies the district or districts to which the territory will be attached and the disposition of property owned by the district being disorganized. For taxation purposes the taxable territory of the district is deemed to have been a part of the new district on December 31 preceding the July 1 effective date of the disorganization and attachment. For the purpose of elections and for payment of bonded indebtedness, the effective date is the effective date of the State Board's order (July 1).



2. By petition of the required number of electors\* of the district and election on the question of disorganization approved by a majority of the electors voting thereon. This petition is filed with the county election officer of the home county of the school district. The county election officer calls the election, but no such elections may be held between January 1 and July 1 of the school year. If the disorganization proposal is approved, the county election officer notifies the State Board which issues an order disorganizing the district and attaching the territory thereof to one or more school districts.

No disorganization petition may be filed with the county election officer sooner than two years after the date of any other disorganization election.

Any disorganization is effective for school instruction and attendance purposes on July 1 following the date of issuance of the disorganization order. For property taxation purposes, the territory is attached on the preceding December 31. For budgeting, levying taxes, and payment of bonded indebtedness, the disorganization is effective for budgets and tax levies certified in the August following the effective date for instruction and attendance purposes. For the purpose of elections, the disorganization is effective at the first election of school district officers occurring 120 days after the date of issuance of the disorganization order and for bond elections, 60 days after the issuance of the order.

3. By adoption by a school board of a resolution proposing disorganization, election and attachment. The resolution specifies the date of the election on the proposition. A copy of the resolution is transmitted to the county election officer of the home county of the school district. The county election officer conducts the election. The electors of the district then vote on the disorganization proposal. The proposal may provide that the territory to be attached shall assume its proportionate part of the bonded debt of the receiving district. If the voters approve the proposal, the county election officer certifies the results to the clerk of the board of the district to which the territory is to be attached, to the clerk of the board of the district which is to be disorganized, and to the State Board of Education. Within 30 days after receipt of such certification, the "receiving" board of education must approve or reject the proposal. A copy of this resolution is sent to the clerk of the board of the district seeking disorganization and attachment and to the State Board. If the "receiving" board approves the proposal, within 30 days the State Board issues an order of disorganization and attachment. The bonded debt of the district being disorganized remains the obligation of such territory.

Any disorganization under the law is effective for school instruction and attendance purposes on July 1 following the election approving the disorganization. For property taxation purposes the territory is treated as if it were attached to the receiving district on December 31 preceding the July 1 effective date for instruction and attendance purposes. For budgeting and levying taxes and for payment of bonded indebtedness the disorganization is effective for budgets and tax levies certified in August after the

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\* Generally, such petitions require signatures equal to 20 percent of the ballots cast at the last general election of school board members.

July 1 effective date. The disorganization is effective at the first election of school district officers occurring 120 days after the date of the election for approval of disorganization and for bond elections, 90 days after such election.

On July 1 when a disorganization order is effective, all property, records, and funds of the disorganized district are turned over to the "receiving" district.

4. By the same procedure as in 3 (above) except that the disorganized territory would be attached to more than one school district. Approval of the State Board of Education is required before the matter is submitted to an election. All affected "receiving" school boards must approve the attachment before disorganization can occur.

Property (other than real property) and funds of the disorganized district are divided among the receiving districts in the proportion that the assessed tangible valuation of the territory of the disorganized district is divided. The records of the disorganized district follow each school building to the school district that takes possession thereof. Lawful debt of the disorganized district, other than bonds, no-fund warrants or special assessments, are assumed by the receiving districts in proportion to the division among the receiving districts of the assessed valuation.

**Consolidation of School Districts.** The boards of education of any two or more school districts may enter into agreements to form one consolidated school district. Consolidation agreements must be approved by the State Board of Education and, thereafter, be approved at a special election in the territory which will comprise the consolidated unified school district.

Any such proposed agreement must include the following items:

1. home county of the consolidated district;
2. date of the election for approval of the proposed consolidation;
3. method of election and voting plan;
4. description of member districts (if necessary); and
5. agreement as to membership of a temporary board of education.

All of the electors in the territory of the districts to be consolidated may vote on the proposal.

Before a consolidation is finally approved, the election results are certified by the county election officer to the State Board which then issues the order establishing the school district.

The assets of the school districts being consolidated are transferred to the consolidated school district on the day agreed upon in the consolidation agreement, but not sooner than the first day of the month after the election approving such consolidation. The consolidated district becomes the owner of the property, records, and all funds on hand of the districts being consolidated.

Since the 1970-71 school year, the number of K-12 unified school districts in Kansas has decreased by 7 -- from 310 to 303,\* as follows:

<u>Name</u>	<u>Last Year of Independent Operation</u>	<u>Procedure Utilized</u>
Edson	1972-73	Disorganization/Option 1
Natoma	1973-74	Disorganization/Option 1
Bird City/McDonald	1974-75	Consolidation
Kendall	1975-76	Disorganization/Option 1
Powhattan	1980-81	Disorganization/Option 2
Esbon/Burr Oak	1982-83	Consolidation
Lebanon	1983-84	Disorganization/Option 1

In addition, there have been many instances involving transfers of territory.

\* The total number of school districts is 304. Ft. Leavenworth operates only grades 1 through 9.

**Statutory Citations:** K.S.A. 72-7108; 72-7301, *et seq*; 72-8701, *et seq*.