

Local District Responsiveness: Who Governs, Who Participates, and Who Gets Represented? Policy Report

Prepared for

Salt Lake County, Holladay, and South Salt Lake City

By

Andrea K. Rorrer, Ph.D.

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Brenda Valles, M.Ed.



Preliminary Draft

July 2007

Utah Education Policy Center

1705 Campus Center Dr. Rm. 339

Salt Lake City, Utah 84112

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<http://elp.ed.utah.edu/policy>

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Executive Summary

The Utah Education Policy Center (UEPC) was contracted by the cities of Holladay City, South Salt Lake City, and Salt Lake County to conduct a study of issues related to school district governance. This report was commissioned by the inter-local group to inform their decisions about whether to divide Granite School District. Complementing another study of the financial feasibility of dividing Granite, this report provides information about local district responsiveness and organizational measures, including district governance considerations. Rather than a study of current conditions within a particular district, the inter-local group opted for a review of current research on these subjects. Consequently, we reviewed research on school district governance, participation, and responsiveness in relation to Granite School District within the state and national context. Within this discussion we present evidence about how various district governance and organizational features have affected access and performance outcomes of children.

Here we summarize this policy. Specifically, we address the primary issues of district context, size, governance, and organizational responsiveness.

District Context

In this report we present information about Granite School District in relation to the national, state, and local context. Key highlights addressing each of these levels is presented below.

- Due largely to the district consolidation movement that started in the early 20th century, the number of districts nationally has decreased from approximately 119,001 in 1937 to as few as 14,383 districts in 2003.
- As the number of districts declined, average district enrollment increased. There was a 35 percent increase in the number of districts that serve 25,000 or more students from 1990 to 2004. Districts that served between 10,000 and 24,999 students also increased 22 percent during the same time period.

Granite within the National Context:

- Granite School District ranked 48th among the top 100 largest districts in 2003-2004 (NCES).
- Granite School District had a relatively smaller average school size (649.3) than the 100 largest districts (708.4) but considerably higher median pupil/teacher ratios.
 - Granite School District's median class size in 2003-04 was 23.9 at the elementary, 21.6 at middle school, and 23.0 in high schools compared to

16.4 at the elementary, 16.8 at middle school, and 17.8 in high schools respectively in the 100 largest districts.

- Granite had fewer students of color (28%) than the 100 largest districts (70%).
- Granite had fewer students eligible for Free and Reduced Lunch (40%) than the 100 largest districts (47%).
- The percentage of Granite students who were served in English Language Learner programs was 19 percent compared to 12 percent in the 100 largest districts.
- Granite's average graduation rate was 72 percent, but slightly higher than the average of 69 percent in the 100 largest districts.
- Granite's per pupil expenditures (\$4,595) were considerably lower than the 100 largest districts (\$7,853), but relatively the same as the other three largest Utah districts.

Granite within the Utah Context:

- Granite is the second largest district in the state.
- Granite is considerably more diverse than the other three largest districts in Utah. For instance, students of color comprise 28 percent of Granite's population compared to 10 percent in Jordan, 10 percent in Davis, and 10 percent in Alpine.
- Granite has more students eligible for Free and Reduced Lunch (40%) than the other three largest districts in Utah (Jordan, 21%; Davis, 23%, Alpine, 25%).
- The percentage of Granite students who were served in English Language Learner programs (19%) was triple the amount in the other three largest Utah districts.
- Granite's average graduation rate (72%) was the lowest for the largest school districts in Utah.
- Granite's per pupil expenditures (\$4,595) were relatively the same as the other three largest Utah districts.
- There are eight districts with enrollments above 20,000 students, including Jordan, Granite, Davis, Alpine, Weber, Nebo, Washington, and Salt Lake.
- Seventeen out of Utah's 40 districts experienced growth between 1999 and 2006, while 23 districts, including Granite, experienced a decrease in enrollment.

- Granite School District declined 3.7 percent from 1999 to 2006 compared to increased enrollment in the other largest districts in the state during this time.
- Of the eight districts with over 20,000 students, all but Granite and Salt Lake experienced growth.
- Granite, which is the 2nd largest district in the state, ranks
 - 14th highest in pupil/teacher staffing ratio (22.8) compared to Jordan, the largest district in the state, which has the largest pupil/teacher ratio (26.7).
 - Granite's staffing ratio is similar to ratios in Salt Lake (22.1) and Murray (23.0), which are the 8th and 15th largest districts respectively.
- In Utah Granite School District ranks
 - 12th highest in average administrator salaries (\$67,938),
 - 33rd highest in average beginning teacher salaries (\$25,447)
 - 16th highest in average teacher salaries (\$40,342)
- Granite School District spent \$5,626 per student in 2005, which is \$711 less per student than Alpine, which had the highest expenditure per student of the four largest districts in Utah.
- Utah is among the five states in the nation that have yet to enter into any kind of education finance litigation. Variations in per pupil spending in the state combined with discrepancies in student-level outcomes suggests that neither equity nor adequacy exist in our current state finance system
- Across three years of CRT results (2004-2006), the percent of students at proficient in Granite district was below the state percent proficient for all three years and for all three subjects—language arts, mathematics, and science.
- Differences in performance levels (2004-2006) were more pronounced for students of color in Granite School District compared to the state percent proficient for students of color.
- The percent proficient for special education students was lower in Granite than the state as a whole for all three years (2004-2006) and for all three subjects (language arts, mathematics, and science).
- Differences in ELL performance between Granite and the state were not as pronounced as the differences between the state and the district overall, although ELL performance was still lower than the overall district percent proficient.

Proposed New and Remaining Granite School District Context:

(Please note that these figures are based on current 2006 data; they do not account for possible mobility of inter- or intra-district transfers or reallocation of students based on proposed district division.)

- Based on current figures, the number of students in the proposed New District would be approximately 19,239 students, compared to 53,782 in the proposed Remaining District.
- Average class sizes in the proposed New and Remaining District are the same for elementary (23) and high schools (15). However, in middle and junior high schools, the average class size is 22 in schools allocated to the proposed New District and 21 students in the proposed Remaining District.
- Forty-two percent of elementary teachers hold graduate degrees in the proposed New District compared to 31 percent of elementary teachers in the proposed Remaining District. This pattern is similar for middle/junior high and high school
 - 50 percent of middle/junior high teachers in the proposed New District and 44 percent in the proposed Remaining District hold graduate degrees.
 - 51 percent of secondary teachers in the proposed New District and 49 percent in the proposed Remaining District hold graduate degrees.
- There is less difference in the percent of staff designated as “highly qualified.” At the elementary level, there are 95 and 96 percent of highly qualified teachers in the proposed New and Remaining Districts respectively; 98 percent for both at the middle/junior high level, and 95 and 97 percent at the secondary level in the proposed New and Remaining District respectively.
- There are fewer students of color in the proposed New District compared to the proposed Remaining District. For example, Latino/a students would comprise 25 percent of students in the proposed Remaining District but only 8 percent in the proposed New District.
- Students eligible for Free or Reduced Lunch Program (a proxy for poverty) would comprise 48 percent of the Remaining District but only 25 percent in the proposed New District.
- Students eligible for Special Education services would comprise 10 percent in the proposed Remaining District but only 7 percent in the New District.
- Students who are English Language Learners (ELL) would comprise 25 percent of the proposed Remaining District but only 11 percent of the proposed New District.

- The mobility rate is estimated to be similar—19 percent in the proposed New District and 21 percent in the proposed Remaining District.

District Size

Research on optimal district size is mixed, certainly not definitive. The research does not provide sufficient evidence to promote specific policy options for creating smaller or larger districts. In fact, much of current district size research is based on districts that are relatively small (e.g., 1,000 students), which is not comparable to the size of Granite—current or proposed New and Remaining districts. In contrast, the research on school size and class size is more refined, including offering a size range that produces “better” academic performance and other benefits generally.

Clearly, there is a need to find a means to get better representation and increase the responsiveness of districts. We acknowledge the role that district size may serve in attaining these goals, however, without also ensuring that a number of other conditions are present, changing district size alone will likely lead to very few changes in district responsiveness in meeting students’, families’ and communities’ needs.

Given the lack of direction provided by the district size research, we propose that a number of additional questions be considered in attempts to identify the optimal school districts configuration.

- How do districts—small or large—create an environment that promotes authentic engagement and participation of all students, parents, teachers, administrators, and the community? What is necessary for this engagement to occur?
- How do districts—small or large—meet the academic needs of all of its students and ensure equitable access to a rigorous, challenging, and culturally relevant curriculum and adequate resources (e.g., facilities, technology, text, instructional materials, programs, course offerings, and quality teachers) and outcomes.
- How do districts—small or large— provide a supportive professional environment, including adequate compensation and benefits, on-going professional development, and resources, for teachers and administrators to provide educational services consistent with these aims?
- How do districts—small or large—respond to the needs of its students and communities?

In other words, a more important question is how can districts increase their organizational capacity to provide adequate educational services for all of its students, regardless of size?

District Governance

We reviewed research and theory related to the local control of school districts and schools. Within this review we present information about school boards nationally in terms of their membership and how they operate. We also raise the issue of school board responsiveness, including participation and representation. As an example we discuss cities in which these issues have been addressed through mayoral takeover of school boards.

Highlights from this review of research on governance options include the following:

- There is little empirical research on school boards generally, including their role in influencing student achievement.
- Board members have historically been criticized for not getting involved in diagnosing problems or developing constructive solutions, as well as evading opportunities to become *creatively proactive* (Lutz, 1980). Consequently, some scholars suggest that this has resulted in a shift in local control to the state level.)
- Democratic, shared governance at the local level that is representative of the district (e.g., of interests and demographics) is desirable for determining district goals and policy.
 - A major challenge to accomplishing shared governance at the local level is that school boards are not generally representative of the broader community (e.g., members are typically more homogeneous, more educated, and have higher incomes than the general population).
 - In addition, scholars have recognized that as state and federal influence increases, school board authority and influence is constrained and even eroded at times.
- Reform efforts related to who should participate in local educational decisions should consider the degree to which participation in decision-making is inclusive or exclusive, to whom is it inclusive or exclusive, and around what issues it is inclusive or exclusive.
- There is limited empirical evidence about specific school board policies or procedures that enhance participation in the governance of local schools. However, a helpful framework for understanding local school board responsiveness includes five types of responsiveness: *policy* responsiveness, *service* responsiveness, *allocation* responsiveness, *symbolic* responsiveness, and *influence* generally.
- Further, the lesson we draw from examples of school board responsiveness (e.g., response to school desegregation) is that school boards can play a critical

leadership role in demanding and supporting high quality education for all students rather than representing the interests of only a few.

- While there is increasing attention paid to appointed school boards in certain cities (e.g., by the mayors), the large majority of school board members are elected by their local communities.
- The majority of boards nationally (80 percent) have between 5 and 8 members; odd-numbered boards are more common than even numbered boards. More than 90 percent of board members serve terms of no more than 4 years.
- The majority of states have elected school boards, although 15 states provide for combinations of both appointed and elected school boards. In states where school boards are appointed, members may be selected by the mayor, the county commissioner, the city council, the governor, county superintendents, state board of education, chief state school officer, or a combination of these individuals or entities.
- Sub-district elections have been used in place of at-large elections to increase representation of school board members. In addition, three types of *proportional representation* have been used, for example, in Massachusetts and Texas, to increase responsiveness of local governance entities to the communities they represent (i.e., Single Transferable Vote, Limited Voting, Cumulative Voting). The feasibility of the procedures within the local context, as well as other political pros and cons of each, must be considered when adopting such systems.
- A variety of jurisdiction configurations exist across the nation including local, city, municipal, town, county, parish, borough, metropolitan, rural, regional, elementary (K-6; K-8), secondary, (9-12), unified school district, joint union, incorporated, consolidated, community, independent, and interstate school boards. One state, Hawaii, has no local school boards.
- There is little empirical research on which procedures work best for selecting school boards, elected or appointed, under which circumstances, or how negative aspects of each procedure can be minimized (Land, 2002). Instead, what is available is expert opinion grounded in research on elected and appointed boards about benefits and challenges of the two types of governance models. (See Table 20 listing the pros and cons of elected and appointed school boards.)
- To date, cities such as Chicago, Boston, Detroit, Harrisburg, Oakland, Baltimore, Washington, D.C., and Cleveland have experienced mayoral takeovers.

- These takeovers vary in their implementation as well as in their effects. Unlike site-based decision making as a governance form, mayoral takeover has its historical roots in an effort to centralize governance.
- Mayoral takeovers have been critiqued for several reasons, such as not coupling the shift in control to the mayor with other district-level efforts, as well as the negative impact the change had on the democratic process (e.g., less participation and representation).

District Organization

We reviewed the literature on school district organization in terms of the formal structures of districts and how districts may organize to increase participation and responsiveness.

Research on district organization:

- Districts nationally vary in their complexity and are structurally diverse, depending on their unique contexts.
- Formal structures and configurations, including horizontal and vertical sub-units, have been used in some districts to increase coordination, communication, and effectiveness of districts in being responsive to their students and local communities. Nevertheless, school districts have historically been reactionary in their configuration.
- Ultimately, the superintendent establishes the district organization, and it is she/he who is responsible and liable for the achievement of students and schools in the district.
- Site-based management, also referred to as site-based decision-making, involves the decentralization of decision-making authority and control to the schools away from the school boards and district administration. Although the theory behind site-based (school-based) management (SBM) is that those closest to the students, classroom, and school are in the best position to make decisions that can improve students' academic achievement or be held accountable to student outcomes.
- An attempt at SBM is the school/community council, which is typically comprised of parents, teachers, community members, and school administrators. Such school councils have been critiqued for being ceremonial and symbolic organizations that provide little real power to its members to make decisions at the local school level, research on the effects of SBM are mixed.
- Despite wide appeal, SBM has not been proven to positively affect student achievement, tests scores or instructional change in classrooms. However, it has

the potential to foster conditions that increase stakeholder participation in the process of developing solutions aimed at improving student performance.

Conclusions and Considerations

Charter school and voucher reforms have disrupted traditional ideas of the “local school” and even “local control.” However, the significance of either the local school or local control in a community cannot be underestimated. In fact, consider the implications of two school closures (e.g., Libby Edwards and Canyon Rim) in Granite School District. According to an article in the Salt Lake Tribune (McFarland, 2007), frustration with these school closures was cited as the stimulus for dividing Granite School district, promoted by some district patrons seeking a way to create a new school district. While the school closures may have been a tangible impetus for dividing the district, they are likely to be only symptomatic of larger issues, such as governance (i.e., responsiveness, participation and representation). This report addresses one of the perceived overarching issues underlying discussions of a potential Granite School District division.

Unfortunately, the UEPC was not permitted to study Granite School District responsiveness per se within the scope of this contract. Yet, additional information on the nature of responsiveness between the local school board and its citizenry, the district and its constituents, and the schools and their patrons would illuminate more specifically the issues that prompt the desire for a new district (and changes to the current district) to be created. For instance, we don’t know the degree to which communities and parents feel that their districts are responsive, to what degree they are responsive, and on what issues they are responsive within the state. This would be helpful in attempting to design policies that get at the core issues. Systematic and comprehensive data from students, parents, community and business members, and local leaders as well as faculty and staff within the district could provide further insight into coherent responses that benefit all children served by the district. At this point, while dividing a large district, such as Granite School District, may suffice short-term wants and certain constituent calls for responsiveness, it is unclear whether the division will address or sacrifice the underlying need for increased responsiveness of the district to all students and each community.

In any educational reform student outcomes directly or indirectly must be a high (if not the highest) priority. This criterion applies to considerations dividing a district or creating a new district. Although connected with financial issues, ensuring that districts provide adequate funding and high quality educational programs and services that meet the needs of all students are necessary considerations. In discussions of district governance generally and district divisions specifically, it is crucial to determine how a division would affect the district’s capacity to provide programs and services that result in high achievement and other desired outcomes for students, teachers, and the community. While snapshots of student performance and financial projections reveal some anticipated outcomes of a policy change, such as dividing the district, they do not provide insight into the long-term effects (e.g., program availability and quality, access, student

outcomes, organizational quality, financial viability, responsiveness, participation, or representation).

If indeed there is widespread dissatisfaction with the ways in which any district is serving its students and its patrons, there may be more productive, equitable, and efficient ways to address the problems of district responsiveness. Investigations of how best to improve district responsiveness should consider such issues as district structure, internal and external communication patterns, community participation and representation, varied of a centralized/ decentralized forms of authority and decision-making structures, diverse representation, and strategies for providing greater opportunities for authentic participation in decision-making. To this end, responsiveness will have to be considered further than “one group or individuals getting what it or they want.” This requires a different power structure, or at least differences in how power and authority are distributed and used.

The reality is that effective district governance is *not* about *power over*, not by the board, the superintendent, parents, students, nor the public a district serves. Instead, participative, responsive, representative governance rests on the ability of these entities to have *power with* one another over the control of decision-making authority to allocate resources that result in the increased access and high levels of performance for all students.

This perspective on governance—responsiveness, participation, and representation—and the expected outcomes requires a shift in current policies and practices. As Tucker and Zeigler’s (1978) cautioned, responsiveness can not be determined simply by counting unanimity of or majority votes, since votes may or may not represent constituent positions. They declared:

The obvious problem of unanimity is that minority preferences go under-represented. A school board whose constituents are narrowly divided over a range of policy areas yet which consistently makes decisions unanimously is in some sense unresponsive—even though all decisions may be in accordance with the preferences of a majority of constituents. A larger concept of responsiveness considers minority representation as well as majority representation. (p. 225)

Clearly, responsiveness is important. However, how we define or determine the rate and quality of responsiveness needs further scrutiny. After all, as Lutz (1980) contends, “Surely democracy needs a better criterion than simply getting what the people demand” (p. 455).

In summary, a review of research and policies nationally related to local school governance and district administrative structures suggest the following key considerations.

- School size and class size have larger impact on student achievement than district size.
- Adequacy of funding—sufficient input resources and processes are (re)allocated to ensure that all students meet a minimum, high standard of performance—is a necessary consideration.
- Scale (size) is not the only issue; organizational culture and structure are important components to consider in organizational change.
- Struggles over governance emerge when value commitments differ between particular groups.
- Educational governance processes and decisions need to reflect *all* constituents, their varied interests, and need to include the authentic participation of many.
- Alternative means of participation need to be established, including citizen advisory groups and other formal structures and processes to be inclusive of community participation and interests. (See Table 17 for a list of opportunities and challenges to responsiveness.)
- Representation may be increased through alternative means, including proportional representation (e.g., single-transferable vote, limited voting, and cumulative voting).
- Local governance is best envisioned not as *power over* but rather *power with*.
- Participation, communication, and collaboration between the superintendent, the board, the schools, and the community are essential to accomplishing “*power with*.”
- There are five ways for local governance authorities to be responsive, including policy responsiveness, service responsiveness, allocation responsiveness, symbolic responsiveness, and influence.
- Local school boards must exert their agency to identify important problems and develop sound solutions, focusing on academic excellence (as opposed to “rubber-stamping”).
- Responsiveness requires being *creatively proactive* to identify problems and develop policy solutions.

- Decentralization can be an effective means of increasing participation, representation, and responsiveness. However, increased decentralization requires increased accountability and authentic decision-making authority.
- Responsiveness requires attention to the intended and unintended consequences of policy solutions for all constituents.
- Local board responsiveness needs to be supported through state policy (Resnick, 1999) that ensures appropriate training, representation, participation, data-based decision making, increased levels of control coupled with accountability for student performance, and adequate decision-making authority.

Overview

The Utah Education Policy Center (UEPC) was contracted by the cities of Holladay City, South Salt Lake City, and Salt Lake County to conduct a review of issues related to school district governance. This report on school district governance is the second report commissioned by the Inter-local group who are trying to determine whether dividing Granite School District, or creating a new district, is feasible. A primary assumption of the analysis conducted for this report is that education reform, whether it be dividing a district or altering a form of district or school governance, will ultimately directly or indirectly increase the educational opportunities of all children served in a district. With this in mind, particular attention was given to how reforms such as these have affected access and performance outcomes of children.

Consistent with the requirements of Section 53A-2-118.1 of the Utah Code, a Steering Committee for Salt Lake County (i.e., Mayor Peter Corroon, Councilmember Mark Crockett and staff Julie Peck-Dabling and Nicole Dunn), Holladay (Mayor Dennis Webb and Councilman Lynn Pace), and the City of South Salt Lake (Mayor Robert Gray and City Attorney Dave Carlson) in a project coordinated by Bruce Parker of Planning and Development Services hired Wikstrom Economic & Planning Consultants to conduct an analysis of the financial feasibility of dividing Granite School District. In the end, Wikstrom Economic & Planning Consultants summarized their analysis with two primary findings. First, they noted that based on their calculations the “New District is financially feasible” (p. 46). Second, their other finding was described in terms of the “Impacts to Remaining Granite District.” Here, the consultants indicated that “The Remaining Granite District can be funded at the existing west-side [level of funding], but at property taxes that will be higher than if the district were to remain intact” (p. 47). The Wikstrom report reflects a sharp division between stake-holders in the Granite District community, essentially dividing the district with the Jordan River as the partitioning boundary that separates an East District—the New District— from a West District—the Remaining District.

A careful reading of the Wikstrom Feasibility Study findings raises important and timely questions about how *feasibility* is determined. For example, is dividing a district reasonable and does the process for division protect the interests of all those affected by the outcome? According to Utah Code 53A-2-102 (see Appendix A), local school boards seeking consolidation have two options. Districts can consolidate by getting a majority of each of the school boards to “approve and present to the county legislative body of the affected counties a resolution to consolidate the districts.” Or, districts can consolidate if either “a majority of the members of the board of education of each affected district, or 15% of the qualified electors in each of the affected districts, shall sign and present a petition to the county legislative body of each affected county.” In this instance, consolidation occurs only if “a majority of those voting on the question in each district favor consolidation.” The current provisions of the Utah Code 53A-2-118.1, however,

permit only one area of the district—the side that wishes to become a new district—to vote on the creation of a new district. Another question raised within the scope of creating a new district is feasible is whether or not creating a new district, in fact, will gain constituents what they ultimately seek? That is, will dividing a district improve responsiveness, student achievement, or parental involvement?

With these questions at hand, the Inter-Local Steering Committee sought to explore alternative governance options. Much of district and school governance revolves around the allocation and distribution of resources. The current deficiencies in existing school finance policies and formulas do not eliminate disparities among schools (Odden & Clune, 1995; 1998), as demonstrated in the Wikstrom report. Consequently, feasibility considerations must give attention to alternatives that would not exacerbate these inequalities.

To this end, this report considers these alternatives by reviewing research and examining local, state, and national data. First, we describe the Granite School District context, including expenditures, school-level data such as performance data, expenditures, school size, class size, and teacher characteristics. Next, we bridge the discussion of district context and school district governance by reviewing district size research. Third, we provide an overview of school district governance. Specifically, we address how local boards are selected and the implications of these selections, and issues of representation, participation, and responsiveness of local boards in district governance. In addition, mayoral takeovers and site-based decision making as alternative governance options at the school level are reviewed. Fourth, we discuss how superintendents and administrative structure of districts contribute to participation in district governance. Throughout our discussion, a review of state policies is included to further explicate how district governance is operationalized nationally.

District Context

As Kirst (2003) suggests, “New governance decisions depend largely on judgments about conditions in a specific city context at a particular point in time” (p. 199). In view of that, and as a result of restricted access to student level de-identified data, here we provide a snapshot of the current conditions of Granite School District within the national, state, and local context.

Districts Nationally

Nationally, there were 14,383 districts reported in 2003-2004, as compared to approximately 119,001 in 1937-38 (NCES, 2005).¹ As indicated in Table 1, this is a decrease of 6.3% since 1990-91. District consolidations contributed to the decline in districts nationally, which is a trend that began in the early 20th century.

¹ For 2003-2004, 320 districts did not report their size to NCES

As the number of districts has declined, average district enrollment has increased. For example, interestingly, the number of districts with enrollments under 2,499 has decreased. Moreover, there was a 35% increase in the number of districts that serve 25,000 or more students. Districts with 25,000 or more students have experienced the largest growth, from 1990 to 2004. Those districts that served between 10,000 and 24,999 students also increased 22% during the same time period.

The Utah State Office of Education (USOE) estimates that Utah student enrollment will grow by 141,295 students between 2007 and 2016, which is an increase of 26 % statewide. In 2006 student enrollment in Utah public schools totaled 525,660, including 506,449 students enrolled in traditional neighborhood schools and 19,211 enrolled in charter schools.

Table 1. Comparison of District Size in United States, 1990-91 and 2003-04

Enrollment Size of district	Total Number of Districts 1990-91	Percent of Districts 1990-91	Total Number of Districts 2003-04	Percent of Districts 2003-04	Percent of Students Served 2003-04	Percent change in number of districts between 1990-91 and 2003-2004
	15,358		14,383	100.0	100.0	-6.3%
25,000 or more	190	1.2%	256	1.8%	33.4	34.7%
10,000 to 24,999	489	3.2%	594	4.1%	19.0	21.5%
5,000 to 9,999	937	6.1%	1,058	7.4%	15.4	12.9%
2,500 to 4,999	1,940	12.6%	2,031	14.1%	15.0	4.7%
1,000 to 2,499	3,542	23.1%	3,421	23.8%	11.7	-3.4%
600 to 999	1,799	11.7%	1,728	12.0%	2.8	-3.9%
300 to 599	2,275	14.8%	1,981	13.8%	1.8	-12.9%
1 to 299	3,816	24.8%	2,994	20.8%	0.9	-21.5%
Size not reported	370	2.4%	320	2.2%	†	-13.5%

†Not applicable.

NOTE: Size not reported includes school districts reporting enrollment of zero. Detail may not sum to totals because of rounding.

SOURCE: U.S. Department of Education, National Center for Education Statistics, The NCES Common Core of Data (CCD), "Local Education Agency Universe Survey," 1990-91 through 2003-04. (This table was prepared August 2005.)

According to the USOE, Granite School District with 68,887 students had the second highest student enrollment in Utah in 2006 (see Table 5). Granite School District also continues to rank among the largest districts nationally. For instance, in 2003-2004, Granite School District ranked 48th of the top 100 largest districts (NCES, 2006). Given Utah's population concentration along the Wasatch front, it is not surprising that three other districts in this geographic area ranked among the largest districts in the state and 100 largest districts nationally. Jordan School District was the 42nd largest district, Davis School District was the 67th largest school district, while Alpine was the 84th largest district nationally.

Table 2 illustrates the largest districts in Utah compared to the characteristics of the 100 largest districts in the United States. As noted above Granite School District has a relatively smaller average school size (649) than the 100 largest districts (708), but considerably higher median pupil/teacher ratios. NCES (2006) reported that Granite School District’s median class size in 2003-04 was 24 at the elementary, 24 at middle school, and 23 in high schools compared to the national average of 16 at the elementary, 17 at middle school, and 18 in high schools respectively. The USOE (2007b) reported that staffing ratios for elementary schools in Granite School District is 26:1, while they are 20:1 at the secondary level (grades 7-12) in 2006 compared to reported state averages of 25 and 21 respectively. (Table 7 compares Granite School District staffing ratios to all other Utah districts.)

Table 2. Comparison of Utah’s Four Largest School Districts Relative to the 100 Largest School Districts in the United States

	Rank	Students	Schools	Average school size	Median pupil/ teacher ratio	Percentage of Title I eligible schools	Percentage of other than White, non Hispanic students	Percentage of students eligible for free or reduced-price lunch	Percentage of students with IEPs	Percentage of students served in ELL programs	Average freshman graduation rate
Total		11,280,667	16,178	708.4	16.5	57.4	69.9	46.6	11.6	11.8	68.8
Jordan	42 nd	74,761	85	879.5	25.0	5.9	9.6	20.8	10.7	6.0	79.0
Granite	48th	70,771	109	649.3	23.1	14.7	28.3	39.6	11.6	18.7	72.1
Davis	67 th	60,749	96	632.8	22.9	14.6	9.9	23.3	9.7	5.3	83.9
Alpine	84 th	51,240	63	813.3	23.6	14.3	9.9	25.2	10.2	5.8	79.4

Source: Table adapted from data provided in the statistical analysis report, Characteristics of the 100 Largest Public Elementary and Secondary School Districts in the United States: 2003-04. (Washington, DC: Department of Education, National Center for Education Statistics, September 2006).

While Granite has significantly fewer Title I schools (15%) than the national average (57%), the percent is comparable to Davis and Alpine School Districts in Utah. Similarly, the percent of students with Individual Education Plans (IEPs) is 12 percent. Again, although this is slightly higher than Jordan, Alpine and Davis, it is the same as the national percentage. Granite has approximately 28% students of color, which compares to 70 percent nationally. Of the largest districts in Utah, Granite School District has the highest percentage (40%) of students eligible for Free and Reduced Lunch. The district’s percentage of students who are served in English Language Learner programs is 19 percent compared to 12 percent nationally. As for average graduation rates, Granite’s average is 72 percent, which is the lowest for the largest school districts in the state and only slightly higher than the national average of 69 percent.

Table 3 presents expenditures by revenue source for the largest Utah school districts compared to the 100 largest districts in the country (NCES, 2006). In terms of per pupil expenditures, Granite spends considerably less than the 100 largest districts, as do the

four other largest Utah districts. The portion of federal revenue sources for Granite district is 11% compared to 10% of the total for the 100 largest districts and only 6% for the largest Utah district, Jordan. Local revenue sources represent 43% for all 100 largest U.S. districts, 32% for Granite, and 40% for Jordan.

Table 3. Revenues, by Source, and Expenditures Per Pupil Relative to the 100 Largest School Districts in the United States

	Revenues by source (in thousands of dollars)				Total expenditures (in thousands of dollars)	Expenditures per pupil
	Total	Federal	State	Local		
Total	\$99,032,002	\$10,316,329	\$46,271,545	\$42,444,127	88,202,948	\$7,853
Jordan	425,717	26,698	228,702	170,317	333,577	4,520
Granite	385,148	41,947	220,130	123,071	327,079	4,595
Davis	331,830	25,868	200,147	105,815	283,246	4,692
Alpine	256,461	14,385	169,056	73,020	216,923	4,413

Source: Table adapted from data provided in the statistical analysis report, Characteristics of the 100 Largest Public Elementary and Secondary School Districts in the United States: 2003-04. (Washington, DC: Department of Education, National Center for Education Statistics, September 2006).

As noted previously, the size of districts has grown. As of the 2003-04 school year, the 100 largest school districts comprised less than 1 percent of all public school districts but served 23 percent of all public elementary and secondary students (National Center for Educational Statistics 2006). To place Utah in context, Table 4 shows the student characteristics of districts with comparable district size and demographics nationally to the largest Utah Districts. (Note that the three other largest Utah districts—Jordan, Davis, and Alpine—are included in this table for comparison purposes, but do not have comparable numbers of students of color.)

These districts have similar average school sizes and student background characteristics, indicated by the percentage of students of color and the percentage of students eligible for free/reduced lunch program. However, these districts have noticeably lower pupil/teacher ratios than the four largest Utah Districts.

The comparable districts presented in Table 4 range in size from approximately 50,000 in San Juan Unified, CA to 87,000 in Jefferson County, CO. These districts are located in five states (not including Utah): California (1), Colorado (1), Florida (3), Maryland (1), Nevada (1), South Carolina (1), and Virginia (1).

Table 4. Similar Districts by Size, Pupil/Teacher Ratio, Ethnicity, and SES

Rank	Agency Name, State	Number of students	Average school size	Median pupil/teacher ratios			Percentage of other than White, non Hispanic students	Percentage of students eligible for free or reduced-price lunch
				Primary	Middle	High		
34	Jefferson County R-1, CO	87,172	544.8	17.9	18.4	19.8	21.7	17.6
42	Jordan School District, UT	74,761	879.5	24.7	25.3	26.4	9.6	20.8
43	Anne Arundel County Public Schools, MD	74,508	636.8	16.3	17.1	18.9	27.8	17.8
44	Brevard County School District, FL	73,901	687.3	15.7	17.4	19.7	21.7	28.1
48	<i>Granite School District, UT</i>	70,771	649.3	23.9	21.6	23.0	28.3	39.6
55	Seminole County School District, FL	64,904	897.6	*	*	*	32.8	30.6
57	Greenville County School District, SC	64,245	747.0	16.8	19.2	19.5	36.1	36.9
58	Volusia County School District, FL	64,089	734.4	16.3	17.2	17.9	28.3	40.9
64	Washoe County School District, NV	62,103	633.7	17.6	18.1	18.9	39.4	31.7
67	Davis School District, UT	60,749	632.8	23.4	22.5	21.2	9.9	23.3
76	Chesterfield County Public Schools, VA	55,393	938.9	15.3	14.3	15.0	32.7	13.0
84	Alpine School District, UT	51,240	813.3	22.8	26.9	23.7	9.9	25.2
85	San Juan Unified, CA	50,906	613.3	20.1	24.1	24.3	29.2	29.6

* Missing data

Table adapted from data provided in the statistical analysis report, Characteristics of the 100 Largest Public Elementary and Secondary School Districts in the United States: 2003-04. (Washington, DC: Department of Education, National Center for Education Statistics, September 2006).

One district similar to Granite School District in terms of student population is Volusia County School District in Florida. Volusia reported 64,089 students in 2003–04 compared to Granite’s 70,771. Both districts reported 28.3 percent students of color. Volusia reported 40.9 percent of students eligible for free/reduced lunch compared to Granite’s 39.6 percent. Volusia reported a higher average school size (734) compared to Granite (649) but lower median pupil/teacher ratios. Specifically, Volusia reported median pupil/teacher ratios of 16.3, 17.2, and 17.9 for primary, middle, and high schools respectively. This was lower than Granite’s primary, middle, and high school ratios of 23.9, 21.6, and 23.0 respectively.

Other districts with similar percentages of students of color to Granite (28.3%) include Anne Arundel County Public Schools, MD (27.8%), Seminole County School District, FL (32.8%), Chesterfield County Public Schools, VA (32.7%), and San Juan Unified, CA (29.2%). Other districts with similar percentages of students eligible for free/reduced lunch programs to Granite (39.6%) include Greenville County School District, SC (36.9%) and Washoe County School District, NV (31.7%).

One district, Jefferson County in Colorado, reported 87,172 students in 2003–04, but reported an average school size of only 544.8, which were approximately 104 fewer students than the average school in Granite School District. Of the comparable districts presented in Table 4, five reported lower average school sizes—Jefferson County, CO; Anne Arundel County, MD; Washoe County, NV; Davis School District, UT; and San Juan Unified, CA.

The median pupil/teacher ratios in the comparable districts, not including the other Utah school districts, reported lower median pupil/teacher ratios than Granite at all levels. For example, the lowest median pupil/teacher ratios at all levels was Chesterfield County in Virginia. This district reports media pupil/teacher ratios that are 8.6 fewer than the median pupil/teacher ratio in Granite at the primary level, 7.3 fewer than Granite at the middle school level, and 8 fewer at the high school level.

Utah Districts

Focusing on the state level, Table 5 shows district size in the 40 Utah districts ranked from largest to smallest as of 2006. While Granite is the second largest district in the state, there are eight districts with enrollments above 20,000 students, including Jordan, Granite, Davis, Alpine, Weber, Nebo, Washington, and Salt Lake. These districts are all located along the Wasatch Front, with the exception of Washington, located in southern Utah (St. George). Five districts are

in the 10,000-15,000 range, including Cache, Provo, Tooele, Ogden, and Box Elder. Four districts are in the 5,000-10,000 range, including Iron, Murray, Logan, and Uintah. The Remaining 23 districts have enrollments of less than 5,000. Of the 23 districts with enrollments of less than 5,000, seven have enrollments of less than 1,000 students, including North Summit, Garfield, Wayne, Rich, Piute, Tintic, and Daggett.

Table 5. Utah School District Enrollment 2006

Rank	District	Enrollment 2006	Rank	District	Enrollment 2006
1st	Jordan	78,773	21st	Duchesne	3,982
2nd	Granite	68,887	22nd	Carbon	3,495
3rd	Davis	62,943	23rd	Millard	2,897
4th	Alpine	56,124	24th	South Sanpete	2,884
5th	Weber	29,180	25th	San Juan	2,879
6th	Nebo	25,734	26th	North Sanpete	2,334
7th	Washington	24,352	27th	Emery	2,320
8th	Salt Lake	23,922	28th	Morgan	2,083
9th	Cache	13,726	29th	Juab	2,071
10th	Provo	13,351	30th	Beaver	1,564
11th	Tooele	12,507	31st	Grand	1,500
12th	Ogden	12,488	32nd	South Summit	1,362
13th	Box Elder	10,689	33rd	Kane	1,188
14th	Iron	8,533	34th	North Summit	981
15th	Murray	6,352	35th	Garfield	938
16th	Logan	5,820	36th	Wayne	531
17th	Uintah	5,787	37th	Rich	436
18th	Wasatch	4,398	38th	Piute	310
19th	Sevier	4,382	39th	Tintic	260
20th	Park City	4,336	40th	Daggett	150

Source: USOE (2007). Superintendent's Annual Report: Section II: Data Files, 2005-06
<http://www.schools.utah.gov/finance/other/AnnualReport/ar2006.htm>

Table 6 presents the growth in enrollment for all Utah school districts between 1999 and 2006. Seventeen out of Utah's 40 districts experienced growth while 23 districts experienced a decrease in enrollment. As Table 6 indicates, enrollment in Granite School District declined 3.7 percent from 1999 to 2006. In contrast, enrollment in the other largest districts in the state increased during this time. Of the eight districts with over 20,000 students, all but Granite and Salt Lake experienced growth. Salt Lake City School District experienced a 4.2 percent decline in enrollment from 1999 to 2006.

The top five districts with the greatest enrollment growth were Tooele (43%), Washington (33%), Nebo (25%), Alpine (23%), and Iron (22%). The five districts with the greatest decline in enrollment were Carbon (22%), Emery (22%), Garfield (16%), Millard (16%), and Tintic (16%).

Table 6. Enrollment Growth by District from 1999 to 2006

Rank	District	Enrollment Growth 1999 to 2006	Rank	District	Enrollment Growth 1999 to 2006
1st	Tooele	42.5%	21st	Box Elder	-3.3%
2nd	Washington	32.5%	22nd	Murray	-3.5%
3rd	Nebo	25.4%	23rd	<i>Granite</i>	-3.7%
4th	Alpine	22.5%	24th	Salt Lake	-4.2%
5th	Iron	22.3%	25th	Duchesne	-4.4%
6th	Wasatch	21.8%	26th	Sevier	-5.2%
7th	Juab	13.7%	27th	Uintah	-6.5%
8th	Park City	13.6%	28th	Wayne	-7.0%
9th	Beaver	9.2%	29th	North Sanpete	-7.1%
10th	South Summit	8.3%	30th	Grand	-7.4%
11th	Jordan	7.8%	31st	Piute	-11.2%
12th	Davis	6.8%	32nd	San Juan	-13.0%
13th	Cache	4.4%	33rd	Daggett	-13.3%
14th	Weber	3.7%	34th	Rich	-13.3%
15th	South Sanpete	2.4%	35th	Kane	-14.8%
16th	Morgan	1.8%	36th	Tintic	-15.6%
17th	Logan	-0.3%	37th	Millard	-15.8%
18th	Provo	-0.6%	38th	Garfield	-15.8%
19th	Ogden	-2.5%	39th	Emery	-22.0%
20th	North Summit	-3.1%	40th	Carbon	-22.4%

Source: USOE (2007). Superintendent's Annual Report: Section II: Data Files, 2005-06
<http://www.schools.utah.gov/finance/other/AnnualReport/ar2006.htm>

To understand the relationship between district size and staffing ratios in the state, Table 7 presents the 2006 average pupil/teacher staffing ratios for the 40 Utah school districts. Jordan, the largest district in the state, has the largest pupil/teacher ratio (26.7). Jordan is followed by Alpine (26.6), which is the 4th largest district in the state, and Nebo (26.3) which is the 6th largest district. Granite, which is the 2nd largest district in the state, ranks 14th highest in pupil/teacher staffing ratio (22.8). Granite's staffing ratio is similar to ratios in Salt Lake (22.1) and Murray (23.0), which are the 8th and 15th largest districts respectively. Davis, the 3rd largest district, has staffing ratios of 24.8.

In all, there are 25 districts with pupil/teaching staffing ratios of 20 or above. Only eleven of the 40 Utah districts have ratios between 15 and 19. Four districts have staffing ratios below 15. While the ranking of pupil/teaching staffing ratios in Table 7 suggests that there may be a relationship between the size of districts and staffing ratios, we cannot determine this pattern with the limited data currently available. Other factors than size of district should be considered in order to understand what contributes to the variation of pupil/teacher staffing ratios across districts.

Table 7. Pupil/Teaching Staffing Ratios for Utah Districts

Rank	Local Education Agencies	All K-12 Classroom Teachers	Rank	Local Education Agencies	All K-12 Classroom Teachers
1st	Jordan	26.67	21st	Salt Lake	22.14
2nd	Alpine	26.62	22nd	Uintah	21.85
3rd	Nebo	26.26	23rd	Logan	21.80
4th	Cache	25.17	24th	Emery	20.18
5th	Weber	25.15	25th	North Summit	20.18
6th	Iron	24.85	26th	South Summit	19.82
7th	Davis	24.76	27th	North Sanpete	19.70
8th	Tooele	24.48	28th	Millard	19.56
9th	Juab	24.19	29th	Park City	18.91
10th	Box Elder	23.87	30th	Duchesne	18.64
11th	Wasatch	23.66	31st	Grand	18.56
12th	Washington	23.41	32nd	South Sanpete	18.34
13th	Murray	22.99	33rd	Kane	17.80
14th	Granite	22.83	34th	Garfield	16.14
15th	Provo	22.81	35th	San Juan	16.10
16th	Ogden	22.81	36th	Wayne	15.36
17th	Sevier	22.76	37th	Rich	13.39
18th	Morgan	22.68	38th	Daggett	12.92
19th	Beaver	22.44	39th	Tintic	12.87
20th	Carbon	22.29	40th	Piute	12.24

Source: Utah State Office of Education, Finance and Statistics.

Table 8 shows the average administrator salaries for the 40 Utah districts. Granite School District ranks 14th highest in average administrator salaries (\$67,938). Average administrator salaries are highest in Park City (\$79,251), and lowest in Piute (\$47,490). Average administrator salaries in the three other largest Utah districts are higher than in Granite. Jordan ranks 5th in average administrator salaries (\$72,611), Davis ranks 12th (\$68,661), and Alpine ranks 13th (\$68,243). The average administrator salary in Granite is \$11,313 less than the highest average administrator salary in Park City. In contrast, the average administrator salary in Granite is \$20,448 more than the lowest average administrator salary in Piute.

Table 9 presents the average beginning teacher salaries by district. The top five districts paying the highest average beginning teacher salaries include Park City (\$31,464), South Summit (\$31,243), Salt Lake (\$30,332), San Juan (\$29,988), and Beaver (\$29,805). The average beginning teacher salaries are lowest in Sevier (\$24,995). (Four districts did not report beginning teacher salary.) Granite School District ranks 32nd highest in average beginning teacher salary (\$25,447), which is lower than the three other largest districts. Jordan ranks 19th in average beginning teacher salaries (\$26,795), Davis ranks 10th (\$28,166), and Alpine ranks 23rd (\$26,479). The average beginning teacher salary in Granite is \$6,017 less than the highest beginning teacher salary in Park City. In contrast, the average beginning teacher salary in Granite is only \$452 more than the lowest average beginning teacher salary in Sevier.

Table 8. Administrator Salary by Utah Districts in 2006

Rank	District	School Administrators' Average Salary	Rank	District	School Administrators' Average Salary
1st	Park City	\$79,251	21st	Uintah	\$66,116
2nd	Murray	76,207	22nd	Millard	66,056
3rd	Ogden	74,560	23rd	Beaver	65,758
4th	Tintic	74,086	24th	South Sanpete	64,142
5th	Jordan	72,611	25th	North Summit	64,084
6th	Nebo	71,394	26th	Duchesne	63,496
7th	Cache	70,745	27th	Box Elder	63,467
8th	Washington	70,324	28th	Carbon	63,381
9th	Provo	70,086	29th	Morgan	62,044
10th	Tooele	69,491	30th	Juab	61,606
11th	Weber	69,037	31st	San Juan	61,557
12th	Davis	68,661	32nd	Grand	61,118
13th	Alpine	68,243	33rd	South Summit	59,510
14th	Granite	67,938	34th	Garfield	57,936
15th	Rich	67,928	35th	Daggett	56,486
16th	Emery	67,584	36th	North Sanpete	55,603
17th	Salt Lake	67,560	37th	Sevier	55,584
18th	Wasatch	67,120	38th	Wayne	51,310
19th	Logan	66,900	39th	Kane	48,522
20th	Iron	66,436	40th	Piute	47,490

Source: USOE, Finance and Statistics

Table 9. Beginning Teacher Salary by Utah Districts in 2006

Rank	District	Average Beginning Teacher Salary	Rank	District	Average Beginning Teacher Salary
1st	Park City	\$31,464	21st	Logan	26,632
2nd	South Summit	31,243	22nd	Morgan	26,623
3rd	Salt Lake	30,332	23rd	Alpine	26,479
4th	San Juan	29,988	24th	North Sanpete	26,336
5th	Beaver	29,805	25th	Wasatch	26,153
6th	Ogden	29,693	26th	Duchesne	25,896
7th	Murray	29,536	27th	Washington	25,770
8th	Kane	28,968	28th	Garfield	25,667
9th	Piute	28,406	29th	Nebo	25,534
10th	Davis	28,166	30th	Cache	25,493
11th	Uintah	27,812	31st	Box Elder	25,492
12th	Rich	27,536	32nd	Granite	25,447
13th	South Sanpete	27,390	33rd	Tooele	25,385
14th	Iron	27,367	34th	Provo	25,141
15th	Weber	27,322	35th	Wayne	25,085
16th	Millard	27,102	36th	Sevier	24,995
17th	Grand	27,070	-	Daggett	-
18th	Carbon	26,844	-	Emery	-
19th	Jordan	26,795	-	North Summit	-

20th	Juab	26,693	-	Tintic	-
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Source: USOE. Finance and Statistics

Table 10 shows average teacher salaries by district. The top five districts paying the highest average teacher salaries overall include Salt Lake (\$48,247), Park City (\$47,823), Tintic (\$43,557), Millard (\$43,290), and San Juan (\$42,978). The average teacher salaries overall are lowest in Tooele (\$34,965). Granite School District ranks 16th highest in average teacher salary (\$40,342). Comparing Granite to the three other largest districts, Jordan ranks 35th in average teacher salaries (\$38,149), Davis ranks 13th (\$41,811), and Alpine ranks 21st (\$39,198). The average teacher salary in Granite is \$2,502 less than the highest average teacher salary in Salt Lake. In contrast, the average teacher salary in Granite is \$5,377 more than the lowest average teacher salary in Tooele.

Table 10. Average Teacher Salary by Utah Districts in 2006

Rank	District	Average Teacher Salary	Rank	District	Average Teacher Salary
1st	Salt Lake	\$48,247	21st	Alpine	\$39,198
2nd	Park City	47,823	22nd	Provo	39,178
3rd	Tintic	43,557	23rd	Weber	39,021
4th	Millard	43,290	24th	Beaver	38,794
5th	San Juan	42,978	25th	Grand	38,735
6th	North Summit	42,914	26th	Box Elder	38,721
7th	Murray	42,875	27th	Piute	38,715
8th	Ogden	42,844	28th	Sevier	38,423
9th	Daggett	42,635	29th	Duchesne	38,410
10th	Emery	42,400	30th	Washington	38,386
11th	Rich	42,114	31st	Garfield	38,385
12th	Uintah	42,007	32nd	Nebo	38,333
13th	Davis	41,811	33rd	Kane	38,308
14th	Logan	41,051	34th	Juab	38,213
15th	Cache	40,485	35th	Jordan	38,149
16th	Granite	40,342	36th	Iron	37,433
17th	South Summit	40,133	37th	Morgan	37,310
18th	Carbon	40,120	38th	Wayne	36,299
19th	South Sanpete	39,674	39th	North Sanpete	36,075
20th	Wasatch	39,595	40th	Tooele	34,965

Source: USOE. Finance and Statistics

NCES (2007d) reported current expenditures and distribution of those expenditures for elementary and secondary education. Nationally in 2005, 66 percent of the expenditures were spent on instruction and instruction-related expenditures; 5 percent was spent on student support services; 11 percent on administration, and 18 percent on operations. In comparison, Utah spent 68 percent of current expenditures on instruction and instruction-related expenditures, 4 percent on student support services, 9 percent on administration and 19 percent on operations.

As indicated in Table 11, Granite School District, which in 2005 spent \$5,626 per student, spent \$711 less per student than Alpine, which had the highest expenditure per student of the four largest districts in Utah.

Table 11. 2005 Expenditures for Utah's Largest Districts

	Instruction and Instruction-Related	Student Support Services	Administration	Operations, Food, Service, Other	Expenditures Per Student
Alpine	67%	8%	9%	17%	\$6,337
Davis	63%	8%	9%	20%	\$6,222
Granite	64%	11%	9%	16%	\$5,626
Jordan	62%	9%	10%	19%	\$5,608

Source: NCES, CCD public school district data for the 2004-2005 school year.

Table 12 provides student performance in Granite School District in relation to the state as a whole. Across three years of CRT results, the percent of students at proficient in Granite district was below the state percent proficient for all three years and for all three subjects—language arts, mathematics, and science. For example, in 2006, 68 percent of Granite students performed at proficient or above in language arts compared to 78 percent statewide. In mathematics, 65 percent were proficient or above compared to 72 percent statewide. In science, 51 percent were proficient compared to 64 percent statewide.

Differences in performance levels were more pronounced for students of color in Granite School District compared to the state percent proficient for students of color. For instance, in 2006, 50 percent of Latino/a students in Granite performed at proficient or above in language arts compared to 53 percent of Latino/a students statewide. In mathematics, 48 percent of Latino/a students were proficient or above compared to 50 percent statewide. In science, 28 percent of Latino/a students were proficient compared to 34 percent statewide. These numbers suggest that there is a gap in performance between Granite and the state as a whole that is particularly pronounced for students of color. There was one exception: the percent proficient for American Indian students in Granite was higher than the state as a whole in language arts (2004-2005), mathematics (2004-2006), and science (2004-2005).

In addition, Table 12 shows that the percent proficient for special education students was lower in Granite than the state as a whole for all three years (2004-2006) and for all three subjects (language arts, mathematics, and science). In contrast, while still lower than the overall district percent proficient, the differences in ELL performance between Granite and the state were not as pronounced as the differences between the state and the district overall. For instance, while ELL students in Granite performed as well or slightly lower than the state as a whole for most subjects across all three years, there were several exceptions: 48 percent of ELL students performed at proficient or above in mathematics in 2004 compared to 47 percent statewide; 52 percent of ELL students performed at proficient or above in mathematics in 2005 compared to 50 percent statewide.

Table 12. Comparison of Student Performance (Percent Proficient) on Utah CRTs for Granite School District

	2004						2005						2006					
	Language Arts		Math		Science		Language Arts		Math		Science		Language Arts		Math		Science	
	State	Granite	State	Granite	State	Granite	State	Granite	State	Granite	State	Granite	State	Granite	State	Granite	State	Granite
Overall	75.78	66.74	69.90	61.93	60.62	48.33	76.30	67.18	71.48	64.51	62.50	49.72	77.66	68.41	72.32	64.89	64.25	51.07
African American	57.73	51.33	47.98	43.94	35.1	27.62	57.43	48.23	50.22	45.77	38.04	26.48	58.63	50.22	50.16	45.11	38.66	28.92
American Indian	49.88	52.79	44.52	52.02	28.57	29.92	51.16	52.04	48.36	55.45	31.37	32.46	53.67	52.97	49.54	52.45	34.08	32.34
Asian	77.84	73.00	75.32	71.78	61.09	53.41	78.65	74.58	77.40	74.91	63.69	57.33	80.58	75.32	77.11	75.05	65.69	57.83
Hispanic/Latino	49.27	46.18	47.08	45.13	28.96	24.99	50.64	47.33	49.90	48.61	31.54	26.61	53.50	49.77	49.93	47.86	33.73	28.01
Pacific Islander	60.50	53.27	55.46	52.39	32.58	22.93	62.73	56.20	59.50	54.41	35.92	24.57	65.97	58.63	60.60	55.05	40.86	29.01
White	80.38	73.60	74.31	67.78	66.22	56.42	80.96	74.41	75.76	70.67	68.20	58.54	82.28	76.03	76.97	72.29	70.19	60.78
Students Eligible for Free/Reduced Lunch	61.64	53.10	57.97	51.84	43.82	32.93	62.84	53.92	60.13	54.26	46.49	34.59	64.68	56.32	61.05	54.84	48.37	36.38
English Language Learners	47.75	48.14	47.00	48.12	27.45	26.76	49.62	49.59	50.14	51.53	30.89	28.98	52.27	51.37	50.30	49.98	33.36	30.15
Students with Disability	33.14	24.50	34.50	26.23	23.63	15.34	34.01	25.15	36.09	28.81	26.31	18.25	36.51	29.87	38.54	35.75	28.36	21.27

Source: Utah State Office of Education, http://www.schools.utah.gov/eval/documents/Results_CRT_State_2006.pdf

School Finance in Utah and Granite School District

While consistent with the stipulations outlined in Utah Code and affirming that there is often a river, railroad track, or road that separates communities, the Jordan River as the dividing corridor for the recommended district division creates one district that has 25 percent of the students on the East of the river and 75 percent of the students on the West (Wikstrom Economic & Planning Consultants, 2007, p.5). This disproportional division ignores the growth projections that the Remaining District would have that are more than twice the number of students than the newly created district. Due to the availability of land, the Remaining District which is anticipated to experience significant growth in the next few years is already at much higher classroom space utilization than the New District would be (p. 14). According to Wikstrom’s calculations estimating the Remaining District growth, the assessed valuation per student is at \$287,624 by 2020, the assessed valuation per student in the New District which is predicted to experience little growth is at \$692, 339 resulting in a significant fiscal inequity of more than 42 percent (p. 7).

The fiscal disparities outlined in the Wikstrom report as well as our own analysis of Granite District data, including current expenditures per student, suggest a discussion of school finance. In particular, current data reflects Guthrie’s et. al., (1971) assertion that the origins of school funding inequities generally derive from two motions, “(1) inequities associated with the generation of revenue from local taxation of property, and (2) imperfections in state arrangements for directly distributing financial aid to school districts” (p. 113).

To date, 45 states have been involved in finance litigation. Utah is among the five states that have yet to enter into any kind of education finance litigation. Many states such as Texas, California, New Jersey, Wyoming, Minnesota, and Kentucky have undergone dramatic education reform as a result of finance litigation (e.g., *Neeley v. Orange-Cove Consol. Indep. Sch. Dist.*, 2005; *Serrano v. Priest*, 1971; *Robinson v. Cahill*, 1976; *Abbott by Abbott v. Burke*, 1990; *Campbell County, et. al. v. Catchpole*, 2000; and *Skeen v. State of Minnesota*, 1993). In the landmark case *Serrano v. Priest* (1971), alleged trends of discrimination in schools with larger racial ethnic diversity, low-income, and more special educational needs (similar to the outcomes reported in the Wikstrom report and evident in our analysis) prompted reform efforts (Glenn & Picus, 382). Other cases (*Rodriguez v. San Antonio*; *Edgewood v. Kirby*) that hinge on disproportionate per pupil spending across the district are worthy of consideration as issues of governance and feasibility of division are considered. In Appendix D we provide an

To date, 45 states have been involved in finance litigation. Utah is among the five states that have yet to enter into any kind of education finance litigation.

overview of state education clauses with affiliated cases that have led to education reform in other states, including shifts in finance policies and practices (Guthrie, 2007).

Education finance litigation, which has been leveraged to reduce fiscal inequities in districts (Murray, et. al., 2007, p. 790), is accompanied by increased participation across stakeholders (e.g., parents, community organizations and agencies, courts, and legislatures) (Odden & Picus, 1992). While inequities exist between districts, there are also inequities within districts and schools (Ladd, Chalk, & Hansen, 1999), again as was illustrated in the Wikstrom report on the feasibility of a division of Granite School District. Odden and Clune (1995; 1998) explain that the reason for little change in fiscal equalization is not that states go to the courts, but rather that they do not develop or mandate an “equity target.”

Previous discussions of equal funding have more recently given way to financial adequacy discussions. Clune (1994) distinguishes adequacy from equity, where presumably “one district or school receives the same amount as another, usually in the same district or state” (Clune, 1994, p. 377). While equity focuses primarily on inputs within the system, adequacy focuses on outcomes. In particular, adequacy discussions address what inputs and processes are necessary for all students to “meet state defined standards and guarantee only a basic minimum education” (Clune, 1994, p. 377).

From an adequacy perspective three elements must exist: (1) determination of an adequate spending base, (2) an emphasis on compensatory aid, and (3) accountability (Odden & Clune, 1995; Clune 1994). As illustrated above, variations in per pupil spending in the state combined with discrepancies in student-level outcomes suggests that neither equity nor adequacy exist in our current state finance system.

Granite School District

Focusing more exclusively on Granite District and the *proposed* division, we examined staffing patterns in the New and Remaining Districts based on current data for the current configuration. Class size data from the USOE indicate that average class sizes for elementary schools in both the Remaining District and those identified for the New District are 23. The average high school class sizes in both the New and Remaining Districts are 15. Average class size differs slightly in middle and junior high schools. The average class size of schools allocated to the New District currently is 22 students and 21 students in middle and junior high schools in the Remaining District. A table of average class size by school is included in Appendix B.

Table 13 presents information about the education levels and qualifications of staff that are in the proposed New and Remaining Districts.

Table 13. Education Levels and Qualification of Identified New and Remaining Districts

School Level	New District	Remaining District
<i>Percent of Staff with Graduate Degree</i>		
Elementary	42%	31%
Middle/ Junior High	50	44
Secondary	51	49
<i>Percent of Staff who are Highly Qualified</i>		
Elementary	95%	96%
Middle/ Junior High	98	98
Secondary	95	97

Source: USOE. Finance and Statistics

The percent of staff with graduate degrees is relatively higher in the proposed New District. The difference is most pronounced at the elementary level with 42 percent of the current staff holding graduate degrees in the proposed New District compared to only 31 percent in the Remaining District. In contrast, the percent of staff members who are designated as “highly qualified,” in accordance with the USOE’s NCLB plan, in both the proposed New and Remaining Districts are relatively similar. Slightly more elementary (96%) and secondary (97%) staffs in the Remaining District are designated highly qualified than in the New District, which is 95 and 97 percent respectively. The percent designated highly qualified at the middle/junior high level were the same for both districts (98%).

Table 14 shows the student demographics of students in the current district in comparison to the proposed Remaining and New Districts. Most notably is the difference in ratios of students of color to White students in the Remaining and New Districts. Specifically, Latino/a students would comprise 25 percent of students in the proposed Remaining District but only 8 percent in the New District. Furthermore, students eligible for free or reduced meal programs (a proxy for poverty) would comprise 48 percent of the Remaining District but only 25 percent in the New District. These figures illustrate considerable changes in student composition if Granite district were to divide along the proposed dividing lines. Again, these data warrant further consideration for adequacy of funding arguments addressed earlier.

Tables 15 and 16 present more detailed information about the schools in the proposed New and Remaining Districts at the elementary, junior high, and high school levels.

Table 14. Comparison of Student Characteristics between Remaining and New District

	Current Granite District		Remaining District	New District
	African American	1,405	2.10%	1.44%
American Indian	851	1.20%	1.22%	0.87%
Asian	2,193	3.20%	7.94%	3.96%
Latino	16,747	24.50%	25.18%	8.08%
Pacific Islander	2,405	3.50%		
White	44,882	65.50%	64.14%	85.12%
Students eligible for Free and Reduced Lunch	Elementary	49.08%	48.15%	24.60%
	Junior High	41.81%		
	Senior High	28.32%		
	Total	41.30%		

Sources: Granite School District, Utah State Office of Education, and National Center for Education Statistics

Note: Schools identified based on configuration proposed in Wikstrom (2007) Feasibility Study.

The comparison of overall figures for the two proposed districts in Tables 15 and 16 provides additional context regarding the nature of the proposed division. For instance, according to USOE data, the number of students in the New District would be approximately 19,239 students, compared to 53,782 in the Remaining District. This does not account for inter- and intra-district transfers or changes to boundaries. Students eligible for Special Education services comprise 9.76 percent in the Remaining District but only 6.68 percent in the New District. Students who are English Language Learners (ELL) would comprise 25.01 percent of the Remaining District but only 10.63 percent of the New District. The mobility rate is estimated to be relatively the same—19.04 percent in the New District and 20.76 percent in the Remaining District.

Table 15. Student Demographics in Proposed New District 2006

Elementary	Number Students	Percent Eligible for Spec. Ed	Percent Students of Color	Percent Students who are ELL	Percent Students Eligible for Free/Red. Lunch	Percent Mobility
Cottonwood	572	7.34%	8.39%	2.62%	7.34%	5.94%
Crestview	657	8.37	10.05	6.85	18.57	11.87
Driggs	719	4.31	6.82	3.20	8.76	5.42
Eastwood	493	4.67	2.03	2.43	6.49	3.25
Lincoln	618	7.44	48.38	36.89	63.75	26.70
Mill Creek	511	8.02	19.37	15.26	39.73	21.92
Morningside	303	8.58	6.27	1.32	7.26	4.62
Moss	673	9.51	38.19	30.16	51.86	21.99
Oakridge	569	3.87	9.31	0.88	4.75	4.57
Oakwood	477	8.81	8.39	2.10	16.56	14.26
Penn	569	8.44	8.44	7.73	15.99	10.02

Elementary	Number Students	Percent Eligible for Spec. Ed	Percent Students of Color	Percent Students who are ELL	Percent Students Eligible for Free/Red. Lunch	Percent Mobility
Roosevelt	506	9.09	35.97	28.26	54.15	30.04
Rosecrest	547	9.51	11.15	3.66	19.56	9.51
Spring Lane	0					
Twin Peaks	435	7.82	15.63	10.11	31.49	15.40
Upland Terrace	621	8.37	5.80	2.25	12.24	3.70
Wilson	783	7.79	49.55	42.66	61.30	35.89
Woodstock	515	6.99	8.16	2.33	19.42	13.40
Middle/Junior High						
Bonneville	1,016	7.19	17.03	10.14	29.04	15.06
Churchill	713	3.37	8.98	4.07	10.52	15.01
Evergreen	892	7.51	13.68	8.41	24.78	14.24
Granite Park	735	10.61	45.99	29.52	63.67	28.03
Olympus	892	6.95	10.20	5.72	10.76	12.67
Wasatch	859	2.91	9.43	4.77	6.29	16.07
High School						
Cottonwood	1,496	7.09	17.78	8.82	16.38	32.29
Olympus	1,518	5.01	8.23	5.53	8.50	35.24
Skyline	1,550	3.48	8.71	5.16	5.10	25.81
Total	19,239	6.68	16.42	10.63	22.14	19.04

Source: Utah State Office of Education, <http://u-pass.schools.utah.gov/u-passweb/UpassServlet>

Note: Schools identified based on configuration proposed in Wikstrom (2007) Feasibility Study.

Table 16. Student Demographics in Proposed Remaining District 2006

	Number Students	Percent Eligible for Spec. Ed	Percent Students of Color	Percent Students who are ELL	Percent Students Eligible for Free/Red. Lunch	Percent Students Eligible for Special Ed
Elementary						
Academy Park	796	8.92%	37.19%	29.15%	48.87%	15.95%
Arcadia	722	9.14	35.87	22.71	50.42	11.36
Bacchus	826	8.23	30.63	19.49	36.68	21.79
Beehive	861	8.94	40.53	28.80	42.39	20.67
Bennion	760	8.82	21.05	11.45	25.53	8.95
Bridger	838	10.02	28.76	20.41	39.74	22.43
Copper Hills	845	12.43	28.76	20.24	46.86	19.53
Farnsworth	698	8.60	44.13	36.68	49.43	22.06
Fox Hills	737	10.99	39.48	29.85	49.39	22.80
Fremont	694	11.10	38.33	24.64	41.79	18.16
Frost	625	7.52	33.76	22.72	40.64	9.28
Gourley	812	9.61	54.93	37.93	65.52	23.15
Granger	817	10.16	53.98	45.29	52.26	32.44

Local District Responsiveness

	Number Students	Percent Eligible for Spec. Ed	Percent Students of Color	Percent Students who are ELL	Percent Students Eligible for Free/Red. Lunch	Percent Students Eligible for Special Ed
Hillsdale	1,019	8.24	52.60	47.11	56.92	28.75
Hillside	751	10.52	34.75	22.64	36.48	14.91
Hunter	818	11.86	39.98	29.95	47.56	16.26
Jackling	786	8.78	25.06	25.57	47.33	16.16
Lake Ridge	882	7.60	19.39	13.27	41.72	11.79
Magna	1,055	11.75	26.92	15.17	44.55	21.23
Monroe	797	6.65	54.33	49.94	60.48	16.31
Oquirrh Hills	481	9.77	31.39	22.87	52.60	18.50
Orchard	880	12.39	31.02	19.55	38.98	24.55
Pioneer	828	10.14	41.55	31.28	52.54	16.30
Pleasant Green	891	10.33	26.26	20.09	51.85	18.63
Plymouth	623	12.20	19.26	9.95	34.19	14.29
Redwood	799	8.51	57.82	45.18	64.08	22.78
Rolling Meadows	625	11.84	34.08	23.20	46.88	14.24
Sandburg	622	7.88	27.33	14.15	42.28	11.90
Silver Hills	896	9.49	29.35	21.65	35.71	13.50
Smith	555	10.09	13.87	6.67	24.50	8.65
South Kearns	626	11.02	42.49	30.03	58.31	22.36
Stansbury	825	12.00	49.94	40.73	65.21	25.58
Taylorville	640	7.81	27.81	21.56	43.44	17.19
Truman	644	8.70	32.61	20.50	33.70	12.58
Valley Crest	983	9.05	50.97	43.54	49.24	22.69
Vista	644	6.37	36.02	17.55	40.53	17.86
West Kearns	643	15.40	45.10	33.90	63.76	19.91
West Valley	1,210	9.09	33.22	27.52	37.44	18.26
Westbrook	767	8.21	27.77	19.30	35.72	18.25
Western Hills	638	8.62	42.01	33.39	58.46	15.05
Whittier	893	10.53	31.58	20.49	41.88	12.43
Wright						
Middle/Junior High						
Bennion	1,077	8.36	19.31	10.03	21.73	11.23
Brockbank	1,235	11.09	25.02	14.57	40.40	14.41
Eisenhower	1,400	8.64	38.14	26.79	40.71	18.57
Hunter	1,145	8.38	33.10	22.79	39.30	16.16
Jefferson	1,349	10.75	34.91	24.31	40.70	20.16
Kearns	1,009	12.98	36.37	25.37	54.01	15.86
Kennedy	1,386	9.52	39.25	29.29	44.52	18.83
Matheson	1,087	11.87	26.59	17.57	40.11	13.06
Valley	1,089	10.74	38.02	24.98	41.41	19.74
West Lake	1,286	12.67	51.63	43.00	56.07	20.76

	Number Students	Percent Eligible for Spec. Ed	Percent Students of Color	Percent Students who are ELL	Percent Students Eligible for Free/Red. Lunch	Percent Students Eligible for Special Ed
High School						
Cyprus	1,618	9.70	22.74	13.60	31.03	33.93
Granger	1,665	9.73	42.28	31.47	42.82	35.68
Hunter	2,364	8.67	33.54	22.93	31.81	26.61
Kearns	2,218	10.10	31.88	19.84	35.84	42.11
Taylorville	2,002	6.84	22.73	14.19	20.93	27.17
Total	53,782	9.76	34.84	25.01	42.77	20.76

Source: Utah State Office of Education, <http://u-pass.schools.utah.gov/u-passweb/UpassServlet>

Note: Schools identified based on configuration proposed in Wikstrom (2007) Feasibility Study.

Appendix C presents the academic achievement in the New and Remaining Districts by school. As these data illustrate, none of the proposed New District schools, including the Title I schools, have consecutively made Adequate Yearly Progress (AYP) under NCLB since 2002. Similarly, Title I schools in the proposed Remaining District have at least made AYP since 2004-05. In contrast, one middle school (not Title I designated) and one high school have been designated as not making AYP for two years consecutively from 2004-05 to 2005-06. Four middle schools and one high school have received the same designation of “not making AYP” consecutively since 2003-2004.

The differences in accountability reporting are more stark between the proposed New and Remaining Districts when U-PASS overall proficiency levels (i.e., acceptable or not acceptable) are considered. For instance, all Title I designated schools (n=5) in the proposed New District did not have acceptable overall proficiency in either 2004-05 or 2005-2006. In addition, one other elementary school has not had acceptable overall proficiency. Again, in contrast, 11 of the proposed Remaining District Title I schools (n=13) have not had acceptable overall performance on U-PASS in 2004-05 or 2005-06. Notably, in Granger Elementary, which is a Title I school, has had overall proficiency in U-PASS for both 2004-05 and 2005-06, while Monroe Elementary, which is also a Title I designated school did not have acceptable overall proficiency in U-PASS in 2004-2005, but did in 2005-06. That said, an additional 31 schools identified for the proposed Remaining District have not had acceptable overall proficiency in U-PASS in either 2004-05 or 2005-06.

Unfortunately, data were not accessible to the UEPC to conduct more in-depth analyses of student performance in the proposed New and Remaining Districts. This type of analyses would have required de-identified data, which currently are not available to researchers unless contracted by the districts or the USOE for this explicit purpose.

Summary of District Context

In this section of the report we presented information Granite School District in relation to the national, state, and local context. Key highlights addressing each of these levels is presented below.

Granite Within the National Context:

- Granite School District ranked 48th among the top 100 largest districts in 2003-2004 (NCES).
- Granite School District had a relatively smaller average school size (649.3) than the 100 largest districts (708.4) but considerably higher median pupil/teacher ratios.
 - Granite School District's median class size in 2003-04 was 23.9 at the elementary, 21.6 at middle school, and 23.0 in high schools compared to 16.4 at the elementary, 16.8 at middle school, and 17.8 in high schools respectively in the 100 largest districts.
- Granite had fewer students of color (28%) than the 100 largest districts (70%).
- Granite had fewer students eligible for Free and Reduced Lunch (40%) than the 100 largest districts (47%).
- The percentage of Granite students who were served in English Language Learner programs was 19 percent compared to 12 percent in the 100 largest districts.
- Granite's average graduation rate was 72 percent, but slightly higher than the average of 69 percent in the 100 largest districts.
- Granite's per pupil expenditures (\$4,595) were considerably lower than the 100 largest districts (\$7,853), but relatively the same as the other three largest Utah districts.

Granite Within the Utah Context:

- Granite is the second largest district in the state.
- Granite is considerably more diverse than the other three largest districts in Utah. For instance, students of color comprise 28 percent of Granite's population compared to 10 percent in Jordan, 10 percent in Davis, and 10 percent in Alpine.
- Granite has more students eligible for Free and Reduced Lunch (40%) than the other three largest districts in Utah (Jordan, 21%; Davis, 23%, Alpine, 25%).
- The percentage of Granite students who were served in English Language Learner programs (19%) was triple the amount in the other three largest Utah districts.
- Granite's average graduation rate (72%) was the lowest for the largest school districts in Utah.

- Granite's per pupil expenditures (\$4,595) were relatively the same as the other three largest Utah districts.
- There are eight districts with enrollments above 20,000 students, including Jordan, Granite, Davis, Alpine, Weber, Nebo, Washington, and Salt Lake.
- Seventeen out of Utah's 40 districts experienced growth between 1999 and 2006, while 23 districts, including Granite, experienced a decrease in enrollment.
 - Granite School District declined 3.7 percent from 1999 to 2006 compared to increased enrollment in the other largest districts in the state during this time.
 - Of the eight districts with over 20,000 students, all but Granite and Salt Lake experienced growth.
- Granite, which is the 2nd largest district in the state, ranks
 - 14th highest in pupil/teacher staffing ratio (22.8) compared to Jordan, the largest district in the state, which has the largest pupil/teacher ratio (26.7).
 - Granite's staffing ratio is similar to ratios in Salt Lake (22.1) and Murray (23.0), which are the 8th and 15th largest districts respectively.
- In Utah Granite School District ranks
 - 14th highest in average administrator salaries (\$67,938),
 - 32nd highest in average beginning teacher salary (\$25,447)
 - 16th highest in average teacher salary (\$40,342)
- Granite School District spent \$5,626 per student in 2005, which is \$711 less per student than Alpine, which had the highest expenditure per student of the four largest districts in Utah.
- Utah is among the five states in the nation that have yet to enter into any kind of education finance litigation. Variations in per pupil spending in the state combined with discrepancies in student-level outcomes suggests that neither equity nor adequacy exist in our current state finance system
- Across three years of CRT results (2004-2006), the percent of students at proficient in Granite district was below the state percent proficient for all three years and for all three subjects—language arts, mathematics, and science.
- Differences in performance levels (2004-2006) were more pronounced for students of color in Granite School District compared to the state percent proficient for students of color.

- The percent proficient for special education students was lower in Granite than the state as a whole for all three years (2004-2006) and for all three subjects (language arts, mathematics, and science).
- Differences in ELL performance between Granite and the state were not as pronounced as the differences between the state and the district overall, although ELL performance was still lower than the overall district percent proficient.

Proposed *New* and *Remaining* Granite School District Context:

(Please note that these figures are based on current 2006 data; they do not account for possible mobility of inter- or intra-district transfers or reallocation of students based on proposed district division.)

- Based on current figures, the number of students in the New District would be approximately 19,239 students, compared to 53,782 in the Remaining District.
- Average class sizes in the New and Remaining District are the same for elementary (23) and high schools (15). However, in middle and junior high schools, the average class size is 22 in schools allocated to the New District and 21 students in the Remaining District.
- Forty-two percent of elementary teachers hold graduate degrees in the proposed New District compared to 31 percent of elementary teachers in the Remaining District. This pattern is similar for middle/junior high and high school
 - 50 percent of middle/junior high teachers in the New District and 44 percent in the Remaining District hold graduate degrees
 - 51 percent of secondary teachers in the New District and 49 percent in the Remaining District hold graduate degrees
- There is less difference in the percent of staff designated as “highly qualified.” At the elementary level, there are 95 and 96 percent of highly qualified teachers in the New and Remaining Districts respectively; 98 percent for both at the middle/junior high level, and 95 and 97 percent at the secondary level in the New and Remaining District.
- There are fewer students of color in the New District compared to the Remaining District. For example, Latino/a students would comprise 25 percent of students in the proposed Remaining District but only 8 percent in the New District.
- Students eligible for Free or Reduced Lunch Program (a proxy for poverty) would comprise 48 percent of the Remaining District but only 25 percent in the New District.

- Students eligible for Special Education services would comprise 9.8 percent in the Remaining District but only 6.7 percent in the New District.
- Students who are English Language Learners (ELL) would comprise 25.0 percent of the Remaining District but only 10.6 percent of the New District.
- The mobility rate is estimated to be similar—19.0 percent in the New District and 20.8 percent in the Remaining District.
- More schools (both Title I and not Title I) in the proposed Remaining District have not made AYP for two or more years and not had acceptable overall proficiency levels than in the proposed New District.

District Size

Over the past century, the issue of school district size has received increased attention due to the district consolidation movement in which the number of school districts was reduced, as cited previously. In a review of literature on school consolidation Guthrie (1979) called the school consolidation movement “one of the most awesome and least publicized governmental changes to occur in this nation during the twentieth century” (p. 18). The consolidation movement resulted in a 65% reduction in the number of schools over a 40 year span of time; an 87% reduction in the number of school districts; a 500% increase in the average school size; and a 1,500% increase in the average school district size (Guthrie 1979; Webb 1989)

Initially, the push for consolidation was based largely on two general arguments (Guthrie 1979). First, small schools and small districts were expected to be enhanced when (a) small schools could be collapsed so that classes of sufficient size could justify more specialized personnel (e.g., chemistry teacher) and (b) larger schools and districts could attract higher quality staff. Second, larger schools and districts, which were an effect of the consolidation of small district, were expected to be more cheaply operated and benefit from economies of scale. In addition, citing Rowan (1982) and Strang (1987), Walberg (1989) explains how pressures for consolidation were also prompted by the increasing legislation and regulations that accompanied the increase in state power and decline of local authority, as well as the lack of consensus among local lay citizens about goals and lack of technical expertise with educational methods among local educators. Walberg again refers to Strang (1987) who argued that increased bureaucracy resulted from the coordination of local and state functions in districts with federal initiatives, which led to more specialized services and staffing.

What is the optimal district size?

To date, there has been substantially more research conducted on class size and school size than district size. Overwhelmingly, previous research on district size illustrates that there is no optimal size for school districts. On the other hand, researchers who have studied class size and school size have been more inclined based on their empirical work to stipulate ideal sizes of classrooms (<20, ideally between 15-19, particularly K-3) (Achilles, 1996, 1997; Word et al, 1990; Finn, 1998; Glass et al. 1982; Illig, 1996; USDE, 1998) and schools (200 to 400 at the elementary level (Heath, 1994; Williams, 1990) and between 400-900 at the secondary level (Conant, 1959, Farber, 1998; Goodlad, 1984; Lee& Smith, 1997; Williams, 1990). Yet, there is more reluctance among district-size researchers to make similar stipulations for ideal district size. In addition, district-size research is frequently attached to the school size research. In some instances, district size is a context for school size research but not one of the variables considered, per se.

Research on school district size has typically been conducted to address the question of whether larger school districts created as a result of consolidation were able to achieve

the economies of scale as expected, keeping in mind that school districts were often less than 1,000 students prior to consolidation. The focus of these studies has been to investigate correlations between district size, school expenditures, and less frequently, student outcomes. Few, if any, studies have paid attention to the mechanisms by which district organizational structures and practices allowed for economies of scale or improved student outcomes after consolidation. In addition, most of the studies on district size are conducted in districts with less than 20,000 students (Carnochan, 1997).

In a review of research on economies of district size in education, Andrews, Duncombe, and Yinger (2002) reviewed studies published since 1980 to determine the degree of consensus about district size and economies of scale. They divided the studies into two groups—the cost function studies and the production function studies. The results of the cost function studies were summarized in terms of the economies of size. The results of the production function studies were summarized in terms of returns to size in relation to student performance.

Andrews, Duncombe, and Yinger (2002) reviewed 12 cost function studies, which were divided into three groups based on the specification of the enrollment (size) variable. All but two studies found some degree of economies of size. The estimates for cost-minimizing districts provided by several studies were relatively low. For example, the authors report that approximately 6,000 students are best for total cost effectiveness, but for operational or instructional costs the optimal range is 2,000 to 3,500 students. For transportation costs they suggest that the optimal enrollment is just over 1,000. Economies of size for administrative costs were found over all ranges of enrollment.

There were mixed results among the five studies that examined returns to size (i.e., student performance) at the district level. The authors report that two studies (Walberg & Fowler, 1987; Ferguson, 1991) found decreasing returns to size. In other words, larger districts were associated with lower student achievement. The average size in the Walberg & Fowler study was 2,004 students, with the majority of analysis focusing on sizes between approximately 651 students to 7,150 students. Two studies (Sebold & Dato, 1981; Baum, 1986) found either constant returns to size or increasing returns to size. The fifth study (Ladd & Ferguson, 1996), which the authors felt was methodologically among the strongest production function studies they reviewed, found clear evidence of increasing returns to size for Alabama school districts. The authors do not speculate on reasons for the mixed evidence of these five studies due to

Few, if any, studies have paid attention to the mechanisms by which district organizational structures and practices allowed for economies of scale or improved student outcomes after consolidation.

the “wide variation in specifications between these studies and given that none of these studies used a quadratic specification for the enrollment variable” (p. 17).

Based on the studies reviewed, the authors infer that there is *cost* savings up to district enrollment levels between 2,000 and 4,000 students. They further suggested, though they did not empirically test their hypothesis, that diseconomies of scale emerge for districts over 15,000 students. The authors conclude by addressing their original question about whether consensus exists in the research:

While none of the empirical studies we examined explicitly focuses on the optimal district and school size combination, some tentative conclusions can be drawn from existing research. The basic story seems to be that moderation in district and school size may provide the most efficient combination... The typical suburban or small city district between 4,000 to 8,000 students may have an appropriate size, but the use of a single high school between 1,500 to 3,000 students might be too large, especially if there are a significant number of disadvantaged students. Few of the empirical studies focused explicitly on large central city districts, but extrapolating from existing results indicates that most central cities are operating at enrollment levels with significant diseconomies of scale both at the district and school level. Future research on economies of size needs to refocus on large city districts, and examine whether use of smaller schools can compensate for the large size of these districts (p. 21).

While the use of small schools to mitigate the effects of large districts has been noted by other research studies, we are leery of the authors’ willingness to extrapolate from the reported studies to determine a tipping point for the diseconomies of scale. These authors’ review of research does not specifically address large districts or those exceeding 25,000 students, which may operate very differently than the smaller districts included in the majority of studies reviewed.

Jewell (1989), whose study included districts that ranged between an average district size of 281 students in Montana to 87,092 in the District of Columbia, examined the correlation between average state, district, and school size and minority enrollment, college entrance exam scores, graduation rates, expenditures, and private school enrollment. Based on the simple analysis (i.e., “Tendencies based upon relationships among averages”), Jewell reported the following relative to district size

1. Students of color [these were collapsed into one group for analysis] in public schools in the United States are concentrated in states that have large school districts and school districts that have large schools.
2. District size is not significant for SAT and ACT scores when controlling for SES
3. States with lower proportions of students in larger districts have higher graduation rates
4. Expenditure averages were not significantly related to district size
5. States with larger districts and larger schools have higher teachers’ salaries and lower pupil/teacher ratios than states with smaller districts and schools
6. Catholic school enrollment was positively related to district and school size

Jewell concluded that there is a negative relationship between district size and student achievement and cautions against the practice of assigning high proportions of “minority youngsters” to large schools within very large school districts. However, he does not discuss relative size of school districts; rather, his discussion is limited to correlations among averages.

In an earlier review of research on what constitutes the “right” size of for school districts, Webb (1989) reports mixed findings related to fiscal efficiency and school effectiveness. In one study by the California School Board Association (1986), Jewell reports that the range of district sizes deemed satisfactory for the breadth of program by survey respondents was between 750 and 2,500 students. She concludes:

For the results of research to be as equivocal as they are, the truth must be that there is no one right answer. Perhaps, as Friedkin and Necochea suggest, the improvement which were anticipated to follow district consolidations depend on other factors in addition to size. Perhaps, as Monk and Haller aver, every district has to figure out its own equation of opportunities, constraints, economies, and diseconomies in order to just say yes to its own best way to operate (p. 137) [italics added].

In another review of research on district size, Guthrie (1979) explains that “evidence in favor of cost savings associated with larger size schools and school districts is, at best, ambiguous” (p. 21). Citing a study of economic efficiency by Kahn and Hughes in 1970 who examined district sizes ranging between 300-25,000+, Guthrie concludes, “In urban areas, the evidence is thin, but slightly favors the view that larger districts, up to 25,000 students, have lower administrative overhead” (p. 22).

With regard to *parent and public participation in school governance*, Guthrie (1979) raises the question of whether increases in district size have had any effects on political participation of school matters. Guthrie reports that prior to the consolidation movement, school board members represented 250 constituents on average. He reports that the average school board member “now” represents more than 2,000 constituents. Importantly, Guthrie reminds us that there are no studies to determine whether the change in access or representation has made a difference. Despite the lack of empirical evidence, there is the perception that “schools have become too distant from their constituents” (p. 24). Guthrie describes three types of responses that have attempted to link schools more tightly to their constituents.

1. The “accountability” movement in which schools are audited more frequently and held accountable to outcomes (e.g., student performance on state tests)
2. Market-oriented approaches, such as vouchers and tax credits. According to Guthrie, this free-market strategy has also included the use of parent evaluations/user evaluations in order to gauge consumer satisfaction and solicit feedback.

3. Increasing the political representation into school decision making through the use of parent advisory councils or other school/community councils.

Walberg (1989) echoes these sentiments by concluding that “Real reform requires that parents and community members be given a genuine voice in the operations of their schools, and a choice of public schools in which to enroll their children” (p. 160).

The degree to which this occurs in small or large districts is not sufficiently researched to draw conclusions. As Guthrie indicates, the evidence of effectiveness of such strategies is unknown. As such, Guthrie suggests several categories for future research, including historical studies of the nature of political participation before and after the consolidation movement, cross-sectional analyses of participation in small and large districts, and specific analyses of relatively new mechanisms such as parent advisory councils. He also suggests that future research should be multidisciplinary and provide practical information in order to make decisions about larger or smaller decisions.

Similar to Jewell (1989), Walberg (1989) also reviewed research on school and district size from British Columbia and elsewhere that shows that large schools are concentrated in large districts. Citing Coleman and Laroque (1986), Walberg points out that the problems of small districts are confounded with or attributable to small schools. He explains that the high costs of small schools (the “small-school effect”) are “misleadingly confused with district size, since small schools tend to be in small school districts” (p. 155.) School and district size are typically a function of population density. Citing Coleman and Laroque again, Walberg highlights the findings that when controlling for school size, district size and per-student expenditures were not significantly correlated.

Walberg (1989) reviewed the history of educational finance studies that examined expenditures as a measure of quality. These research studies were influenced by business industry analysts who routinely assumed economies of scale, despite the fact that little evidence from research on manufacturing or service industries showed scale economies. Walberg explains that “accumulating school finance studies, moreover, showed few theoretically sound empirical analyses that could yield good estimates of the optimum size for the lowest cost. In the research on educational economies of scale, Walberg highlights research showing that very small districts (200 or fewer) are not cost effective. However, citing Turner, Camilli, Kroc, and Hoover (1986) as an example, per-student costs of districts between 500, to 5,000 and over, appear to differ very little.

With regard to student outcomes, Walberg (1989) cites Monk (1987), Bidwell and Kasarda (1975), Turner et al (1986), and Walberg and Fowler (1987) who found inverse relationships between district size and student achievement. Yet again, the mean district size in the Walberg and Fowler (1987) study was 2,004 students. Bidwell and Kasarda (1975) did not report actual enrollment figures, but rather used an alternative calculation for analyzing the district size variable. As other scholars have concluded, Walberg pointed out the importance of controlling for SES due to the pronounced effect of SES on achievement in aggregated units of analysis.

Other Factors Related to District Size

Regarding the mixed findings of studies on district size, Berlin and Cienkus (1989) suggest that even if there were unequivocal data to suggest a certain size, this information alone would not necessarily lead to change because of the entrenched beliefs and values associated with certain school organizations or practices. “Indeed, people feel very strongly about their schools” (p. 228). As an example the authors describe a bill that was passed in Illinois to encourage school district consolidation. Four years after the bill passed, there was exactly the same number of districts (1,000) than when the bill was first passed. They attribute the lack of consolidation to the resistance of constituents to close or consolidate schools within their communities.

Berlin and Cienkus further suggest that smaller is not always better; instead they suggest that efficiency and effectiveness has more to do with the district’s capacity, regardless of size:

One cannot start from the statement “all other things being equal, smaller is better,” because all other things are seldom equal. Very small districts and schools seldom have the resources—equipment, consultants ancillary staff, curriculum variety, supplies, teaching staff—to do as good a job larger districts (p. 229).

The authors address the importance of capacity in relation to district size, stating, “We agree with Florence Webb that there is no single right answer. Each district, school, and class will have to balance the complex forces which influence the curriculum, the classroom instruction, and the learning outcomes” (p. 231).

Slater (1989) discusses the premise that the size (scale) of an organization is integrally linked with the structure and culture of an organization. For example, during the push toward bigger schools promoted by Conant and others in the 50s, the argument was that large comprehensive high schools were more desirable because of the courses and other offerings that were not available with small schools. Slater points out that size in itself was not the determinant of quality, but rather a particular type of curricular differentiation and educational quality. The particular pattern of schooling required a bigger organization and size, which, therefore, became linked to educational quality. However, Slater argues that size was misinterpreted to equate with quality (i.e., quality was viewed as a direct effect of size). Slater calls this push for bigger and bigger schools, even larger than what Conant originally called for, as the “myth of size.” Slater reinforces the need to integrate culture and structure into the analyses of classroom, school, or system size, stating:

The ideal size is integrally linked to the structural and cultural features of an organization that will provide for the greatest responsiveness, efficiency, and effectiveness/quality of outcomes.

From Plato to the present, social theorists have recognized the importance of size. But in broader political and social theory, size has only been important because of its relationship with social structure and culture. Perhaps the importance of class, school, and school system size rests on a similar triad (p. 216).

This argument is helpful for understanding how an ideal district size, as stated previously, is dependent on the organization’s cultural and structural characteristics. In this sense, the ideal size is integrally linked to the structural and cultural features of an organization that will provide for the greatest responsiveness, efficiency, and effectiveness/quality of outcomes (and perhaps most democratic practices).

Indeed, questions of district size are not limited to simple economies of scale. For example, Hannaway and Kimball (1998) investigated the relationship between district size and the reported progress in standards-based reform efforts (Hannaway and Kimball 1998). The study was based on two national district surveys. One survey was conducted by the Urban Institute with a national sample of school districts about their reform efforts. Other data were added from the Agency File, CCD, on district size and from decennial census on poverty in the district. The second survey was conducted by Westat with a national sample of schools using similar questions. The schools in the sample were not necessarily schools within the districts that were sampled; these samples were unconnected. The districts in their sample considered the smallest enrolled between 300 and 2,500 students; the districts considered the largest enrolled 25,000 students and above.

Larger districts may not be part of the education problem; they may, in fact, be part of the solution. They appear to be better able to promote or facilitate reform than smaller districts, probably because they have greater specialized areas of expertise.

The authors found that larger districts reported more progress in standards-based reform than smaller districts. However, larger districts with higher levels of poverty reported less progress than districts with lower levels of poverty. They discuss the benefits of larger districts for promoting standards-based reform:

The findings suggest that districts are important players in standards-based reform. Moreover, larger districts may not be part of the education problem; they may, in fact, be part of the solution. They appear to be better able to promote or facilitate reform than smaller districts, probably because they have greater specialized areas of expertise, such as dedicated units for assessment and professional development, slack resources available to direct to reform due to economies of scale, and better access to technical assistance. As a consequence, larger districts may be better structured as “learning organizations” than smaller districts (p. 17).

The study did not investigate specific evidence about larger districts' capacity in terms of greater specialized areas of expertise, slack resources, or access to technical assistance; rather, the authors present this rationale within the context of classic organizational theory (e.g., Blau, Scott).

Other studies of district consolidation have examined possible factors besides economies of scale. In a review of research on district consolidation movement, Berry (2006) discussed several studies that found a relationship between population heterogeneity and consolidation. For example, Berry reviews a study by Kenny and Schmidt (1996) that examined district consolidation between 1950 and 1980. A primary finding was that income heterogeneity in states was negatively associated with consolidation. Another study of consolidation (including school districts as well as other government jurisdictions) by Alesina, Baqir, and Hoxby (2000) found that less consolidation happened in counties that were more racially, ethnically, or religiously diverse. From these findings Berry suggested that population diversity has been one of the few significant barriers to the consolidation of local school districts. In other words, districts are less likely to consolidate the more diverse the population is.

Taken a step further, this relationship might also suggest the reverse pattern may be a factor in the push to divide large, diverse school districts. While the stated argument for dividing districts is to achieve more local control and responsiveness, an underlying variable might also be the desire to create more homogeneous schools and districts. Indeed, in a review of public attitudes toward education taken from a Gallup poll in 1997, Hochschild and Scott (1998) report that although the number has declined since the sixties, roughly 15 percent of White people still object to sending their children to schools with "half" of members of other races. Further, they report that two in five White people continue to oppose sending their children to a school "a majority" of whose students are Black (Hochschild and Scott 1998).

Summary of Research on District Size

Research on optimal district size is mixed, certainly not definitive. The research does not provide sufficient evidence to promote specific policy options for creating smaller or larger districts. In fact, much of current district size research is based on districts that are relatively small (e.g., 1,000 students), which is not comparable to the size of Granite—current or proposed new and remaining districts. In contrast, the research on school size and class size is more refined, including offering a size range that produces "better" academic performance and other benefits generally.

Clearly, there is a need to find a means to get better representation and increase the responsiveness of districts. We acknowledge the role that district size may serve in attaining these goals, however, without also ensuring that a number of other conditions are present, changing district size alone will likely lead to very few changes in district responsiveness in meeting students', families' and communities' needs.

Given the lack of direction provided by the district size research, we propose that a number of additional questions be considered in attempts to identify the optimal school districts configuration.

- How do districts—small or large—create an environment that promotes authentic engagement and participation of all students, parents, teachers, administrators, and the community? What is necessary for this engagement to occur?
- How do districts—small or large—meet the academic needs of all of its students and ensure equitable access to a rigorous, challenging, and culturally relevant curriculum and adequate resources (e.g., facilities, technology, text, instructional materials, programs, course offerings, and quality teachers) and outcomes.
- How do districts—small or large— provide a supportive professional environment, including adequate compensation and benefits, on-going professional development, and resources, for teachers and administrators to provide educational services consistent with these aims?
- How do districts—small or large—respond to the needs of its students and communities?

In other words, a more important question is how can districts increase their organizational capacity to provide adequate educational services for all of its students, regardless of size?

Governance

The question over “who should decide issues of school [district] direction and policy” (Stout et al., 1995) has been pervasive throughout the history of education in the United States. Despite this, there is a dearth of research on school boards generally, including their role in influencing student achievement (Land, 2002). Still, the question of who should decide pivots around issues of governance.

Generally, struggles over governance reveal the value commitments of particular groups for education. Scholars in the field of politics of education have defined these values as excellence, equity, efficiency, and choice (Marshall, Mitchell, & Wirt, 1989). Conflict over whose values will ultimately influence the direction of education policy for a school or district have resulted in challenges to and turnover on school boards and/or superintendents, and even dramatic shifts in local policy (Iannaccone, 1996; Lutz & Iannoccone, 1978). Lutz (1980) explained that

as dissatisfaction and conflict increase, one or more incumbents fail to be reelected; within three years the school superintendent is replaced (usually with an outsider); and *then* school policy changes to become more in line with the demands that created the dissatisfaction. (p. 456)

School and district governance, which may be influenced by state or federal policy, the courts, the local school board, or patrons in the community, has gone through multiple iterations, including public (lay) governance models to private and market-based governance of school models (e.g., charters and vouchers), and centralized governance models to decentralized models such as site-based decision making. The continued shift illustrates that governance of districts and schools remains a contentious and value driven issue. For the purposes of our discussion, governance refers to allocation and distribution of resources and the decisions made about education that reflect the values and commitment to the community in which the governing body resides.

In this section we review the literature on public school governance, particularly as it relates to local school boards and superintendents. We begin with a discussion of local control in education (what is it and who should have it?). This is followed by a summary of school board characteristics and, where evidence was available, summaries of the research regarding their influence on student and school outcomes. We also discuss issues of responsiveness by examining the types of strategies used by districts to increase engagement and participation. We also address the way in which school boards are selected, such as election or appointment. We raise the issue of proportional representation as an alternative to increasing representation on local school boards. Finally, we provide a discussion of alternative governance structures, such as site-based decision making models to provide the full context for understanding a range of governance options for public school districts.

What is local control and who should have it?

Originally, school boards maintained significant authority over the operation of schools. Their decision-making authority spanned personnel, curriculum, assessment, finances and facilities (Callahan, 1975). Scrutiny over their politicized (i.e., self-interest drive) nature and detachment from democratic ideals (Callahan, 1975; Feurestein, 2002) increased. Over the course of the 20th century, these factors, in combination with accusations of board corruption and superintendents who sought more authority, led to boards that were representative of locales within a district and/or the district at large, as is similar to current board configurations.

As Kowalski (2005) indicates, “the local school board assumes a control function that is actualized through policy decisions” (124). According to Kowalski, there are two dimensions of these policy decisions—external and internal. External dimensions include school board decisions that reflect the “will of the district’s patrons—an expectation requiring board members to discern real community needs and wants” (p. 124). On the other hand, internal dimensions include board responsibilities such as “ensuring proper administrative control through the office of the superintendent, making primary fiscal decisions about budgets and taxes, and examining of the district’s outputs” (p. 124). He added that visioning and advocacy as well as structure and accountability are among the primary categories of board responsibilities.

Doyle and Finn (1984) argue that local control, as in school board level control, has become an “antiquated doctrine” and that in the current reality the real locus of control rests with the state. Yet, because the government structure has not changed to reflect this shift in power, local and state officials “seek to minimize the power of the other while maximizing their own control, each certain that it has on its side both the best interest of the children and the time-honored principles of educational governance” (Doyle and Finn, p. 94). While states may win most of the battles for control, this will waste valuable time and resources. Instead, they argue, school level control would be a better solution. More recently, scholars have recognized that as attention to and actual state and federal influence increases, school board authority and influence again is constrained (Wirt & Kirst, 1997) and even at times eroded (Feuerstein, 2002).

Although schools are thought to be locally controlled by school boards, states actually wield the legal authority to establish parameters for the operation of public schools. In their discussion of local school control, Doyle and Finn (1984) illustrate numerous ways in which states control schooling, particularly with regard to school funding, regulating curriculum and programs, etc. In Utah, the state establishes policies for funding, accountability, assessments, curriculum, and standards.

When discussing forces that have led state officials to seize control of local school reform processes, Doyle and Finn (1984) explain that local school boards have been viewed as inept, in part because the laymen on the school boards have not been adequately guided by the educational profession, but also because they have neglected to address the right problems or devise good solutions. They provide this description:

Too many school board meetings are devoted to the approval of bus routes, purchasing orders, and maintenance plans, and to the resolution of disputes, while too few are given over to the content of the school program, the standards of student performance, the adequacy of the teaching force, and the provision of effective instructional leadership by principals and supervisors. Local school boards, in short have with rare (albeit welcome) exceptions *not* moved vigorously to diagnose the qualitative maladies of their schools or to prescribe remedies (p.90).

From their analysis, Tucker and Zeigler (1978) also addressed the limited engagement of local board members:

School board meetings do not serve as a forum for debate and deliberation, but rather as an opportunity for the administration to legitimate its decisions and to reveal them to the public (Kerr, 1964). They resemble presidential press conferences more than legislative decision-making arenas. (p. 220)

Both of these cases illustrate how local board members may evade opportunities to become *creatively proactive* (Lutz, 1980) with regard to meeting the demands of their students and communities. In other words, sometimes board members opt to function under the creed of not getting involved in the day-to-day operations of the districts (Greene, 1990, p. 369). As a result, the local board's primary role of authority may be over superintendent selection and tenure.

Spring (1984) provides another layer of complexity related to representation when considering what local control is and where it rests. For instance, he suggested partisan elections as a means of increasing "broader representation of the local citizenry on boards of education" (p. 420) because current school boards oft represent an elite group of

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constituents. He accentuated concerns with elite control versus democratic control on school boards. He noted the issue of who has the ability to “make ‘good’ decisions”:

Historically, those who have demanded elite control have viewed the majority of the population as not having the ability to make ‘good’ decisions regarding education. The same argument is true of those who claim that professionals should control education because they know what is in the best interests of the child. (p. 420)

Spring asserts that democratic, shared governance at the local level that is representative of the district is desirable for determining district goals and policy. Importantly, school board membership that reflects sub-districts is more attentive to and representative of minority and/or communities of color (Kirst & Edelshein, 2006). Specifically, Kirst and Edelstein said “...minority representation on school boards tend to be higher when board members are elected by sub-districts, as opposed to being elected citywide or appointed by the mayor” (no page, web document).

Reed (1982), whose research draws further attention to local board representation, explained that a major challenge is that “boards generally are not representative of the broader community, particularly of that segment composed of minority and poor people” (p. 203). Echoing this, Spring (1984) emphasized the absence of persons of color and persons from under-represented groups on school boards as a result of elite control:

The history of American education is punctuated by racism and an emphasis upon teaching the values of the business community. This phenomenon is not accidental, but rather is directly related to the traditional lack of minority control and representation in education; it is directly related also to the traditional control that local elite business groups have over education. (Spring, p. 420-421)

Democratic, shared governance at the local level that is representative of the district is desirable for determining district goals and policy. Importantly, school board membership that reflects sub-districts is more attentive to and representative of minority and/or communities of color.

Without at least representation, participation of some may “reinforce power groups with similar interests” (Anderson, 1998, p. 580) or simply self interests (Cohen-Vogel, 2003). Thus, the question of who participates in decisions remains central to education reform, even reforms aimed at improving governance. In particular, how is participation in decision-making inclusive or exclusive, to whom is it inclusive or exclusive, and around what issues is it inclusive or exclusive?

The following information describes the characteristics of school board members nationally.

School Board Member Characteristics

As discussed in the review, school board members are typically more homogeneous, more educated, and have higher incomes than the general population (American School Board Journal 1997; Hess 2002). For example, in a recent survey of 2,000 school districts (Hess 2002), board members reported that the boards on which they serve are approximately 61 percent male and 39 percent female. This gap was reportedly smaller in bigger districts (55 percent male) and the gap was somewhat larger in small districts (63 percent male).

Survey respondents also reported that the boards on which they serve are approximately 86 percent white, 8 percent African-American, and 4 percent Latino/a (Hess 2002). The board members in larger urban districts reported more racially heterogeneous boards (American School Board Journal 1997; Hess 2002).

In terms of household income, more than 80 percent of survey respondents reported annual household incomes of more than \$50,000 a year and 16 percent reported annual household incomes of over \$150,000 a year (Hess 2002). Just fewer than 45 percent of respondents identified as professionals or businessmen, and more than 25 percent are retirees or homemakers. Thirteen percent reported a background in education. Finally, survey respondents reported that two-thirds are college graduates, including 38 percent who reported having a graduate degree. The most educated board members reported serving in the larger districts.

Approximately 75 percent of survey respondents are between 40 and 59 years old (Hess 2002). Twenty percent are 60 years or older and 6 percent are under 40. Almost all board members are parents (96 percent). Of the parents, 77 percent reported that their children attended public school, 13 percent reported that none of their children attended public school, and the Remaining reported a mix of public and private school attendance.

Responsiveness: What does it look like?

For many, responsiveness is measured by the degree to which they get what they want, regardless of the intended or unintended consequences. As Tucker and Zeigler (1978) stated, “most Americans believe that government ‘should do what the people want,’ that is, it should be responsive” (p. 213). Using the Eulau-Karps (1977) framework for political responsiveness—policy responsiveness, service responsiveness, allocation responsiveness, symbolic responsiveness—and their own added element of responsiveness—influence, Tucker and Zeigler conducted a comparative analysis of Boards of Education responsiveness to their constituents. Influence, as they explained, reflects the area between policy responsiveness and not being responsive. Their research indicated that the small size of school boards, generally around seven members, situated the boards to be more accessible as well as for board members to be more participative.

In a study of New Jersey school board members, Greene (1990) examined whether school board members were more inclined to avoid “politics” and not get involved in the day-to-

day operation of schools or if they acted more as elected officials by responding to their constituents' requests for assistance. That is, were local board members participative and/or responsive? Based on surveys to board presidents in New Jersey (n=368; 66% response rate), Greene discusses two competing views of school board members' roles.

The first role of local board members, according to Greene, involves the influence of professionalism, as noted by Spring earlier. This role is shaped by the influence of district superintendent who acts as the district manager and the boards' decreased involvement in the operations of the district. From this perspective, school board members do not respond to citizens' requests, but instead refer them to professional administrators who have the appropriate training and expertise (Greene 1990). For instance, when asked about their response to parents who contact them, 90% of board presidents reported that they refer the parents to contact a district staff directly; 10% reported acting on behalf of parents. Also, despite Tucker and Zeigler's speculation that the availability of being heard (i.e., "raising your hand" at a local board meeting) eliminated the need for participation by (and overwhelming existence of) interest(ed) groups, Greene again found that school board meetings tend to be dominated by the superintendent and that public input is limited.

The second role, as Greene explained, suggests that school board members actually frequently seek to meet the demands of their constituents, particularly by responding to parents and community groups. For example, when asked how much time per week they spend responding to contacts, 23% of board presidents reported they spend no time, 55% reported one or two hours, and 22% reported they spend three hours or more assisting parents. Greene suggests that this is considerable responsiveness, given that board members are typically unpaid, part-time officials who do not have offices, office hours, or staff members to assist them.

Greene further explored five other variables that may influence responsiveness:

1. The socioeconomic status of the school district,
2. The level of competition for school board seats,
3. The complexity (size and grade configuration) of the school district,
4. The degree of consensus within the district (i.e., major controversy), and
5. School board members' plans to seek reelection.

In his study, all but the district controversy variable were positively related to school board responsiveness. Greene concluded that "despite the entreaties of their professional association and the aura of expertise that surrounds educational administration, political considerations are an important influence on the behavior of school board members" (p. 374). Despite the acknowledgement that political considerations influence the degree to which local boards/ board members are responsive, in general, school board responsiveness to interest groups has been opposed. In fact, as Lutz (1980) noted "school boards have been consistently admonished not to respond to '*special* interest groups' but to enact policy that is responsive to 'the good of the total district'" (p. 453).

In a study of two school boards' responses to calls for desegregation from parents, Reed (1982) suggested that the calls for desegregation, which were a demand for quality education, went unmet. Referring to testimony from public hearings, such as those conducted by the National Committee for Citizens in Education (1975), Reed (1982) reviews the criticisms of school boards. These criticisms include:

- Not responsive and not representative of the total communities they serve.
- Failure to maintain high quality schools (or remedy the problems of failing schools).
- Focus on idiosyncratic minutiae rather than more important, broader issues of quality of education equal educational opportunity for all students.
- Continuous election of middle to upper class and/or white members of the board.

The lesson drawn from these examples of responsiveness to school desegregation is that school boards can play a critical leadership role in demanding and supporting high quality education.

In particular, Reed explores the response from school boards in Berkeley and Boston with regard to school desegregation. In Berkeley, the school board members took a proactive stance (see Lutz, 1980), expressing publicly their desire and willingness to voluntarily integrate its schools. In contrast, the school board in Boston was resistant and did not take leadership on this issue. This resistance was in spite of the fact that a large portion of students were already being bused at the time desegregation was mandated by court and in spite of the fact that a state mandate requiring racial balance in schools. Boston was the first northern city in which violent demonstrations, substantial resistance, and boycotts to desegregation were witnessed (Reed 1982).

The lesson drawn from these examples of responsiveness to school desegregation is that school boards can play a critical leadership role in demanding and supporting high quality education.

As Spring (1984) suggested, some districts whose school boards do not reflect the communities they serve have alternatives to structuring participation and representation in other areas such as citizen advisory groups. Yet, he cautions the use of advisory groups in lieu of representation on the school board.

But, of course, there is an important difference between a citizen's advisory group and an elected board of education, and that important element is formal political power which will allow the exercise of control over the system as opposed to an educational administrator determining what should be done with community input. (p. 421)

There is limited empirical evidence about specific school board policies or procedures that enhance participation in the governance of local schools. Given the limited evidence to support policy changes, Campbell (2006) suggests the following:

First, school boards must take up the challenge to serve as laboratories of democratic engagement, experimenting with different ways to strengthen the connections between school officials and their constituents. Second, these efforts—many of which are undoubtedly already underway—must be evaluated rigorously, with an eye toward determining the best practices for enhancing participation in the governance of local public schools (p. 306).

In discussing the weaknesses of some school boards, Resnick (1999) suggests that the response to weak school boards should not be to disenfranchise the community by eliminating or altering school boards in ways that reduce representation on the board. Rather, school boards need to be supported so they may be more effective.

In discussing the weaknesses of some school boards, Resnick (1999) suggests that the response to weak school boards should not be to disenfranchise the community by eliminating or altering school boards in ways that reduce representation on the board. Rather, school boards need to be supported so they may be more effective.

Appendix E provides the section 53A-3-402 of the Utah Code that stipulates the duties of the local school board. One section relates specifically to responsiveness of the local school board to its community with regard to school closures or school boundaries, which is a central consideration with current talks regarding district divisions.

- (21) (a) Before closing a school or changing the boundaries of a school, a board shall:
 - (i) hold a public hearing, as defined in Section 10-9a-103; and
 - (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).
- (b) The notice of a public hearing required under Subsection (21)(a) shall:
 - (i) indicate the:
 - (A) school or schools under consideration for closure or boundary change; and
 - (B) date, time, and location of the public hearing; and
 - (ii) at least ten days prior to the public hearing, be:
 - (A) published in a newspaper of general circulation in the area; and
 - (B) posted in at least three public locations within the municipality or on the district's official website.

While these stipulations provide for minimal information and venues for this information to be given to the community, there are few other formal structures or policies that specify with greater detail the ways in which local school boards are expected to be responsive to or inclusive of the local communities.

Table 17 sums up number of the opportunities and challenges for school boards in their ability to be responsive to students and the communities they serve.

Table 17. Opportunities and Challenges to School Board Responsiveness

Opportunities for Responsiveness	Challenges to Responsiveness
<ol style="list-style-type: none"> 1. Increased accessibility to schools and communities 2. Use of advisory groups that provide information and guidance on high-priority issues 3. Enhanced use of school community councils 4. Broad representation of constituents, including authentic participation, broader representation, and increased communication 5. Creatively proactive in diagnosing problems and developing solutions 6. Staff for board to coordinate communication to/from district, communities, and constituents 	<ol style="list-style-type: none"> 1. Authority often limited to approving agenda items rather than initiating agenda items 2. Minimal to no staffing or resources 3. Minimal initiation of ideas etc. 4. District administration may act as gatekeeper 5. Receives reports on programs rather than initiates evaluations of programs 6. Minimal accountability to public 7. Flow of information (from administration to board to public rather than vice-versa)

Election and Appointment of Local School Boards

Historically, “school boards, as we know them, did not exist until the late 1800s” (Feuerstein, 2002, p. 17). The predominant mode of oversight for schools until that time was municipal governments (Feuerstein, 2002). By the 1850s, school board members were selected by election.

While there is increasing attention paid to appointed school boards in certain cities, the large majority of school board members are elected by their local communities (96 percent) (Resnick 1999; Hess 2002). Of elected school board members, approximately 56 percent are selected in at-large elections, while approximately 41 percent are elected by subdistrict (Hess 2002). Further, of the elected boards, the majority (89 percent) involve nonpartisan elections (Hess 2002). An exception to this includes 15 of North Carolina’s 100 districts who currently have partisan school-board elections. These 15 districts received an exemption from the state’s policy passed in 1970 that stipulated non-partisan school board elections.

Edelman (1985) called school board elections ritualistic and symbolic. Despite its prevalence, Feuerstein (2002) questions the role of the pervasive form of choosing school board members. He notes:

From one perspective, school board elections are seen as important because they give an informed citizenry the ability to affect the quality of school governance and possibly the quality of the schools themselves. From another perspective, participation in elections is viewed as being less about creating good governance and schools than it is about strengthening social ties and providing a sense of legitimacy to the decisions of the school board. (p. 16)

Feuerstein's conclusion again raises attention to local boards retaining some decision making authority (versus simply an approval/disapproval function) and proactively generating solutions to current policy-related issues.

Plank et al., (1996) noted that as districts in urban areas grew from 1890 to 1920 in size and complexity the number of school board members declined, and district administrative structure increased. This structure contributed to the struggles over authority between the superintendent and the necessity for the board's role to be redefined.

As urban school systems became larger and more complex, their administration quickly came to require the full-time attention of an expanding professional staff in place of the occasional interventions of school board members. By the same token, building and maintaining an elaborate and expensive network of schools and paying a large and increasingly well-organized staff of professional teachers required a predictable flow of resources into the educational system rather than periodic allocations that varied at the whim of local politicians. The increasing size and complexity of urban school systems thus greatly increased their political and financial autonomy in the context of city politics. (Plank, Scotch, & Gamble, 1996, p. 87)

Today, there are approximately 14,243 local school boards in the United States (Education Commission of the States 2007). The majority of boards (80 percent) have between 5 and 8 members (Hess 2002). Odd-numbered boards are more common than even numbered boards. Survey respondents from larger districts report having more boards with 9 or more members; large districts are also less likely to have 7 or fewer members (Hess 2002). More than 90 percent of board members serve terms of no more than 4 years; 60 percent of survey respondents serve 4-year terms and most of the rest serve terms of less than 4 years (Hess 2002).

While the majority of states have elected school boards, 15 states provide for combinations of both appointed and elected school boards. For example, in some states, select school boards are appointed by the mayor, the county commissioner, the city council, the governor, county superintendents, state board of education, chief state school

officer, or a combination of these individuals or entities (e.g., Alabama, Illinois, Indiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, and Virginia).

In several states, all except the school boards located on military bases are elected. For example, in Kansas the members of the Fort Leavenworth Unified School District 207 school board are appointed by the commanding general of Fort Leavenworth; the remaining school board members throughout the state are elected. In Texas all but 5 school boards are elected. Here again, the 5 boards on military bases are appointed by the state board of education.

There are other variations on the elected/appointed continuum. For instance, in several other states, one school board in the state stands out in contrast to all-elected school boards. In California, Massachusetts, and Ohio all school board members are elected with the exception of one school district. In the Oakland school district, 3 of 10 school board members are appointed by the mayor, and 7 of the 10 are elected. In the Boston school district, board members are appointed by the mayor of Boston. Finally, 6 of the 7 local school board members for the Detroit school district are appointed by the mayor of Detroit, and 1 of the 7 members is appointed by the governor.

With regard to under- or mis-representation, there are three types of proportional representation (i.e., Single Transferable Vote, Limited Voting, Cumulative Voting) that may be useful when considering how to increase responsiveness of a local governance entity to the communities it represents.

Proportional Representation

The most common remedy for problems of representation is to substitute the at-large structure of local elections with district elections. However, even in district elections there may be problems of representation. Proportional representation (i.e., cumulative voting, STV, and limited voting), as supported by Counts (1927), might be applicable when an under-represented group is not spatially concentrated or when there is a desire to retain at-large structures for local government (Donovan and Smith 1994).

There are three options for proportional representation: Single-Transferable Vote (STV), cumulative voting, and limited voting. STV is considered the purest form of proportional representation. Although limited voting and cumulative voting are only considered semi-proportional, they typically facilitate greater representation among communities of color and other groups traditionally under-represented than the common election by district (as opposed to at-large elections). The cumulative voting system has been approved by the U.S. Department of Justice as a remedy in Voting Rights Act cases (Donovan and Smith 1994).

The following are descriptions of the three proportional voting systems (Donovan and Smith 1994):

- Single-Transferable Vote (STV). In this system voters rank the candidates in their order of preference by putting a "1" by their first choice, a "2" by their second choice and so on. Voters can rank as few or as many candidates as they wish, knowing that a lower choice will never count against the chances of a higher choice. The goal of the system is to insure that few voters' preferences are "wasted." Wasted votes occur when one group's candidate has gained far more votes than the minimum threshold needed to capture one of the seats being contested. This system therefore increases the likelihood that minority candidates will be elected. Under STV, voters' preferences can be transferred to voters' second choices, potentially allowing another of the group's candidates a chance to win a seat.
- Limited Voting. This system of election grants voters fewer votes than seats at stake in a contest. For example, suppose three seats are being contested and several candidates' names are listed on a ballot. Voters would be allowed to vote only for a single candidate. The top three candidates receiving the most votes will be elected without a runoff. In this case, if minority voters cast most of their votes for the same candidate, they are likely to win a seat.
- Cumulative Voting. A cumulative voting system allows voters the same number of votes as there are number of seats at stake in the election. Voters can choose to concentrate all their votes for a single candidate or divide them across a number of candidates. For example, if several candidates were contesting three seats, the three candidates receiving the greatest cumulative number of votes win the seats. In this case it is possible for a minority of less than 30 percent to win. Cumulative voting therefore allows voters to express the intensity of their preferences by concentrating their votes.

According to FairVote Center for Voting and Democracy (www.fairvote.org), Cambridge, Massachusetts uses *STV* to elect its school board. Cambridge is the only jurisdiction in the United States that still uses a choice voting system. The legislation for this voting system is included in the Massachusetts General Law, Chapter 54A (Provision for Choice Voting in Cambridge, MA), and available at <http://www.fairvote.org/?page=423>.

Limited Voting is used by five North Carolina school boards (Anson County, Bladen County, Perquimans County, Robeson County, and Sampson County). *Cumulative Voting* is used by the Chilton County School Board in Alabama, two South Dakota school boards (Sisseton and Wagner) and 35 Texas school boards (Abernathy, Amarillo, Amherst, Andrews, Anson, Anton, Atlanta, Bovina, Denver City, Dumas, Friona, Hale Center, Hamlin, Irion Co. (Mertz, TX), Lockhart, Luling, Morton, Navarro (Geronimo, TX), Nueces Canyon Cons. (Barksdale, TX), O'Donnell, Olton, Post, Poth, Riviera, Ropes, Ropesville, TX), Rotan, Seminole, Sharyland (Mission, TX), Stamford, Sudan, Sundown, Wilson, Yoakum, Yorktown, Springlake-Earth.

In addition to the board make-up, there is also a range of jurisdiction configurations across the nation including local, city, municipal, town, county, parish, borough, metropolitan, rural, regional, elementary (K-6; K-8), secondary, (9-12), unified school district, joint union, incorporated, consolidated, community, independent, and interstate school boards. One state, Hawaii, has no local school boards (Education Commission of the States 2007).

The types of board configurations and board selection for each state are presented in Table 18. In addition, examples of atypical board selection procedures are presented in Table 19. For the states that provide for both the election and appointment of local school board members, Appendix F describes the provisions for election and appointments, as well as by whom school board members are appointed. Sample policies from various states on school board appointment are also provided in Appendix I.

Table 18. Local School Board Governance Structures

	Type of District Board	Number of Boards	Appointed	Elected
Alabama	City and County	128	X	X
Alaska	Borough and City	34		X
Arizona	Common, Joint Common, and Union High School	227		X
Arkansas	Local	310		X
California	City/County, Elementary, High School, Joint Union, Unified, Union	1000		X*
Colorado	Local	178		X
Connecticut	Local and Regional	169		X
Delaware	Comprehensive (1 grade 6-12 board)	20		X
Florida	County	67		X
Georgia	City and County	180		X
Hawaii	No local school board	0		
Idaho	Elementary, Independent, and Joint	114		X
Illinois	Elementary, High School, Unit and Chicago	875	X	X
Indiana	City, County, Common School Corporation, and School Corporation	290	X	X
Iowa	Community and Independent	371		X
Kansas	Local	409	X	X
Kentucky	County and Independent	176		X
Louisiana	Parish (county) and City	68		X
Maine	Community, Municipal, School Administrative, and Union	286		X
Maryland	County, and Baltimore City	25	X	X
Massachusetts	Local	315		X*
Michigan	Local	549		X*
Minnesota	Independent and Special	343		X
Mississippi	Consolidated, County, and Municipal	152	X	X
Missouri	Metropolitan, Seven-Director, Special, and Urban	524		X
Montana	County High School, Elementary School, High School, and Joint School, and K-12	454		X

	Type of District Board	Number of Boards	Appointed	Elected
Nebraska	Elementary, K-12, and Secondary	500		X
Nevada	Local County	17		X
New Hampshire	Local	176		X
New Jersey	Consolidated, Type I, and Type II,	551	X	X
New Mexico	Local	89		X
New York	Central, Central High School, City, Common, Community, and Union Free	705	X	X
North Carolina	City and County	117	X	X
North Dakota	Graded Elementary, High School, K-12, and Rural	220		X
Ohio	City, Exempted Village, Local, and Municipal	612	X	X
Oklahoma	Elementary and Independent	543		X
Oregon	Local	199		X
Pennsylvania	First Class, Second Class, Third Class, Fourth Class, and Joint	501	X	X
Rhode Island	Local	33	X	X
South Carolina	Local	85	X	X
South Dakota	Operating K12 and Contracting K-12	172		X
Tennessee	City, County, and Special	136		X
Texas	Common, Common Consolidated County-Line, Common Consolidated, Independent, Municipal, Rural High School	1,043	X	X
Utah	Local	40		X
Vermont	Incorporated, Interstate, Joint, Town, and Union	281		X
Virginia	City, County, and Town	134	X	X
Washington	Local	296		X
West Virginia	County	55		X
Wisconsin	Common, Elementary, Unified, Union High School	426		X
Wyoming	Elementary (K-8) and Unified (K-12)	48		X

* Primarily elected boards with the exception of one local school board in the state or select members of one board who are appointed

Sources: Education Commission of the States Governance Database available online at

http://www.ecs.org/ecsmain.asp?page=/html/educationissues/governance/govk12db_intro.asp

UEPC verified independent Web sites of state legislative and state offices' of education. (Contact UEPC for individual Web sites.)

Table 19. Examples of Atypical School Board Member Selection Processes

District	Board Member Selection
Oakland	3 appointed by mayor; 7 elected
Boston	Appointed by the mayor
Detroit	6 appointed by mayor; 1 appointed by governor
Washington, D.C.	3 appointed by mayor; 4 elected from geographic districts; president elected in citywide referendum

Sources: Education Commission of the States Governance Database available online at

http://www.ecs.org/ecsmain.asp?page=/html/educationissues/governance/govk12db_intro.asp

UEPC verified independent Web sites of state legislative and state offices' of education. (Contact UEPC for individual Web sites.)

There is little empirical research on which procedures work best for selecting school boards, elected or appointed, under which circumstances, or how negative aspects of each procedure can be minimized (Land, 2002). Instead, what is available on elected and appointed boards about benefits and challenges of the two types of governance models is expert opinion grounded in research. Table 20 is a summary of a number of the pros and cons related to elected school boards compared to appointed school boards (Land, 2002).

Table 20. Pros and Cons of Elected and Appointed School Boards

Benefits of elected school boards	Challenges of elected school boards
<ul style="list-style-type: none"> • Election of school board members gives the public a voice in local education. • When conducted independently of general political elections, school board elections can insulate board members from undue influence and control by political groups. • At-large elected individuals may be able to work together as a body to concentrate on policy rather than administration as a result of their professional experience and representation of the entire community. • Sub-district elections may increase the cultural, ethnic, racial, and political diversity of the school board. 	<ul style="list-style-type: none"> • It may be difficult to find enough good candidates willing to run for election. • Voter turnout is typically low in most elections (e.g., approximately 5-15 percent of eligible voters). • Given the high costs of elections, elected members may be susceptible to special interest groups who help with campaigns. • Elected members may lack sufficient educational expertise to govern schools effectively. • At-large elections tend to result in demographically homogeneous individuals (and tied to local business and community power structures). • At-large elected members may lack diversity and may not represent the range of values and concerns of the entire population. • Sub-district elections may result in more politicized boards whose members are more focused on single issues and special interests and less able to work as one body.
Benefits of appointed school boards	Challenges of appointed school boards
<ul style="list-style-type: none"> • School boards may be closely aligned with local governments, which may enhance effectiveness. • Boards appointed by mayors or other government officials may be more effective due to their connections to other government agencies and resources. 	<ul style="list-style-type: none"> • School boards may be closely aligned with local governments, which may detract from effectiveness. • Appointed boards may be less accountable to public; more accountable to those who appointed them. • The degree to which board members are culturally, ethnically, racially, and politically diverse, with professional and educational expertise, depends on who is appointed (and who appoints). • Although elected officials who appoint school board members are accountable to the public, education may not be a high priority and thus the public’s voice on education may be mitigated.

Source: Land (2002).

To better understand how Granite School District compares to school boards nationally, Table 21 presents information about local school boards in districts with comparable size and student demographics to Granite. This table illustrates that most boards of comparable size have five or seven members, although one has eight members (Anne Arundel County) and one has twelve members (Greenville County). All but one of the school boards presented in Table 21 are elected; the Anne Arundel board is appointed by the governor. Interestingly, three of the comparable districts have a student member on the board.

Table 21. Board Structures of Comparable School Districts

Agency Name, State	Number of students	Number of board members	Student member	Election or Appointment	Term	Paid
Jefferson County R-1, CO	87,172	5	-	Represent specific area but elected at large	Staggered 4-year terms	No
Jordan School District, UT	74,761	7	-	Single member district	Staggered 4-year terms	Yes
Anne Arundel County Public Schools, MD	74,508	8	Yes*	Appointed by Governor	Staggered 5-year terms	No
Brevard County School District, FL	73,901	5	-	Single member district	Staggered 4-year terms	Yes
Granite School District, UT	70,771	7	-	Single member district	Staggered 4-year terms	?
Seminole County School District, FL	64,904	5	-	Single member district		Yes
Greenville County School District, SC	64,245	12	-	Elected	Staggered 4-year terms	Yes
Volusia County School District, FL	64,089	5	-	Single member district	?	?
Washoe County School District, NV	62,103	7	-	5 members elected from geographical districts; 2 elected at-large	Staggered 4-year terms	Yes
Davis School District, UT	60,749	7	Yes**	Single member district	Staggered 4-year terms	?
Chesterfield County Public Schools, VA	55,393	5	-	Single member district	4-year terms	Yes
Alpine School District, UT	51,240	7	-	Single member district	Staggered 4-year terms	?
San Juan Unified, CA	50,906	5	Yes***	Elected at large	Staggered 4-year terms	Yes

* The student is a high school senior elected by student government representatives as their nominee to the Governor to serve a one-year term.

** The student is a non-voting member

*** Two representatives from the District High School Student Council participate in board meetings in an advisory capacity

Of the elected boards, most are elected by single member districts, although several are elected at large and one (Washoe County, NV) has a combination of district and at-large seats. The board members generally serve 4-year staggered terms; Anne Arundel board members serve 5-year terms. In seven districts the board members receive some compensation for their service; in two districts they do not. However, there were several districts for which there was not published policy related to board member compensation.

Based on her review of the literature, Land (2002) concludes:

School board experts have identified an assortment of characteristics that they consider critical for effective school board governance. Among the most frequently identified of these characteristics are

- appropriate overarching concerns, namely students' academic achievement and policy, not administration;
- good relations with the superintendent, other agencies, local and state governments, and the public, as well as between board members;
- effective performance in the areas of policy-making, leadership, and budgeting; and
- adequate evaluation and training/development.

However, solid research linking these characteristics to more effective governance, and more specifically, positive academic outcomes is notably absent in the literature. (p. 264)

Land's (2002) review of research only found two studies that empirically investigated the effects of school boards on student academic achievement. Both were small samples with limited designs. Given this, we are left to conclude that effective governance is similar to instructional leadership. Greenfield (1987) explained that instructional leadership "refers to actions undertaken with the intention of developing a productive and satisfying working environment for teachers and desirable learning conditions and outcomes for children" (p. 60).

Effective boards and governance can be viewed similarly. That is, the local board creates supports and sustains an environment for teachers to teach and students to learn. In addition to those activities outlined above, numerous experts and school board associations offer recommendations for how school boards can organize or operate to focus on and improve student achievement. For instance, below are 10 fundamental activities of a good board reported by Resnick (1999) that the National School Boards Association (NSBA) identified:

1. Setting the vision
2. Focusing on student learning and achievement
3. Providing a structure for success
4. Advocating for education
5. Involving the community
6. Accounting for results
7. Empowering the staff

8. Fulfilling the policymaker's role
9. Collaborating with other agencies
10. Committing to continuous improvement

The activities are consistent with a board role characterized by having an indirect effect on student learning. Further, Resnick (1999) identified eight ways *states* can support local board governance, participation, and responsiveness. These eight approaches include the following:

1. Review laws, policies, regulations, reporting requirements and other mandates to determine the potential for dysfunctional impact, in terms of school boards' use of time, micromanagement and local policymaking.
2. Recognize that local school boards are a governmental entity, not a special-interest group or stakeholder, and work with them as governance partners to develop strategies for improving American education.
3. Provide necessary legal authority and financial support for school boards to seek development in various areas of knowledge as (a) education policymaking, (b) education trends, developments and best practices, (c) state standards and assessments, (d) school board procedure and ethics, (e) strategic planning and evaluation, (f) use of the private sector and (g) other areas central to school board effectiveness.
4. Provide school boards with the capability to acquire and use disaggregated data within the school system, as well as acquire external comparative data to ensure decision-making is as substantively based as possible.
5. Determine what New powers and accountability local school boards may need to support their focus on student achievement and exercise the various attributes of effective school boards, including the discretion to delegate responsibilities that may be inhibiting the board from achieving effective governance (e.g., personnel decisions, student discipline decisions, decisions to empower (or dis-empower) local school sites to become more self directed).
6. Provide school boards with a broad array of technical assistance options to assist them in solving specific school district problems.
7. Engage in activities to increase voter participation in school board elections.
8. Provide newly elected and approved state policymakers with information that outlines the role and functions of local school boards to present the larger view of these governing bodies (p. 20).

Mayoral Takeover

The fairly recent phenomenon of city mayors taking command of school boards is informative to this report because it raises a number of issues related to school governance, as well as a variety of underlying issues and challenges for school districts that the reforms were (or are) trying to address. In this section, we review the research to date on the history and effects of mayoral takeovers.

To date, cities such as Chicago, Boston, Detroit, Harrisburg, Oakland, Baltimore, Washington, D.C., and Cleveland have experienced mayoral takeovers. These takeovers vary in their implementation as well as in their effects. Unlike site-based decision making as a governance form, mayoral takeover has its historical roots in an effort to centralize district governance.

In some instances, mayoral takeover has been prompted by poor performance of local districts. Cuban and Usdan (2003) believe that “Most mayors and business leaders now recognize that the economic vitality of their communities is dependent upon the improvement of their schools” (p. 7). Wong (2006) indicates that some believe that total mayoral control spurs cities’ economic development and improves fiscal conditions that support teaching. For instance, Wong notes, often, young professional couples with children stay within the city limits until their children reach the school age and after then they move to the suburbs (because they are concerned about the quality of education and crime), so many mayors view the educational reform as a strategy to keep middle-class families (who are also viewed as “taxpaying labor force”) within the city limits. Wong and Shen (2005) added that from a fiscal perspective, public schools are one of the largest local employers (p. 87), as is the case of Chicago where the school system is the second largest employer in the state.

Shipp (2003), highlighted accountability, organizational support, and resource attainment as potential benefits of mayoral control. She stated, “When given accountability for the schools, the Chicago examples show that mayors can respond by acquiring more resources for schools” (p. 30). She described the case of Chicago, where the mayor consolidated the tax levies and block grants, which “really freed up close to \$130 million.” (Shipp, p. 22). She further indicated that mayoral control may also have other benefits. For instance, mayors may:

- (a) promise electoral support in exchange for extra funding from state and federal leaders
- (b) add services to schools ...[and reinforce] their importance as centers of community lives
- (c) buffer the educational system from political critique
- (d) improve school facilities with less effort “because mayors have access to city funds and credit (Shipp, 2003, p. 30).

In the case of Baltimore, low performance in the district led to the revocation of the mayor’s ability to appoint school board members in exchange for \$230 million in state aid to increase achievement (Kirst, 2003).

Because of its relatively new emergence as a potential governance reform, it is too early to determine the effectiveness of mayoral takeovers. In addition, we heed the words of Wong and Shen (2005) who indicated the difficulty of mayoral takeovers. They noted, “Mayors are facing significant barriers as they attempt to introduce integrated governance into their city schools districts.” (Wong & Shen, p. 99).

Importantly, as Kirst (2003) points, out, mayoral takeover alone is insufficient for changes. He explains that mayoral control, like many other governance reforms, must be coupled with district-level efforts.

The New governance structures in Chicago and Boston, in combination with the mayors' and district leaders' efforts to improve the school systems, resulted in changes that reflected the different intentions of those who sought the New structures. In both cities, there were shifts in the practical operations of the district and in the overall message about teaching and learning being communicated by mayors and education leaders. (p. 209)

In addition to potential obstacles and the need to shift district structures to support teaching and learning, another critique of mayoral control is its impact on democratic processes (Danzberger, Kirst, & Usdan, 1992; Kirst, 2003). As Chambers (2006) concluded, the “governance structure prior to mayoral control fostered more community incorporation and was more responsive to community concerns” and that “board members were more accessible to community members” (p. 187).

So far, a few studies have provided preliminary results of the relationship between mayoral appointed school boards and improved student achievement. For instance, Wong and Shen's (2001) research on mayoral takeover found that achievement increased slightly at elementary grades—but not at secondary school levels—and achievement appeared highest in low-performing schools which suggests an increased focus on these schools. They contrasted this to early findings on state-level takeovers noting that mayoral takeovers appeared to have more benefits, including expanding management expertise. In both state and mayoral takeovers, they demonstrated that there were increases in accountability for schools and districts.

Data analyzed across the six school districts (Chicago, Boston, Seattle, San Diego, Philadelphia, and Baltimore) also showed the elementary and secondary school test scores differed for white and students of color (Cuban & Usdan, 2003). There were slight to moderate improvements in elementary school scores, but not in secondary school scores, and the gap between the scores of students who were White and students of color remained just as it was before the mayoral takeover (Cuban & Usdan, p. 155). Wong and Shen (2006) have called into question research that concludes that mayoral takeover doesn't have a positive impact on student achievement. In particular, they note that perhaps the small sample sizes do not reveal a relationship between the governance change and performance outcomes.

According to Chambers (2006), Chicago and Cleveland high school attendance, graduation rates, and standardized test results improved relative to the scores prior to the takeover respectively in 1995 and 1998. The researcher used a multilayered assessment of student performance and specified that “standardized tests represent a controversial way to measure student performance (Chambers, p. 164) while “student attendance and high school graduation rates are relatively straightforward student evaluation tools” (Chambers, p. 165). Specifically, Chambers found that in Chicago and Cleveland after the mayoral takeover, the standardized test scores in reading and math in Grades 4, 6, and 9 also improved, which is similar to the outcomes reported by Wong and Shen. She also noticed that there was a one to two year lag before the scores actually improved, which the researcher interpreted as evidence of the positive effect of mayoral control. Regardless of the (un)known effects of mayoral takeover, Chambers (2006) cautions that “...if one of the primary goals of mayoral control is improving student performance, this reform might not be a panacea” (p. 184).

“...if one of the primary goals of mayoral control is improving student performance, this reform might not be a panacea.”

Summary of District Governance

In this section we reviewed research and theory related to the local control of school districts and schools. Within this review we presented information about school boards nationally in terms of their membership and how they operate. We also raised the issue of school board responsiveness, including participation and representation. As an example we discussed cities in which these issues have been addressed through mayoral takeover of school boards.

Highlights from this review of research on governance options include the following:

- There is little empirical research on school boards generally, including their role in influencing student achievement.
- Board members have historically been criticized for not getting involved in diagnosing problems or developing constructive solutions, as well as evading opportunities to become *creatively proactive* (Lutz, 1980). Consequently, some scholars suggest that this has resulted in a shift in local control to the state level.)
- Democratic, shared governance at the local level that is representative of the district (e.g., of interests and demographics) is desirable for determining district goals and policy.
 - A major challenge to accomplishing shared governance at the local level is that school boards are not generally representative of the broader

community (e.g., members are typically more homogeneous, more educated, and have higher incomes than the general population).

- Reform efforts related to who should participate in local educational decisions should consider the degree to which participation in decision-making is inclusive or exclusive, to whom is it inclusive or exclusive, and around what issues it is inclusive or exclusive.
- There is limited empirical evidence about specific school board policies or procedures that enhance participation in the governance of local schools. However, a helpful framework for understanding local school board responsiveness includes five types of responsiveness: *policy* responsiveness, *service* responsiveness, *allocation* responsiveness, *symbolic* responsiveness, and *influence* generally.
- Further, the lesson we draw from examples of school board responsiveness (e.g., response to school desegregation) is that school boards can play a critical leadership role in demanding and supporting high quality education for all students rather than representing the interests of only a few.
- While there is increasing attention paid to appointed school boards in certain cities (e.g., by the mayors), the large majority of school board members are elected by their local communities.
- The majority of boards nationally (80 percent) have between 5 and 8 members; odd-numbered boards are more common than even numbered boards. More than 90 percent of board members serve terms of no more than 4 years.
- The majority of states have elected school boards, although 15 states provide for combinations of both appointed and elected school boards. In states where school boards are appointed, members may be selected by the mayor, the county commissioner, the city council, the governor, county superintendents, state board of education, chief state school officer, or a combination of these individuals or entities.
- Sub-district elections have been used in place of at-large elections to increase representation of school board members. In addition, three types of *proportional representation* have been used, for example, in Massachusetts and Texas, to increase responsiveness of local governance entities to the communities they represent (i.e., Single Transferable Vote, Limited Voting, Cumulative Voting). The feasibility of the procedures within the local context, as well as other political pros and cons of each, must be considered when adopting such systems.

- A variety of jurisdiction configurations exist across the nation including local, city, municipal, town, county, parish, borough, metropolitan, rural, regional, elementary (K-6; K-8), secondary, (9-12), unified school district, joint union, incorporated, consolidated, community, independent, and interstate school boards. One state, Hawaii, has no local school boards.
- There is little empirical research on which procedures work best for selecting school boards, elected or appointed, under which circumstances, or how negative aspects of each procedure can be minimized (Land, 2002). Instead, what is available is expert opinion grounded in research on elected and appointed boards about benefits and challenges of the two types of governance models. (See Table 20 listing the pros and cons of elected and appointed school boards.)
- To date, cities such as Chicago, Boston, Detroit, Harrisburg, Oakland, Baltimore, Washington, D.C., and Cleveland have experienced mayoral takeovers.
 - These takeovers vary in their implementation as well as in their effects. Unlike site-based decision making as a governance form, mayoral takeover has its historical roots in an effort to centralize governance.
- Mayoral takeovers have been critiqued for several reasons, such as not coupling the shift in control to the mayor with other district-level efforts, as well as the negative impact the change had on the democratic process (e.g., less participation and representation).

District Organization

Recently, scholars (Land, 2002; McLaughlin, 1990; Rorrer, Skrla, Scheurich, 2007) have begun to argue that *the district* is more than the individual people serving in discrete roles such as the superintendency, the board, or the central administration. Instead, they argue that the district represents “an *organized collective* constituted by the superintendent, the board, the central office-level administration, and principals, who collectively serve as critical links between the district and the school for developing and implementing solutions to identified problems” (Rorrer, Skrla, Scheurich, 2007p. 20). In part, developing and implementing solutions to identified problems requires attention to who has what responsibility in the process. Thus, here we turn our attention to the formal structures of districts and discuss how districts may organize to increase participation and responsiveness.

How are school districts organized nationally?

Districts nationally vary in their complexity and are structurally diverse (Spillane, 1998). As Wong (1994) explained, this structural diversity depends on “district’s fiscal conditions and political culture and the policy-making autonomy program professionals.” In their administrative and service delivery roles, districts may operate as boundary spanners who are able to improve capacity of the district in reform by working in and across multiple roles (Honig, 2006).

Regardless of how heterogeneous districts are across the U.S. or even within districts in their goals, foci, environmental influences, structures, and issues, key stakeholders (e.g., school board members, at large community and superintendents) have a shared goal—student achievement (Rothstein & Jacobsen, 2007).

Although there is a shared goal such as noted in Rothstein and Jacobsen’s (2007) work, there are still stark differences in priorities in part due to the various stakeholders and their roles (Honig, 2003). As such, districts may have multiple priorities such as school reforms, and more specifically curricula, assessments, standards, student achievement, professional development, or educational leadership (McLaughlin, Talbert, 1993).

Not only is there a range of stakeholders in district organization or configurations, there are also issues distracting from the stakeholder focus (Peterson & Young, 2004). Despite this complexity there are ways to coordinate these efforts through “formal structuring,” which describes “the extent to which an organization is surrounded by formally organized interests, sovereigns, and constituency groups, as opposed to environments made up of less formally organized groups, communities, or associations” (p. 187-188).

Lane, Bishop and Wilson-Jones (2005) point out that many districts use strategic plans to formalize structures and create effective organizations. Other districts have used decentralization efforts to implement other district organizational configurations, including small learning communities, local school councils, clusters, and a streamlined central office (Corcoran & Foley, 2002, p. 101).

The reality of the superintendent's role often conflicts with the expectation by local constituents about their participation in the decision-making process.

School districts are configured in segments that are both vertical and horizontal (Meyer & Scott, 1983). According to Spillane (1998), these segments are organized as follows:

- Two-tier system of instructional governance with authority over education distributed among central administration and school buildings
- Local Education Agencies that are vertically segmented, often divided into subunits, and are responsible for assessment, staff development, school subjects, compensatory education, elementary education, and secondary education (though these do not encompass all subunits larger districts which are divided differently) (p. 36).

Organizational subunits may be insulated and continue to function in the face of pressure from community, parents, state and federal governments and other interest groups (Meyer, Scott and Strang, 1987, p. 186). (Granite School District's administrative and superintendent organizational charts are presented in Appendix G.)

As organizations, school districts have historically been described as more reactionary in their configuration. Kanter (1983) describes this as "segmentalism" which "assumes that problems can be solved when they are carved into pieces and the pieces are assigned to specialists who work in isolation" (p. 28). In other words, when issues have arisen, districts create a response team which will meet the needs or address the challenge. This is similar to how local boards have been described. Cohen (1982) and Meyer, Scott and Strang (1987) discuss the reactionary nature of school district organizations (e.g., creating new positions) and segmenting as a means of addressing new federal programs or policies as they came along.

Traditionally, the superintendent's job has been conceptualized as one of implementing the policies developed by the local school board (Dye, 1985). In spite of the rhetoric around what the superintendent's job should be, generally superintendents and their staffs actually operate as policy makers, policy shapers, as well as policy implementers (Rorrer & Skrla, 2005). Consequently, the superintendent ultimately establishes the district organization, albeit with the approval of the local school board. The increase in superintendent responsibility, liability, and accountability for the achievement of students

and schools has raised the issue of the proficiency of superintendents, including their credentials as well as their practices for addressing their management administrative, political, and instructional roles (Peterson & Young, 2004). As a result, the reality of the superintendent's role often conflicts with the expectation by local constituents about their participation in the decision-making process (Dye, 1985).

Superintendents

Below, Table 22 provides information on the type of superintendent positions nationally, how many are in state, whether they are elected or appointed, and if appointed who has the authority to appoint the superintendent. The number of states who permit elections for superintendents, which was a governance practice only dominant in the South, declined sharply in the late 1990s and is almost non-existent today. In a 2000 policy brief, the Southern Regional Education Board (SREB) noted that proponents of electing superintendents believe that doing so increases accountability to voters. Those who oppose elections argue that appointing superintendents allows candidates to “spend their time running schools, not running for office” (SREB, para 3). As indicated in the table, only Florida and Mississippi elect superintendents. At present and as a result of the decline in superintendents who are elected, there is insufficient data to determine the effect of such as governance model.

Table 22. Local Superintendent Governance Structures

	Type of Superintendent Positions	Number	Elected	Appointed	Appointed by
Alabama	city superintendents and county superintendents	128	X	X	City school boards and county school boards
Alaska	borough superintendents and city superintendents	34		X	Local school boards
Arizona	common school district superintendents, joint school district superintendents, union high school district superintendents, principals, and head teachers	227		X	Local school boards
Arkansas	local superintendents	310		X	Local school boards
California	city school district superintendents, elementary school district superintendents (K-6 or K-8), high school district superintendents (9-12), joint union school district superintendents, unified school district superintendents (K-12), and union school district superintendents	1000		X	Local school boards
Colorado	local superintendents	178		X	local school boards
Connecticut	local superintendents and regional superintendents	169		X	local school boards and regional school boards

Local District Responsiveness

	Type of Superintendent Positions	Number	Elected	Appointed	Appointed by
Delaware	comprehensive superintendents and 1 grades 6-12 superintendent	20		X	local school boards
Florida	county superintendents	67	X	X	county school boards
Georgia	city superintendents and county superintendents	180		X	local school boards
Hawaii	no local superintendents	0			
Idaho	local superintendents	111		X	local school boards
Illinois	elementary school district superintendents, high school district superintendents, unit school district superintendents and the Chicago school district superintendent.	875		X	local school boards (Chicago superintendent appointed by mayor of Chicago)
Indiana	city superintendents, common school corporation superintendents, county superintendents and school corporation superintendents	290		X	local school boards
Iowa	local superintendents	353		X	local school boards
Kansas	local superintendents	409			local school boards
Kentucky	county superintendents and independent superintendents	187		X	local school boards
Louisiana	parish (county) superintendents and city superintendents	68		X	local school boards
Maine	community school district superintendents, municipal school district superintendents, school administrative district superintendents, and union school district superintendents	155		X	local school boards
Maryland	county superintendents, Baltimore city chief executive officer, and Prince George's county chief executive officer	25		X	county school boards and the Baltimore city school board
Massachusetts	local superintendents	244			local school committees
Michigan	local superintendents	549		X	local school boards
Minnesota	independent superintendents and special superintendents	340		X	local school boards
Mississippi	consolidated school district superintendents, county school district superintendents and municipal school district superintendents	152	X	X	Some local superintendents are elected and others appointed
Missouri	metropolitan superintendents, seven-director superintendents, special superintendents, and urban superintendents	524		X	local school boards

Local District Responsiveness

	Type of Superintendent Positions	Number	Elected	Appointed	Appointed by
Montana	county high school district superintendents, elementary school district superintendents, high school district superintendents, joint school district superintendents and K-12 school district superintendents	210		X	local school boards
Nebraska	local superintendents	300		X	local school boards
Nevada	county superintendents	17		X	county school boards
New Hampshire	45 of the 80 serve a single school district and 35 of the 80 serve multiple school districts	80		X	local school boards and school administrative unit boards
New Jersey	consolidated superintendents, type I superintendents, and type II superintendents	551		X	local school boards
New Mexico	local superintendents	89		X	local school boards
New York	central school district superintendents, central high school district superintendents, the chancellor of public instruction in the New York City school district, city school district superintendents, common school district superintendents and union free school district superintendents	705		X	local school boards, the mayor of New York City, and the chancellor of public instruction
North Carolina	city superintendents and county superintendents	117		X	local school boards
North Dakota	high school district superintendents and K-12 school district superintendents	211		X	local school boards
Ohio	city school district superintendents, exempted village school district superintendents, local school district superintendents, and a municipal school district superintendent in the Cleveland school district.	612		X	local school boards and the mayor of Cleveland
Oklahoma	elementary superintendents and independent superintendents	538		X	local school boards
Oregon	local superintendents	199		X	local school boards
Pennsylvania	local superintendents	501		X	local school boards
Rhode Island	local superintendents	33		X	local school boards
South Carolina	local superintendents	85		X	local school boards
South Dakota	local superintendents	104		X	local school boards

	Type of Superintendent Positions	Number	Elected	Appointed	Appointed by
Tennessee	city superintendents, county superintendents, and special superintendents	136		X	local school boards
Texas	common school district superintendents, common consolidated county-line school district superintendents, common consolidated school district superintendents, independent school district superintendents, municipal school district superintendents and rural high school district superintendents	1,043		X	local school boards
Utah	local superintendents	40		X	local school boards
Vermont	There are no local superintendents	64		Hired	local school board
Virginia	city superintendents, county superintendents, single county superintendents, and town superintendents	133		X	local school boards
Washington	local superintendents	246		X	local school boards
West Virginia	county superintendents county school boards	55		X	county school boards
Wisconsin	local superintendents	425		X	local school boards
Wyoming	elementary superintendents (K-8) and unified superintendents (K-12)	48		X	local school boards

Sources: Education Commission of the States Governance Database available online at http://www.ecs.org/ecsmain.asp?page=/html/educationissues/governance/govk12db_intro.asp
 UEPC verified independent Web sites of state legislative and state offices of education.

Decentralization and Site-Based Decision Making

The debate over centralization and decentralization in districts remains contested as well as context-driven. Yet, recent research suggests that increased accountability demands require increased flexibility at the local level to meet those demands (Rorrer, 2001; and 2002). The flexibility and discretion on the part of local leaders, board members, and teachers becomes an essential condition for successful reform. Scafidi, Freeman, DeJarnett (2001) provide this description:

Increased flexibility for local educators is not merely an option in a world where local educators are subject to a comprehensive accountability system imposed by a state--it is a requirement for success. Failure to

The flexibility and discretion on the part of local leaders, board members, and teachers becomes an essential condition for successful reform.

provide local educators with flexibility to meet statewide learning goals for students would lead to blurred lines of accountability, and would not capitalize on the unique talents of local educators and other unique local circumstances, both of which would ultimately prevent accountability systems from realizing their full potential.

While some believe that centralization and decentralization are *either/or* propositions, perhaps the most constructive use of both means of governance is to consider how they can be used together and under what circumstance each is necessary.

Decentralization in school reform is often considered within the scope of site-based management, which is a popular governance reform. Also referred to as site-based decision-making, this approach involves the decentralization of decision-making authority and control to the schools away from the school boards and district administration. It is the “decision making process of extending the base of decision making through a governance structure to include groups traditionally omitted from the decision making process” (Johnson & Pajares, 1996, p.600).

In their current iteration, many school councils are arguably a ceremonial and symbolic organization.

At the school level, site-based councils are generally made up of teachers and parents or other interested community members (Malen, 1999). The theory behind site-based (school-based) management (SBM) is that those closest to the students, classroom, and school are in the best position to make decisions that can improve students’ academic achievement or be held accountable to student outcomes. (The Utah code defining school community councils is included in Appendix H.)

Johnson & Pajares (1994) found that SBM can accomplish a shift in power dynamics toward other stakeholders, openness to authority, and shifts in disposition (p. 620; Hollaway, 2000). They (1994) noted five factors that were conducive to shared decision making at the school level:

1. confidence in themselves and one another,
2. during decisive moments the necessary resources were provided,
3. there was an adoption of democratic practices and values implemented by the council,
4. early concrete accomplishment to maintain moral and
5. the support of the principal was key (p. 616-617).

In their current iteration, many school councils are arguably a ceremonial and symbolic organization. As Hess describes,

SBM is politically ideal because it creates the impression of dramatic change, while permitting policymakers to pursue this reform with only minimal disruption of school routines. SBM measures present a minimal threat to teachers, because there are “reasons to doubt whether changes in structure connect directly with what teachers do in the classroom”. (p. 113)

Again, similar to the critique of school boards and districts in local governance, Malen (1999) further cautions that these councils may result in territorial politics and reaffirm traditional power structures. She explained that the ceremonial aspects of site-based councils “reinforce a traditional pattern of power wherein professionals...control school power, teachers control instruction, and parents provide support” (p. 210). Malen indicated that parents tend to take “listen and learn” and “rubber stamp” decisions made by another group in a prior location. As a result, parents are relegated to this role given the territorial and “protective” power dynamics in site-based management councils, despite their involvement.

As a result of their limited authority (either self-regulated, normed, or imposed) in decision-making, participation of community members, parents, and teachers in a SBM council may be inauthentic. Even so, there are cases of school community councils in Chicago, Kentucky, Florida, and Oregon, whose authority extends to hiring and firing principals (Wohlstetter, 1993).

Despite wide appeal, school-based management has not been proven to positively affect student achievement, tests scores or instructional change in classrooms (Cuban, 2007; Malen, 1999; Wohlstetter, Smyer, Mohrman, 1994). With that said, it has not been proven to negatively affect these outcomes. Instead, SBM, similar to other governance reforms, has the ability to contribute to conditions that improve teaching and learning and potentially increase stakeholder participation in the process of developing solutions aimed at improving performance (Blum, 2000; Lathem, 1998; Wohlstetter, Smyer & Mohrman, 1994).

Examples of District Responsiveness

To illustrate the potential collaborative role that superintendents and school boards can play in developing shared governance, we identified district administrative models and organizational models that have been used to increase responsiveness to maximize student achievement, parental involvement, satisfaction of constituents and patrons, and cost efficiency. Table 23 illustrates the responses from a comparably sized district, Volusia County, regarding their district structure and ability to be responsive to students and the community. We interviewed the superintendent, board chair, and board vice chair by telephone, using a semi-structured interview protocol. The interviewees’ responses to the four primary questions (listed in the first column) are presented in Table 23.

Table 23. Interview Responses from Volusia School District

	Superintendent (via email)	Board Chairman (via phone conversation)	Board Vice-Chairman (via phone conversation)
What are the benefits and challenges of school-based management?	There are state and federal accountability measures that require more direction; however autonomy for principals results in a quality school and increased student achievement.	The principal has autonomy which is important to student achievement; however everyone must implement the same guidelines and have clear lines of communication. The challenge is that you have to ensure everyone is clear on their role and responsibilities.	Principals are able to have autonomy which also means they are more accountable for their schools and student achievement.
What are the benefits and challenges of an elected governing board?	The size of the board is conducive to ongoing individual communication with the superintendent, can be responsive to constituents, they can look out for interests of the region and the entire district.	We are able to represent 16 cities/municipalities on both East and West sides, respond to geographic constituents as well as engage with the community and business where we live (must live in district represented).	We have taxing authority and a large budget and are able to subdivide and manage the many cities we represent, but are able to have a large autonomy of scale. We are also able to work with legislature to maintain our level of autonomy.
What are the benefits and challenges of your administrative structure?	The organizational structure promotes effective communication and a personalized approach with attention from the superintendent to all areas of the district -functions and geographies. Regular meetings with "Team Volusia" weekly, bi-weekly and monthly.	There is the ability and practice of the top level administrators, such as our Superintendent to be accessible through the regular meetings held and open communication with community, business community, and others such as church communities.	There is autonomy and accountability as well as communication.
How is the district responsive to public demand for local schools and districts as a whole? Additionally what means of increasing parental and/or citizen involvement do you employ?	Advisory councils that include parents, community, and instructional as well as non-instructional staff. There is an advisory council that meets monthly with superintendent. There are also PTA's and other parent groups as well as school board meetings that join with the 16 municipalities and numerous outreach programs and a telecommunication messaging system. And, we have a "Be There!" involvement campaign.	Phone conversations, public forums, chamber meetings, speaking engagements with organizations such as churches, open communication with stakeholders.	Open meetings, elected governing board responsive and accessible and we have a "connected" program where superintendent can call each students home easily to alert them of any critical information.

The Volusia School District in Florida is a large district with 65,000. The district has experienced growth in the last fifteen years but enrollment is predicted to remain flat for next few years. From 1998 to 2007 there has been a growth of 5,601 students (FDOE, 1998 and 2007). The average school size by elementary level is 720, middle school 1,200 and high school of 2,500. The average pupil/teacher ratio is based on a recently mandated Florida constitutional amendment requiring class size per number of students at each grade level, which is K-3: 18, 4th-5th:22, middle school: 22, and high school: 24. Schools are now building additional classrooms and hire new teachers with more lenient criteria than implemented before to meet the New state constitutional amendment.

Volusia has five elected board members elected by district, spanning 16 municipalities, and they operate with school-based management in coordination and direction of certain areas at the district level. There is autonomy by the school in some areas and district determinations in certain areas that deal with accountability.

Under the superintendent there are three Deputy Superintendents. Under the deputy superintendents there are three subunits—instruction, finance, and operations. The Volusia example illustrates how a large district, with diverse students and stakeholders, has created small learning communities through its organizational structures and practices.

The other districts that replied to our request for information were Omaha Public Schools and San Juan Unified School District; they are on Table 24 below. Both districts are comparable in size to Granite School District. The Superintendent from Omaha responded with detailed information on how they have created spaces for community and parents to be involved. For instance Omaha Public Schools have committees that serve to involve all stakeholders; these committees are focused such as the Superintendent's Citizen Advisory Committee, and specific racial/ethnic group committees. San Juan Unified School District's School Board President responded with information on how San Juan Unified School District is able to maintain responsiveness in a timely fashion, he notes, "We have a very lean administrative structure, with very few layers. This gives us the ability to respond quickly to issues, and keep administrative costs down below 5%".

Table 24. Interview Responses from Other Districts

	Omaha Superintendent (via email) Omaha Public Schools	San Juan School Board President (via email) San Juan Unified School District
What are the benefits and challenges of school-based management?	There is uniformity of opportunity for students in every school in the district. Students moving from one school to another have a common curriculum. At the same time, principals and teachers have flexibility in programming for school community's needs.	We have site councils..., plus we have established leadership committees with teachers elected by their peers who have significant input at the site. This follows Linda Lambert's work on empowering teachers. It helps with various issues, including professional development, etc.
What are the benefits and challenges of an elected governing board?	We have a board of 12 members that serve on the board. The Stakeholders are fully represented in this board structure. The board of education acts as a unified body in promulgating policies and practices for the benefits of students district-wide. Input sessions are provided for the public at every board meeting and through the regular meetings of several committees on the board. Local control is assured and fragmentation in educational programming is avoided.	We have five elected members and this is a fairly optimal board size. We have less conflict (I think), than boards of seven, which is another common size in California. However, we have not established a committee structure, which might be a benefit of larger boards.
What are the benefits and challenges of your administrative structure?	The school district is administered under the direction of the superintendent of schools and several assistant superintendents charged with specific responsibilities. There is an assurance of equity in the distribution of services and human and material resources throughout the school district.	We have a Superintendent, and then at the cabinet level we have two assistant superintendents (instruction and student support services), with a chief business officer, a general counsel, and a director of information. We have a very lean administrative structure, with very few layers. This gives us the ability to respond quickly to issues, and keep administrative costs down below 5%.
How is the district responsive to public demand for local schools and districts as a whole? Additionally what means of increasing parental and/or citizen involvement do you employ?	Parental and/or citizen involvement in the shared decision-making is ensured through numerous advisory committees beginning with a Superintendents Citizens Advisory Committee that meets on a monthly basis and has representation from every school and several community groups. Other advisory committees (e.g., African-American, Hispanic and Native American Achievement Advisory Committees, Gifted and Talented Program Advisory Committee, and Special Education Advisory Committee) meet and provide input important to the operation of programs in the school district. There are numerous task forces, public input sessions and media communication with the stakeholders in all areas of the school district. Time is set aside at every board and committee meeting for public comment and feedback on school district and local school operations.	One of the main ways of disseminating information at the highest level is a Superintendent Parent Advisory Committee (SPAC) which is a fairly large group consisting of parent representatives from every school. We have a good district website that is highly respected, and we will be launching web sites for every school this fall. We have a phone system that allows principals or the superintendent to call all parents at a school, or every parent in the district. We have newsletters, electronic message boards, etc. Last year we had district wide community meetings. At the site level, administrative leadership and teachers are encouraged to engage parents.

Summary of District Organization

In this section we reviewed the literature on school district organization in terms of the formal structures of districts and how districts may organize to increase participation and responsiveness.

Below is a summary of the review of research on district organization.

- Districts nationally vary in their complexity and are structurally diverse, depending on their unique contexts.
- Formal structures and configurations, including horizontal and vertical sub-units, have been used in some districts to increase coordination, communication, and effectiveness of districts in being responsive to their students and local communities. Nevertheless, school districts have historically been reactionary in their configuration.
- Ultimately, the superintendent establishes the district organization, and it is she/he who is responsible and liable for the achievement of students and schools in the district.
- Site-based management, also referred to as site-based decision-making, involves the decentralization of decision-making authority and control to the schools away from the school boards and district administration. Although the theory behind site-based (school-based) management (SBM) is that those closest to the students, classroom, and school are in the best position to make decisions that can improve students' academic achievement or be held accountable to student outcomes.
- An attempt at SBM is the school/community council, which is typically comprised of parents, teachers, community members, and school administrators. Such school councils have been critiqued for being ceremonial and symbolic organizations that provide little real power to its members to make decisions at the local school level, research on the effects of SBM are mixed.
- Despite wide appeal, SBM has not been proven to positively affect student achievement, tests scores or instructional change in classrooms. However, it has the potential to foster conditions that increase stakeholder participation in the process of developing solutions aimed at improving student performance.

Conclusion and Considerations

Charter school and voucher reforms have disrupted traditional ideas of the “local school” and even “local control.” However, the significance of either the local school or local control in a community cannot be underestimated. In fact, consider the implications of two school closures (e.g., Libby Edwards and Canyon Rim) in Granite School District. According to an article in the Salt Lake Tribune (McFarland, 2007), frustration with these school closures was cited as the stimulus for proposing the possible division Granite School district, promoted by some district patrons seeking a way to create a new school district. While the school closures may have been a tangible impetus for dividing the district, they are likely to be only symptomatic of larger issues, such as governance (i.e., responsiveness, participation and representation). This report addresses one of the perceived overarching issues underlying discussions of a potential Granite School District division.

Unfortunately, the UEPC was not permitted to study Granite School District responsiveness per se within the scope of this contract. Yet, additional information on the nature of responsiveness between the local school board and its citizenry, the district and its constituents, and the schools and their patrons would illuminate more specifically the issues that prompt the desire for a new district (and changes to the current district) to be created. For instance, we don’t know the degree to which communities and parents feel that their districts are responsive, to what degree they are responsive, and on what issues they are responsive within the state. This would be helpful in attempting to design policies that get at the core issues. Systematic and comprehensive data from students, parents, community and business members, and local leaders as well as faculty and staff within the district could provide further insight into coherent responses that benefit all children served by the district. At this point, while dividing a large district, such as Granite School District, may suffice short-term wants and certain constituent calls for responsiveness, it is unclear whether the division will address or sacrifice the underlying need for increased responsiveness of the district to all students and each community.

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In any educational reform student outcomes directly or indirectly must be a high (if not the highest) priority. This criterion applies to considerations dividing a district or creating a new district. Although connected with financial issues, ensuring that districts provide

adequate funding and high quality educational programs and services that meet the needs of all students are necessary considerations. In discussions of district governance generally and district divisions specifically, it is crucial to determine how a division would affect the district's capacity to provide programs and services that result in high achievement and other desired outcomes for students, teachers, and the community. While snapshots of student performance and financial projections reveal some anticipated outcomes of a policy change, such as dividing the district, they do not provide insight into the long-term effects (e.g., program availability and quality, access, student outcomes, organizational quality, financial viability, responsiveness, participation, or representation).

If indeed there is widespread dissatisfaction with the ways in which any district is serving its students and its patrons, there may be more productive, equitable, and efficient ways to address the problems of district responsiveness. Investigations of how best to improve district responsiveness should consider such issues as district structure, internal and external communication patterns, community participation and representation, varied of a centralized/ decentralized forms of authority and decision-making structures, diverse representation, and strategies for providing greater opportunities for authentic participation in decision-making. To this end, responsiveness will have to be considered further than "one group or individuals getting what it or they want." This requires a different power structure, or at least differences in how power and authority are distributed and used.

The reality is that effective district governance is *not* about *power over*, not by the board, the superintendent, parents, students, nor the public a district serves. Instead, participative, responsive, representative governance rests on the ability of these entities to have *power with* one another over the control of decision-making authority to allocate resources that result in the increased access and high levels of performance for all students.

This perspective on governance—responsiveness, participation, and representation—and the expected outcomes requires a shift in current policies and practices. As Tucker and Zeigler's (1978) cautioned, responsiveness can not be determined simply by counting unanimity of or majority votes, since votes may or may not represent constituent positions. They declared:

The obvious problem of unanimity is that minority preferences go under-represented. A school board whose constituents are narrowly divided over a range of policy areas yet which consistently makes decisions unanimously is in some sense unresponsive—even though all decisions may be in accordance with the preferences of a majority of constituents. A larger concept of responsiveness considers minority representation as well as majority representation. (p. 225)

Clearly, responsiveness is important. However, how we define or determine the rate and quality of responsiveness needs further scrutiny. After all, as Lutz (1980) contends,

“Surely democracy needs a better criterion than simply getting what the people demand” (p. 455).

In summary, a review of research and policies nationally related to local school governance and district administrative structures suggest the following key considerations.

- School size and class size have larger impact on student achievement than district size.
- Adequacy of funding—sufficient input resources and processes are (re)allocated to ensure that all students meet a minimum, high standard of performance—is a necessary consideration.
- Scale (size) is not the only issue; organizational culture and structure are important components to consider in organizational change.
- Struggles over governance emerge when value commitments differ between particular groups.
- Educational governance processes and decisions need to reflect *all* constituents, their varied interests, and need to include the authentic participation of many.
- Alternative means of participation need to be established, including citizen advisory groups and other formal structures and processes to be inclusive of community participation and interests. (See Table 17 for a list of opportunities and challenges to responsiveness.)
- Representation may be increased through alternative means, including proportional representation (e.g., single-transferable vote, limited voting, and cumulative voting).
- Local governance is best envisioned not as *power over* but rather *power with*.
- Participation, communication, and collaboration between the superintendent, the board, the schools, and the community are essential to accomplishing “*power with*.”
- There are five ways for local governance authorities to be responsive, including policy responsiveness, service responsiveness, allocation responsiveness, symbolic responsiveness, and influence.

- Local school boards must exert their agency to identify important problems and develop sound solutions, focusing on academic excellence (as opposed to “rubber-stamping”).
- Responsiveness requires being *creatively proactive* to identify problems and develop policy solutions.
- Decentralization can be an effective means of increasing participation, representation, and responsiveness. However, increased decentralization requires increased accountability and authentic decision-making authority.
- Responsiveness requires attention to the intended and unintended consequences of policy solutions for all constituents.
- Local board responsiveness needs to be supported through state policy (Resnick, 1999) that ensures appropriate training, representation, participation, data-based decision making, increased levels of control coupled with accountability for student performance, and adequate decision-making authority.

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Appendix A: Utah School District Creation Code

53A-2-102. Consolidation of school districts -- Resolution by school board members -- Petition by electors -- Election.

(1) Two or more school districts may unite and form a single school district in one of the following ways:

(a) a majority of the members of each of the boards of education of the affected districts shall approve and present to the county legislative body of the affected counties a resolution to consolidate the districts. Once this is done, consolidation shall be established under this chapter; or

(b) a majority of the members of the board of education of each affected district, or 15% of the qualified electors in each of the affected districts, shall sign and present a petition to the county legislative body of each affected county. The question shall be voted upon at an election called for that purpose, which shall be the next general or municipal election. Consolidation shall occur if a majority of those voting on the question in each district favor consolidation.

(2) The elections required under Subsection (1) (b) shall be conducted and the returns canvassed as provided by election laws.

Amended by Chapter 227, 1993 General Session

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53A-2-118. Creation of New school district by county legislative body -- Initiation of process -- Procedures to be followed.

(1) A county legislative body may create a New school district from an existing school district, as provided in this section, if the area of the New school district is within or, under Subsection **53A-2-118.1(2)(b)(ii)**, considered to be within the geographical boundaries of the county.

(2) (a) The process may be initiated:

(i) through a citizens' initiative petition;

(ii) at the request of the board of the existing district or districts to be affected by the creation of the New District; or

(iii) at the request of a city within the boundaries of the school district or at the request of interlocal agreement participants, pursuant to Section **53A-2-118.1**.

(b) (i) A petition submitted under Subsection (2)(a)(i) must be signed by qualified electors residing within the geographical boundaries of the proposed New school district

equal in number to at least 15% of the number of electors in the area who voted for the office of governor at the last regular general election.

(ii) A request or petition submitted under Subsection (2)(a) shall:

(A) be filed with the county clerk;

(B) indicate the typed or printed name and current residence address of each governing board member making a request, or registered voter signing a petition, as the case may be;

(C) describe the proposed New school district boundaries; and

(D) designate up to five signers of the petition or request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each.

(c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing a written withdrawal or reinstatement with the county clerk.

(d) The process under Subsection (2)(a)(i) may only be initiated once during any four-year period.

(e) A New District may not be formed pursuant to Subsection (2)(a) if the student population of the proposed New District is less than 3,000 or the existing district's student population would be less than 3,000 because of the creation of the New school district.

(f) Within 45 days after the filing of a request or petition under Subsection (2)(a), the county clerk shall:

(i) determine whether the request or petition complies with Subsections (2)(a), (b), (d), and (e), as applicable; and

(ii) (A) if the county clerk determines that the request or petition complies with the applicable requirements:

(I) certify the request or petition and deliver the certified request or petition to the county legislative body; and

(II) mail or deliver written notification of the certification to the contact sponsor; or

(B) if the county clerk determines that the request or petition fails to comply with any of the applicable requirements, reject the request or petition and notify the contact sponsor in writing of the rejection and reasons for the rejection.

(g) If the county clerk fails to certify or reject a request or petition within 45 days after its filing, the request or petition shall be considered to be certified.

(h) (i) If the county clerk rejects a request or petition, the request or petition may be amended to correct the deficiencies for which it was rejected and then refiled.

(ii) Subsection (2)(d) does not apply to a request or petition that is amended and refiled after having been rejected by a county clerk.

(i) If a county legislative body receives a request from a school board under Subsection (2)(a)(ii) or a petition under Subsection (2)(a)(i) which is certified by the county clerk on or before December 1:

(i) the county legislative body shall appoint an ad hoc advisory committee, as provided by Subsection (3), on or before January 1;

(ii) the ad hoc advisory committee shall submit its report and recommendations to the

county legislative body, as provided by Subsection (3), on or before July 1; and

(iii) if the county legislative body approves a proposal to create a New District, the proposal shall be submitted to the county clerk to be voted on by the electors of the existing district at the regular general or municipal general election held in November.

(3) (a) The county legislative body shall appoint an ad hoc advisory committee to review and make recommendations on a request for the creation of a New school district submitted under Subsection (2)(a)(i) or (ii).

(b) The advisory committee shall:

(i) seek input from:

(A) those requesting the creation of the New school district;

(B) the school board and school personnel of the existing school district;

(C) those citizens residing within the geographical boundaries of the existing school district;

(D) the State Board of Education; and

(E) other interested parties;

(ii) review data and gather information on at least:

(A) the financial viability of the proposed New school district;

(B) the proposal's financial impact on the existing school district;

(C) the exact placement of school district boundaries; and

(D) the positive and negative effects of creating a New school district and whether the positive effects outweigh the negative if a New school district were to be created; and

(iii) make a report to the county legislative body in a public meeting on the committee's activities, together with a recommendation on whether to create a New school district.

(4) For a request or petition submitted under Subsection (2)(a)(i) or (2)(a)(ii):

(a) The county legislative body shall provide for a 45-day public comment period on the report and recommendation to begin on the day the report is given under Subsection (3)(b)(iii).

(b) Within 14 days after the end of the comment period, the county legislative body shall vote on the creation of the proposed New school district.

(c) The proposal is approved if a majority of the members of the county legislative body votes in favor of the proposal.

(d) If the proposal is approved, the county legislative body shall submit the proposal to the county clerk to be voted on:

(i) by the legal voters of the existing school district;

(ii) in accordance with Title 20A, Election Code; and

(iii) at the next regular general election or municipal general election, whichever is first.

(e) Creation of the New school district shall occur if a majority of the electors within both the proposed school district and the Remaining school district voting on the proposal vote in favor of the creation of the New District.

(f) The county legislative body shall provide notice of the action as required in Section **53A-2-101.5**.

(g) If a proposal submitted under Subsection (2)(a)(i) or (ii) to create a New District is approved by the electors, the existing district's documented costs to study and implement the proposal shall be reimbursed by the New District.

(5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection (2)(f) or (g), the county legislative body shall submit the proposal to the county clerk to be voted on:

(i) by the legal voters residing within the proposed New school district boundaries;

(ii) in accordance with Title 20A, Election Code; and

(iii) at the next regular general election or municipal general election, whichever is first.

(b) (i) If a majority of the legal voters within the proposed New school district boundaries voting on the proposal at an election under Subsection (5)(a) vote in favor of the creation of the New District:

(A) the county legislative body shall, within 30 days after the canvass of the election, file with the lieutenant governor the written notice required under Section **53A-2-101.5**; and

(B) upon the lieutenant governor's issuance of the certificate under Section **67-1a-6.5**, the New District is created.

(ii) Notwithstanding the creation of a New District as provided in Subsection (5)(b)(i)(B):

(A) a New school district may not begin to provide educational services to the area within the New District until July 1 of the second calendar year following the election at which voters approve creation of the New school district;

(B) a Remaining District may not begin to provide educational services to the area within the Remaining District until the time specified in Subsection (5)(b)(ii)(A); and

(C) the existing district shall continue, until the time specified in Subsection (5)(b)(ii)(A), to provide educational services within the entire area covered by the existing district as though the New District had not been created.

Amended by Chapter 215, 2007 General Session

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53A-2-118.1. Option for school district creation.

(1) After conducting a feasibility study, a city of the first or second class, as defined under Section **10-2-301**, may by majority vote of the legislative body, submit for voter approval a measure to create a New school district with boundaries contiguous with that city's boundaries, in accordance with Section **53A-2-118**.

(2) (a) By majority vote of the legislative body, a city of any class, a town, or a county, may, together with one or more other cities, towns, or the county enter into an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose of submitting for voter approval a measure to create a New school district.

(b) (i) In accordance with Section **53A-2-118**, interlocal agreement participants under Subsection (2)(a) may submit a proposal for voter approval if:

(A) the interlocal agreement participants conduct a feasibility study prior to submitting the proposal to the county;

(B) the combined population within the proposed New school district boundaries meets the minimum population threshold for a city of the second class; and

(C) the New school district boundaries:

(I) are contiguous;

(II) do not completely surround or otherwise completely geographically isolate a portion of an existing school district that is not part of the proposed New school district from the Remaining part of the existing school district, except as provided in Subsection (2)(d)(iii);

(III) include the entire boundaries of each participant city or town, except as provided in Subsection (2)(d)(ii); and

(IV) subject to Subsection (2)(b)(ii), do not cross county lines.

(ii) For purposes of Subsection (2)(b)(i)(C)(IV) and Subsection **53A-2-118(1)**, a municipality located in more than one county is considered to be entirely within the same county as other participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's land area and population is located in that same county than outside the county.

(c) (i) A county may only participate in an interlocal agreement under this Subsection (2) for the unincorporated areas of the county.

(ii) Boundaries of a New school district created under this section may include a portion of the unincorporated area of the county, including a portion of a township.

(d) (i) As used in this Subsection (2)(d):

(A) "Isolated area" means an area that:

(I) is entirely within the boundaries of a municipality that, except for that area, is entirely within a school district different than the school district in which the area is located; and

(II) would, because of the creation of a New school district from the existing district in which the area is located, become completely geographically isolated.

(B) "Municipality's school district" means the school district that includes all of the municipality in which the isolated area is located except the isolated area.

(ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within the municipality's boundaries if the portion of the municipality proposed to be included in the New school district would, if not included, become an isolated area upon the creation of the New school district.

(iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a New school

district may be submitted for voter approval pursuant to an interlocal agreement under Subsection (2)(a), even though the New school district boundaries would create an isolated area, if:

(I) the potential isolated area is contiguous to one or more of the interlocal agreement participants;

(II) the interlocal participants submit a written request to the municipality in which the potential isolated area is located, requesting the municipality to enter into an interlocal agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to create a New school district that includes the potential isolated area; and

(III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the municipality has not entered into an interlocal agreement as requested in the request.

(B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold one or more public hearings to allow input from the public and affected school districts regarding whether or not the municipality should enter into an interlocal agreement with respect to the potential isolated area.

(C) (I) This Subsection (2)(d)(iii)(C) applies if:

(Aa) a New school district is created under this section after a measure is submitted to voters based on the authority of Subsection (2)(d)(iii)(A); and

(Bb) the creation of the New school district results in an isolated area.

(II) The isolated area shall, on July 1 of the second calendar year following the election at which voters approve the creation of a New school district, become part of the municipality's school district.

(III) Unless the isolated area is the only Remaining part of the existing district, the process described in Subsection (4) shall be modified to:

(Aa) include a third transition team, appointed by the local school board of the municipality's school district, to represent that school district;

(Bb) require allocation of the existing district's property among the New District, the Remaining District, and the municipality's school district;

(Cc) require each of the three transition teams to appoint one member to the three-member arbitration panel, if an arbitration panel is established; and

(Dd) require the municipality's school district to bear 1/3 of the costs of arbitration.

(IV) The existing district shall continue to provide educational services to the isolated area until July 1 of the second calendar year following the election at which voters approve the creation of a New school district.

(3) (a) If a proposal under this section is approved by voters:

(i) an election shall be held on the June special election date, as provided in Section **20A-1-204**, in the year following the election at which voters approved the creation of a New school district, to elect:

(A) all members to the board of the New school district; and

(B) all members to the board of the Remaining District;

(ii) school district property shall be divided between the existing school district and

the New school district as provided in Subsection (4);

(iii) transferred employees shall be treated in accordance with Sections **53A-2-116** and **53A-2-122**; and

(iv) within one year after the New District begins providing educational services, the

superintendent of each Remaining District affected and the superintendent of the New District shall meet, together with the Superintendent of Public Instruction, to determine if further boundary changes should be proposed in accordance with Section **53A-2-104** or Subsection **53A-2-118(2)**.

(b) Each member elected to a school district board of a New District and Remaining District at an election under Subsection (3)(a)(i) shall take office on July 15 immediately following the election.

(c) (i) Subject to Subsection (3)(c)(ii), the terms of the initial members of the school district board of the New District and Remaining District who are elected at an election under Subsection (3)(a)(i) shall be staggered and adjusted by the county legislative body so that:

(A) the school district board members' successors are elected at a future regular general election; and

(B) the terms of their successors coincide with the schedule of terms for school district board members established in Section **20A-14-202**.

(ii) (A) The term of a member elected to a school district board at an election under Subsection (3)(a)(i) may not be less than 17 months.

(B) In order to comply with the requirements of Subsection (3)(c)(i), the term of a member elected to a school district board at an election under Subsection (3)(a)(i) held in an even-numbered year may exceed four years but may not exceed five years.

(d) (i) The term of each member of the school district board of the existing district terminates on July 15 of the second year after the election at which voters approve the creation of a New District, regardless of when the term would otherwise have terminated.

(ii) Notwithstanding the election of a board for the New District and a board for the Remaining District under Subsection (3)(a)(i), the board of the existing district shall continue, until the time specified in Subsection **53A-2-118(5)(b)(ii)(A)**, to function and exercise authority as a board to the extent necessary to continue to provide educational services to the entire existing district as though the New District had not been created.

(iii) A person may simultaneously serve as a member of the board of an existing district and a member of the board of:

(A) a New District; or

(B) a Remaining District.

(4) (a) Within 30 days after the canvass of an election at which voters approve the creation of a New school district under this section:

(i) a transition team to represent the Remaining District shall be appointed by the members of the existing district board who reside within the area of the Remaining District, in consultation with:

(A) the legislative bodies of all municipalities in the area of the Remaining District; and

(B) the legislative body of the county in which the Remaining District is located, if the Remaining District includes one or more unincorporated areas of the county; and

(ii) another transition team to represent the New District shall be appointed by:

(A) for a New District located entirely within the boundaries of a single city, the legislative body of that city; or

(B) for each other New District, the legislative bodies of all interlocal agreement participants.

(b) The local board of the existing school district shall:

(i) within 30 days after the canvass of an election at which voters approve the creation of

a New school district under this section, prepare an inventory of the existing district's assets and liabilities; and

(ii) within 45 days after the canvass, deliver a copy of the inventory to each of the transition teams.

(c) (i) (A) The transition teams appointed under Subsection (4)(a) shall, subject to Subsection (4)(c)(iii), determine the allocation of the existing district's property between the Remaining District and the New District in accordance with Subsection (4)(c)(ii).

(B) The transition teams shall determine the allocation under Subsection (4)(c)(i)(A) before July 1 of the year following the election at which voters approve the creation of a New District, unless that deadline is extended by the mutual agreement of:

(I) the school district board of the Remaining District; and

(II) (Aa) the legislative body of the city in which the New District is located, for a New District located entirely within a single city; or

(Bb) the legislative bodies of all interlocal agreement participants, for each other New District.

(ii) Subject to Subsection (4)(c)(iii), all property of the existing district, both tangible and intangible, real and personal, shall be allocated between the existing district and the New District in a way that is fair and equitable to both the existing district and the New District, taking into account:

(A) the relative student populations between the existing district and New District;

(B) the relative assessed value of taxable property between the existing district and the New District;

(C) the historical amount of property used to deliver educational services to students in the existing district and the New District; and

(D) any other factors that the transition teams consider relevant in dividing the property in a fair and equitable manner.

(iii) (A) The transition teams shall allocate school buildings and associated property used primarily to provide educational services to local residents and not serving district-wide purposes to the school district in which the buildings are geographically located after the creation of the New District.

(B) Except as provided in Subsection (4)(c)(iii)(A), nothing in this Subsection (4)(c) may be construed to limit the ability of the transition teams to:

(I) provide that an existing district's property be shared by a Remaining District and

New District;

(II) determine, by mutual agreement, that the value of the school buildings and associated property described in Subsection (4)(c)(iii)(A) may be excluded from consideration in the asset allocation process under this Subsection (4)(c); or

(III) provide for any other arrangement with respect to existing district property that is beneficial to and in the best interests of the Remaining District and New District.

(d) (i) Each disagreement between the transition teams about the proper allocation of property between the districts shall be resolved by binding arbitration to a three-member arbitration panel.

(ii) Each transition team shall appoint one member to an arbitration panel under this Subsection (4)(d), and those two members shall appoint a third member.

(iii) The costs of arbitration shall initially be borne entirely by the existing district, but

the New District shall reimburse the existing district half of those costs within one year after the New District begins providing educational services.

(e) Each decision of the transition teams and of the arbitration panel resolving a disagreement between the transition teams is final and binding on the boards of the existing district and New District.

(f) (i) All costs and expenses of the transition team that represents a Remaining District shall be borne by the Remaining District.

(ii) All costs and expenses of the transition team that represents a New District shall:

(A) initially be borne by:

(I) the city whose legislative body appoints the transition team, if the transition team is appointed by the legislative body of a single city; or

(II) the interlocal agreement participants, if the transition team is appointed by the legislative bodies of interlocal agreement participants; and

(B) be reimbursed to the city or interlocal agreement participants by the New District within one year after the New District begins providing educational services.

Amended by Chapter 215, 2007 General Session

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Last revised: Monday, April 30, 2007

20A-14-201. Boards of education -- School board districts -- Creation -- Reapportionment.

(1) (a) The county legislative body, for local school districts whose boundaries encompass more than a single municipality, and the municipal legislative body, for school districts contained completely within a municipality, shall divide the local school district into local school board districts as required under Subsection **20A-14-202(1)(a)**.

(b) The county and municipal legislative bodies shall divide the school district so that the local school board districts are substantially equal in population and are as contiguous and compact as practicable.

(2) (a) County and municipal legislative bodies shall reapportion district boundaries to meet the population, compactness, and contiguity requirements of this section:

(i) at least once every ten years;

(ii) if a New District is created:

(A) within 45 days after the canvass of an election at which voters approve the creation of a New District; and

(B) at least 60 days before the candidate filing deadline for a school board election;

(iii) whenever districts are consolidated;

(iv) whenever a district loses more than 20% of the population of the entire school district to another district;

(v) whenever a district loses more than 50% of the population of a local school board district to another district;

(vi) whenever a district receives New residents equal to at least 20% of the population of the district at the time of the last reapportionment because of a transfer of territory from another district; and

(vii) whenever it is necessary to increase the membership of a board from five to seven members as a result of changes in student membership under Section **20A-14-202**.

(b) If a school district receives territory containing less than 20% of the population of the transferee district at the time of the last reapportionment, the local school board may assign the New territory to one or more existing school board districts.

(3) (a) Reapportionment does not affect the right of any school board member to complete the term for which the member was elected.

(b) (i) After reapportionment, representation in a local school board district shall be determined as provided in Subsection (3).

(ii) If only one board member whose term extends beyond reapportionment lives within a reapportioned local school board district, that board member shall represent that local school board district.

(iii) (A) If two or more members whose terms extend beyond reapportionment live within a reapportioned local school board district, the members involved shall select one member by lot to represent the local school board district.

(B) The other members shall serve at-large for the remainder of their terms.

(C) The at-large board members shall serve in addition to the designated number of board members for the board in question for the remainder of their terms.

(iv) If there is no board member living within a local school board district whose term extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in this part.

(4) (a) If, before an election affected by reapportionment, the county or municipal legislative body that conducted the reapportionment determines that one or more members must be elected to terms of two years to meet this part's requirements for staggered terms, the legislative body shall determine by lot which of the reapportioned

local school board districts will elect members to two-year terms and which will elect members to four-year terms.

(b) All subsequent elections are for four-year terms.

(5) Within ten days after any local school board district boundary change, the county or municipal legislative body making the change shall send an accurate map or plat of the boundary change to the Automated Geographic Reference Center created under Section **63F-1-506**.

Amended by Chapter 215, 2007 General Session

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Last revised: Monday, April 30, 2007

20A-14-204. Effect of transfer of a district on composition of local school board.

If a portion of one school district becomes part of another school district, any member of the board of education residing within the transferred portion becomes a member of the board of the transferee district and shall serve the remainder of the term to which the member was elected.

Enacted by Chapter 1, 1995 General Session

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Last revised: Monday, April 30, 2007

Appendix B: Average Class Size in New and Remaining Districts

Table 25. Average Class Size in New District

	Average Class Size
Elementary	
Cottonwood	24
Crestview	26
Driggs	25
Eastwood	25
Lincoln	20
Mill Creek	23
Morningside	20
Moss	21
Oakridge	24
Oakwood	25
Penn	22
Roosevelt	24
Rosecrest	26
Spring Lane	
Twin Peaks	28
Upland Terrace	21
Wilson	21
Woodstock	24
Middle/Junior High	
Bonneville	22
Churchill	23
Evergreen	22
Granite Park	23
Olympus	23
Wasatch	23
Secondary	
Cottonwood	14
Olympus	15
Skyline	15

Source: USOE, Finance and Statistics

Note: Schools identified based on configuration proposed in Wikstrom (2007) Feasibility Study.

Table 26. Average Class Size in Remaining District

	Average Class Size
Elementary	
Academy Park	25
Arcadia	22
Bacchus	22
Beehive	24
Bennion	25
Bridger	23
Copper Hills	20
Farnswortt	21
Fox Hills	24
Fremont	18
Frost	23
Gourley	22
Granger	22
Hillsdale	22
Hillside	24
Hunter	25
Jackling	24
Lake Ridge	23
Magna	25
Monroe	23
Oquirrh Hills	23
Orchard	22
Pioneer	24
Pleasant Green	19
Plymouth	25
Redwood	22
Rolling Meadows	21
Sandburg	24
Silver Hills	24
Smith	26
South Kearns	23
Stansbury	25
Taylorsville	24
Truman	25
Valley Crest	27
Vista	24
West Kearns	24
West Valley	26
Westbrook	25
Western Hills	24
Whittier	25
Wright	

	Average Class Size
Middle/Junior High	
Bennion	21
Brockbank	18
Eisenhower	22
Hunter	20
Jefferson	21
Kearns	19
Kennedy	27
Matheson	20
Valley	21
West Lake	18
Secondary	
Cyprus	15
Granger	13
Hunter	16
Kearns	16
Taylorville	16

Source: USOE, Finance and Statistics

Note: Schools identified based on configuration proposed in Wikstrom (2007) Feasibility Study.

Appendix C: Academic Achievement in New and Remaining District by School

Table 27. Academic Achievement in New District by School

	Schoolwide Title I	U-PASS*										AYP**			
		2004-2005					2005-2006					2002-2003	2003-2004	2004-2005	2005-2006
		OP	LA	M	S	A	OP	LA	M	S	A				
Elementary															
Cottonwood		Yes	92%	91%	89%	88%	Yes	90%	88%	84%	93%	Yes*	Yes	Yes*	Yes*
Crestview		Yes	87%	85%	79%	89%	Yes	89%	88%	79%	91%	Yes*	Yes*	Yes*	Yes*
Driggs		Yes	91%	90%	83%	96%	Yes	93%	93%	82%	96%	Yes*	Yes*	Yes*	Yes
Eastwood		Yes	92%	93%	83%	93%	Yes	93%	90%	89%	93%	Yes*	Yes*	Yes	Yes*
Lincoln	Yes	Not	64%	70%	42%	79%	Not	63%	68%	32%	85%	Yes*	Yes*	Yes*	Yes*
Mill Creek		Not	71%	69%	60%	91%	Not	67%	63%	53%	88%	Yes*	Yes*	Yes*	Yes*
Morningside		Yes	84%	80%	71%	91%	Yes	82%	81%	67%	89%	Yes*	Yes*	Yes*	Yes*
Moss	Yes	Not	69%	68%	46%	86%	Not	67%	61%	44%	83%	Yes*	Yes*	Yes*	Yes
Oakridge		Yes	97%	95%	80%	91%	Yes	96%	95%	89%	89%	Yes	Yes	Yes*	Yes*
Oakwood		Not	81%	68%	64%	85%	Yes	86%	82%	71%	91%	Yes*	Yes*	Yes*	Yes*
Penn		Yes	88%	85%	78%	93%	Yes	88%	86%	80%	93%	Yes*	Yes*	Yes*	Yes
Roosevelt	Yes	Not	75%	83%	49%	89%	Not	75%	77%	50%	84%	Yes*	Yes*	Yes*	Yes*
Rosecrest		Not	79%	78%	54%	86%	Yes	79%	73%	61%	91%	Yes*	Yes*	Yes*	Yes
Spring Lane		No data available (New School)													
Twin Peaks		Not	78%	80%	62%	86%	Yes	77%	83%	71%	86%	Yes*	Yes*	Yes*	Yes*
Upland Terrace		Yes	94%	95%	84%	97%	Yes	93%	92%	84%	96%	Yes	Yes	Yes*	Yes
Wilson	Yes	Not	55%	60%	25%	83%	Not	55%	48%	35%	86%	No	Yes	Yes	Yes

	Schoolwide Title I	U-PASS*										AYP**			
		2004-2005					2005-2006					2002-2003	2003-2004	2004-2005	2005-2006
		OP	LA	M	S	A	OP	LA	M	S	A				
Woodstock		Not	77%	77%	70%	84%	Yes	80%	73%	67%	85%	Yes	Yes*	No	Yes
Middle/Junior High															
Bonneville		Yes	88%	85%	78%	93%	Yes	80%	84%	68%	85%	Yes*	No	Yes	No
Churchill		Yes	94%	88%	79%	88%	Yes	93%	88%	80%	91%	Yes*	Yes*	Yes*	Yes*
Evergreen		Yes	89%	82%	70%	93%	Yes	90%	87%	74%	94%	Yes*	No	Yes*	Yes*
Granite Park	Yes	Not	71%	74%	50%	96%	Not	58%	63%	43%	96%	Yes*	Yes*	Yes	No
Olympus		Yes	90%	85%	71%	100%	Yes	92%	87%	80%	95%	Yes*	Yes*	Yes	Yes*
Wasatch		Yes	95%	91%	85%	91%	Yes	96%	92%	87%	93%	Yes*	No	Yes*	Yes*
Secondary		No report card													
Cottonwood												No	No	Yes*	Yes*
Olympus												No	Yes*	Yes*	Yes*
Skyline												No	Yes*	Yes*	Yes*

Source of Data: Utah State Office of Education, <http://u-pass.schools.utah.gov/u-passweb/UpassServlet>

Note: OP = Overall Proficiency (Yes = acceptable/No = not acceptable), LA = Language Arts, M = Math, S = Science, and A = Attendance; Schools identified based on configuration proposed in Wikstrom (2007) Feasibility Study.

Table 28. Academic Achievement in Remaining District by School

	Schoolwide Title I	U-PASS*										AYP**			
		2004-2005					2005-2006					2002- 2003	2003- 2004	2004- 2005	2005- 2006
		OP	LA	M	S	A	OP	LA	M	S	A				
Elementary		OP	LA	M	S	A	OP	LA	M	S	A				
Academy Park		Not	63%	68%	58%	86%	Not	55%	71%	49%	89%	Yes*	Yes*	No	No
Arcadia		Not	63%	69%	47%	89%	Not	58%	62%	47%	86%	No	Yes*	Yes*	No
Bacchus		Not	67%	61%	39%	81%	Not	70%	62%	48%	78%	No	Yes*	Yes*	Yes*
Beehive		Not	59%	60%	40%	91%	Not	62%	59%	42%	88&	No	No	No	Yes*
Bennion		Yes	83%	90%	86%	92%	Yes	83%	87%	86%	93%	Yes*	Yes*	Yes*	Yes*
Bridger		Not	67%	64%	44%	85%	Not	68%	64%	42%	81%	No	Yes*	No	Yes*
Copper Hills		Not	74%	75%	52%	92%	Not	76%	77%	48%	88%	No	Yes	Yes*	Yes*
Farnsworth	Yes	Not	66%	59%	45%	85%	Not	66%	61%	47%	85%	No	Yes	Yes*	Yes*
Fox Hills		Not	60%	54%	40%	89%	Not	63%	53%	44%	81%	No	Yes*	Yes*	No
Fremont		Not	67%	68%	49%	88%	Not	64%	60%	43%	89%	No	No	Yes*	No
Frost		Not	65%	63%	48%	92%	Not	68%	59%	47%	87%	No	No	Yes*	No
Gourley	Yes	Not	51%	49%	34%	87%	Not	56%	58%	28%	89%	No	No	Yes*	Yes*
Granger	Yes	Yes	82%	87%	80%	92%	Yes	79%	84%	70%	91%	Yes	Yes*	Yes*	Yes*
Hillsdale	Yes	Not	62%	76%	48%	89%	Not	64%	70%	50%	90%	Yes*	Yes	Yes*	Yes*
Hillside		Not	65%	62%	55%	88%	Not	71%	67%	61%	87%	Yes*	Yes*	No	Yes*
Hunter		Not	58%	61%	47%	87%	Not	61%	63%	50%	89%	No	No	No	Yes*
Jackling		Not	60%	61%	44%	89%	Not	63%	56%	37%	93%	No	No	Yes*	No
Lake Ridge		Achieved state level of performance					Achieved state level of performance					No	No	Yes*	No
Magna		Not	70%	76%	62%	78%	Not	68%	70%	59%	79%	Yes	Yes	Yes*	Yes*
Monroe	Yes	Not	85%	85%	56%	87%	Yes	83%	88%	68%	86%	No	Yes	Yes*	Yes*
Oquirrh Hills	Yes	Not	69%	76%	48%	92%	Not	78%	68%	56%	89%	No	Yes*	Yes*	Yes*

	Schoolwide Title I	U-PASS*										AYP**			
		2004-2005					2005-2006					2002- 2003	2003- 2004	2004- 2005	2005- 2006
		Not	71%	66%	63%	85%	Not	72%	68%	63%	88%	Yes	No	Yes*	Yes*
Orchard		Not	71%	66%	63%	85%	Not	72%	68%	63%	88%	Yes	No	Yes*	Yes*
Pioneer		Not	67%	62%	54%	92%	Not	66%	63%	53%	90%	Yes*	No	Yes*	Yes*
Pleasant Green	Yes	Not	63%	66%	41%	84%	Not	64%	64%	36%	80%	Yes*	No	Yes	Yes*
Plymouth		Not	76%	74%	74%	89%	Not	75%	71%	64%	88%	Yes*	Yes*	Yes*	Yes*
Redwood	Yes	Not	46%	57%	27%	86%	57%	62%	32%	89%		No	Yes	Yes*	Yes*
Rolling Meadows		Not	71%	73%	49%	90%	Not	70%	75%	63%	90%	Yes*	Yes*	Yes*	Yes*
Sandburg		Not	77%	76%	59%	88%	Yes	78%	81%	65%	88%	Yes	Yes*	Yes*	Yes*
Silver Hills		Not	70%	72%	46%	88%	Not	76%	74%	43%	92%	Yes*	Yes*	Yes*	Yes*
Smith		Not	75%	72%	57%	90%	Yes	78%	73%	66%	92%	No	No	Yes*	Yes*
South Kearns	Yes	Not	66%	63%	38%	86%	Not	66%	67%	40%	87%	No	Yes	Yes*	Yes*
Stansbury	Yes	Not	68%	74%	32%	88%	Not	69%	75%	40%	86%	Yes*	Yes*	Yes*	Yes*
Taylorville		Not	76%	71%	56%	89%	Not	74%	63%	54%	86%	Yes	No	Yes*	Yes*
Truman		Not	71%	69%	46%	87%	Not	70%	67%	47%	87%	Yes*	Yes	Yes*	No
Valley Crest		Not	64%	60%	40%	91%	Not	61%	56%	46%	86%	Yes	No	Yes*	No
Vista		Not	77%	73%	56%	89%	Yes	75%	79%	61%	94%	Yes*	Yes*	No	Yes*
West Kearns	Yes	Not	63%	68%	42%	86%	Not	66%	62%	35%	83%	Yes*	No	Yes	Yes*
West Valley		Not	75%	74%	59%	91%	Not	78%	72%	55%	87%	Yes	Yes	Yes*	Yes*
Westbrook		Not	69%	70%	60%	90%	Not	71%	78%	62%	90%	Yes*	Yes*	Yes*	Yes*
Western Hills	Yes	Not	65%	67%	35%	94%	Not	64%	64%	31%	92%	Yes*	No	Yes*	Yes*
Whittier		Not	63%	60%	44%	88%	Not	63%	63%	43%	84%	No	No	Yes*	Yes*
Wright		No data available (New School)													
Middle/Junior High															
Bennion		Not	76%	77%	59%	92%	Yes	82%	78%	63%	93%	Yes*	No	Yes*	Yes*
Brockbank		Achieved state level of performance					Achieved state level of performance					Yes*	Yes*	No	No

	Schoolwide Title I	U-PASS*										AYP**			
		2004-2005					2005-2006					2002- 2003	2003- 2004	2004- 2005	2005- 2006
		Not	73%	62%	52%	92%	Not	70%	62%	55%	98%	Yes*	No	No	No
Eisenhower		Not	73%	62%	52%	92%	Not	70%	62%	55%	98%	Yes*	No	No	No
Hunter		Not	72%	70%	62%	87%	Not	75%	68%	62%	88%	Yes*	No	Yes*	Yes*
Jefferson		Not	63%	71%	43%	84%	Not	62%	60%	45%	87%	No	No	No	No
Kearns		Not	55%	54%	40%	82%	Not	56%	50%	42%	77%	Yes*	No	No	No
Kennedy		Not	67%	71%	45%	100%	Not	68%	58%	50%	90%	Yes*	No	No	No
Matheson		Not	64%	54%	51%	100%	Not	63%	59%	52%	91%	Yes*	No	No	Yes
Valley		Not	70%	69%	53%	100%	Not	72%	66%	55%	89%	Yes*	No	No	Yes*
West Lake	Yes	Not	63%	64%	43%	92%	Not	62%	65%	45%	93%	Yes*	No	Yes*	Yes
Secondary															
Cyprus		No report card										No	No	Yes*	No
Granger												No	No	No	No
Hunter												No	No	Yes	No
Kearns												No	Yes	No	No
Taylorsville												No	No	Yes*	Yes

Source of Data: Utah State Office of Education, <http://u-pass.schools.utah.gov/u-passweb/UpassServlet>

Note: OP = Overall Proficiency (Yes = acceptable/No = not acceptable), LA = Language Arts, M = Math, S = Science, and A = Attendance; Schools identified based on configuration proposed in Wikstrom (2007) Feasibility Study.

Appendix D: Examples of Education Clauses with Affiliated Cases Leading to Education Finance Policies and Practices

Table 29. Examples of Education Clauses with Affiliated Cases Leading to Education Finance Policies and Practices

State	State Education Clause	Case Name
Alabama		<i>Ace v. Singleton (2002) ACE vs. Hunt Opinion of the Justices, 624 So.2d 107 Ala. 1993</i>
Alaska	Sec. 14.03.015. State education policy. "It is the policy of this state that the purpose of education is to help ensure that all students will succeed in their education and work, shape worthwhile and satisfying lives for themselves, exemplify the best values of society, and be effective in improving the character and quality of the world about them"	<i>Kasayulie v. State, 3AN-97-3782 CIV</i>
Arizona	"The Legislature shall provide for a system of common schools by which a free school shall be established and maintained in every school district for at least six months in each year (Ariz. Const. Art II, Sec. 6).	<i>Shofstall v. Hollins, 515 P. 2d 590 (1973)</i>
Arkansas	"(T)he State shall ever maintain a general, suitable and efficient system of free schools whereby all persons in the state between the ages of six and twenty-one years may receive gratuitous instruction" (Ark. Const. Art 14, Sec 1).	<i>Alma School Dist. No. 30 of Crawford County et al. v. Dupree et al., No. 77-406 (Ch. Ct. of Pulaski Cty., Ark., Oct. 26, 1981)</i>
California	"The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported shall be kept up and supported in each district at least six months every year"	<i>Serrano v. Priest, 487 P. 2d 1241 (1971)</i>
Colorado	"the general assembly shall provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents of the state, between the ages of six and twenty-one years, may be educated gratuitously" .	<i>Lujan v. State Board of Education Giardino v. Colorado State Board of Education (1997)</i>
Connecticut	"There shall always be free public elementary and secondary schools in the state" (Conn. Const. Art. B., Sec. 1)	<i>Horton v. Meskill, 172 Conn. 615, 376 A. 2d 359 (1976)</i>
Delaware		
Florida	"Adequate provision shall be made by law for a uniform system of free public schools" (Fla.	<i>School Bd. Of Palm Beach City v. Board of Educ., No. 82-888-CA-(L)-01-E (2d</i>

State	State Education Clause	Case Name
	Const. Art. IX, Sec. 1)	<i>Jud. Cir., Tallahassee, Fla.)</i>
Georgia	"The provision of an adequate education for the citizens shall be a primary obligation of the state of Georgia, the expense of which shall be provided for by taxation" (Ga. Const. Art. VIII, Sec. 1; Ga. Code Sec. 2-4901)	<i>Thomas v. Stewart, No. 8375 (Sup. Ct. of Polk Cty.), revd. In part and affd. In part sub. Nom. McDaniel v. Thomas, 243 Ga. 632, 285 S.E. 2d 156 (1981)</i>
Hawaii		
Idaho	"(I)t shall be the duty of the legislature of Idaho to establish and maintain a general, uniform and thorough system of public, free common schools" (Idaho Const. Art. IX, Sec. 1)	<i>Thompson v. Engleking, 537 P. 2d 635 (id. 1975)</i>
Illinois	"A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities. The State shall provide for an efficient system of high quality public education institutions and services....The State has primary responsibility for financing the system of public education" (Ill. Const. Art. X, Sec. 1)	<i>McInnis v. Shapiro, 293 F. Supp. 327 (N.D. Ill) (1968), affd. Sub. Nom. McInnis v. Ogelvie, 394 U.S. 322, (1969)</i>
Indiana	"Knowledge and learning, generally diffused throughout a community [are] essential to the preservation of a free government." Based on this critical need for education, the clause also makes it "the duty of the General Assembly to encourage . . . moral, intellectual, scientific, and agricultural improvement and to provide . . . for a general and uniform system of Common Schools . . . equally open to all."	<i>Lake Central v. State, No. 56 C01-8704-CP81 (Newton Cir. Ct.) (Withdrawn after state developed New funding system)</i> <i>Bonner v. Daniels (filed 2006)</i>
Iowa		<i>2002, Coalition for a Common Cents Solution vs. State.</i>
Kansas	"The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools" (Kan. Const. Art. 4, Sec 1)	<i>Knowles v. State Board of Educ., 547 P. 2d 699 (1976)</i>
Kentucky	"to provide an efficient system of common schools throughout the Common-wealth (Kent. Const., Sec. 183)	<i>Council for Better Education, Inc. v. Wilkinson, No. 85-CI-1759 (Franklin Circuit Court, Div. I) Rose v. Council for Better Education, Inc., Ky., No. 88-SC-804-TG.</i>
Louisiana		<i>Charlet v. Legislature of State of Louisiana (consolidated with) Minimum Foundation Commission v. State (1998)</i>
Maine		<i>School Administrative District No. 1 v. Commissioner (1995)</i>
Maryland	"The General Assembly...shall, by law, establish thorough and efficient system of free public schools" (Md. Const. Art. VIII, Sec. 1)	<i>Hornbeck v. Somerset County Board of Educ, et al. v. Hornbeck et al., No. A-58438 (Cir. Ct. Baltimore, Md., May 19, 1981)</i>

State	State Education Clause	Case Name
Massachusetts	"(I)t shall be the duty of the legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them;...public schools and grammar schools in the towns" (Mass. Const. Ch. 5, Sec. 2)	<i>Webby v. King, No. 78-179 (Civil Sup. Jud. Ct.)</i>
Michigan	"The legislature shall provide a basic system of free quality public elementary and secondary schools" (Mont. Const. Art. X, Sec. 1)	<i>East Jackson Puiblic Schools v. State of Michigan, File No. 82-27983-CZ (Jackson Cty. Cir. Court)</i>
Minnesota		<i>Skeen v. Minnesota (1993)</i> <i>Minneapolis Branch, NAACP v. State (1995)</i> <i>Independent School District No. 625 v. State (1999)</i> <i>Xiong v. State (1998)</i>
Mississippi		
Missouri		<i>Committee for Educ. Equality v. State, 878 S.W. 2d 446 (Mo. 1994)</i>
Montana	"The Legislature shall provide a basic system of free quality public elementary and secondary schools" (Mont. Const. Art. X, Sec. 1)	<i>Helena School District #1 et al. v. State of Montana et al., 46 St. Rep. 169 (1989)</i>
Nebraska		<i>Gould v. Orr (1993)</i>
Nevada		
New Hampshire	"(I)t shall be the duty of the legislatures and magistrates, in all future periods of government, to cherish the interests of literature and the sciences, and all seminaries and public schools" (N.H. Const. Art. 33)	<i>Jesseman v. New Hampshire, Eq. No. 89-E-088 (Merrimac Cty. Sup. Ct. 1982)</i>
New Jersey	"The legislature shall provide for the maintenance and support of the thorough and efficient system of free public schools" (N.J. Const. Art. 8, Sec. 4)	<i>Robinson v. Cahill, 62 N.J. 473, 303 A, 2d 273, cert. denied sub. Nom. Dickey v. Robinson, 414 U.S. 976, (1973)</i> <i>Abbot v. Burke, No. C-1983-80 (Sup. Ct. N.J., Chancery Div. Mercer City. 1982)</i>
New Mexico		<i>1998, Zuni School District vs. State, CV-98-14-II</i>
New York	"The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of the state may be educated" (N.Y. Const. Art. 11, Sec. 1)	<i>Board of Education, Levittown v. Nyquist, 408 N.Y.S. 2d 606 (Nassau Cty. Cup. Ct. (1978); affd. 443 N.Y.S. 2d 843 (1982); revd. 453 N.Y.S. 2d 643 (N.Y. 1982) petition for cert. filed sub. Nom. Board of Education, City School District, Rochester v. Nyquist</i>
North Carolina		<i>North Carolina Britt v. North Carolina State Board of Education (1987)</i> <i>Leandro v. State (1997)</i>
North Dakota		<i>2001, Hoke County et al. vs. State of North Carolina et al (Case no.</i>

State	State Education Clause	Case Name
		95CVS1158)
Ohio	"The general assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state" (Ohio Const. Art. XI, Sec. 2)	<i>Board of Education of the City School Dist. Of Cincinnati v. Walter</i> , 390 N.E. 2d 813 (1979), cert. denied, 444 U.S. 1015 (1980)
Oklahoma	"The Legislature shall establish and maintain a system of free public schools wherein all children of the state may be educated" (Okla. Const. Art. 13, Sec. 1)	<i>Fair School Finance Council of Oklahoma v. Oklahoma (Dist. Ct. Ok. City, No, C.J. 80-3294 1981)</i>
Oregon	"The Legislative Assembly shall provide by law for the establishment of a uniform, and general system of common schools" (Or. Const. Art. VIII, Sec. 3)	<i>Olsen v. State</i> , 554 P. 2d 139 (Or. 1976)
Pennsylvania	"The general Assembly shall provide for the maintenance of the thorough and efficient system of public education to serve the needs of the Commonwealth" (Pa. Const. Art. 3, Sec. 14)	<i>Dansen v. Casey</i> , 484 A. 2d 415 (Pa. 1979)
Rhode Island		<i>City of Pawtucket v. Sundlun</i> (1995)
South Carolina		<i>Richland County v. Campbell</i> (1988) <i>Abbeville County School District v. State of South Carolina</i> (1999)
South Dakota	"(I)t shall be the duty of the legislature to establish and maintain a general and uniform system of the public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people of the advantages and opportunities of education" (S.D. Const. Art. VIII, Sec. 1)	<i>Oster v. Kneip (S.D. Hughes Cty. Cir. Court)</i>
Tennessee		<i>Tennessee Small School Systems v. McWherter</i> (1993, 1995)
Texas	"(I)t shall be the duty of the legislature of the state to establish and make suitable provision for the support and maintenance of an efficient system of public free schools" (Tex. Const. Art. VIII, Sec. 1)	<i>San Antonio Independent School District v. Rodriguez</i> , 411 U.S. 1, 93 S. Ct. 1278, 36 L. Ed. 2d 16 (1973)
Utah		
Vermont		<i>Brigham v. State</i> (1997)
Virginia		<i>Scott v. Virginia</i> (1994)
Washington	"The legislature shall provide for a general and uniform system of public schools" (Wash. Const. Art. IX, Sec. 2)	<i>Northshore v. Kinnear</i> , 530 P/2d 178 (Wash. 1974) <i>Seattle Sch. Dist. No. 1 of King County v. State, No. 81-2-1713-1 (Thurston Cty. Superior Ct. 1981)</i>
West Virginia	"The legislature shall provide, by general law, for a thorough and efficient system of free	<i>Pauley v. Kelly</i> , 255 S. E. 2d 859 (W. Va. 1979), on remand sub. Nom. <i>Pauley v.</i>

State	State Education Clause	Case Name
	schools" (W. Va. Const. Art. XII, Sec. 1)	<i>Bailey, C.A. No. 75-126; (Cir. Ct. Kanawha Cty., W. Va., May 11, 1982)</i>
Wisconsin	"The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years" (Wisc. Const. Art. 10, Sec. 3)	<i>Buse v. Smith, 74 Wisc. 2d 650, 247 N.W. 2d 141 (1976)</i> <i>Kukor v. Thompson, No. 79-CV-5252 (Dane Cty. Cir. Ct. 1982)</i>
Wyoming	"The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every kind of grade" (Wyo. Const. Art. 7, Sec. 1)	<i>Washakie Co. Sch. Dist. No. One v. Herschler, 606 P. 2d 310 (Wyo. 1980) cert. denied, 449 U.S. 824, 101 S. Ct. 86, 66 L. Ed. 2d 28 (1980)</i>

(Source: Guthrie, 2007; Odden & Picus, 1992, and National Center on Education Finance, 2007, National Center for Educational Statistics, 2003)

Appendix E: Utah School Board Code

20A-14-202. Local Boards of Education -- Membership -- When elected -- Qualifications -- Avoiding conflicts of interest.

(1) (a) Except as provided in Subsection (1)(b), the board of education of a school district with a student population of up to 24,000 students shall consist of five members.

(b) The board of education of a school district with a student population of more than 10,000 students but fewer than 24,000 students shall increase from five to seven members beginning with the 2004 regular general election.

(c) The board of education of a school district with a student population of 24,000 or more students shall consist of seven members.

(d) Student population is based on the October 1 student count submitted by districts to the State Office of Education.

(e) If the number of members of a local school board is required to change under Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in Sections **20A-14-201** and **20A-14-203**.

(f) A school district which now has or increases to a seven-member board shall maintain a seven-member board regardless of subsequent changes in student population.

(g) (i) Members of a local board of education shall be elected at each regular general election.

(ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local board of education may be elected to a five-member board, nor more than four members elected to a seven-member board, in any election year.

(iii) More than three members of a local board of education may be elected to a five-member board and more than four members elected to a seven-member board in any election year only when required by reapportionment or to fill a vacancy or to implement Subsection (1)(b).

(h) One member of the local board of education shall be elected from each local school board district.

(2) A member of a local school board shall:

(a) be and remain a registered voter in the local school board district from which the member is elected or appointed; and

(b) maintain his primary residence within the local school board district from which the member is elected or appointed.

(3) A member of a local school board may not, during the member's term in office, also serve as an employee of that board.

Amended by Chapter 315, 2003 General Session

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Last revised: Monday, April 30, 2007

20A-14-203. Becoming a member of a local board of education -- Declaration of candidacy -- Election.

(1) An individual may become a candidate for a local school board by filing a declaration of candidacy with the county clerk and paying the fee as required by Section **20A-9-202**.

(2) (a) The term of office for an individual elected to a local board of education is four years, beginning on the first Monday in January after the election.

(b) A member of a local board of education shall serve until a successor is elected or appointed and qualified.

(c) A member of a local board of education is "qualified" when the member takes or signs the constitutional oath of office.

Enacted by Chapter 1, 1995 General Session

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53A-3-402. Powers and duties generally.

(1) Each local school board shall:

(a) implement the core curriculum utilizing instructional materials that best correlate to the core curriculum and graduation requirements;

(b) administer tests, required by the State Board of Education, which measure the progress of each student, and coordinate with the state superintendent and State Board of Education to assess results and create plans to improve the student's progress which shall be submitted to the State Office of Education for approval;

(c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;

(d) develop early warning systems for students or classes failing to make progress;

(e) work with the State Office of Education to establish a library of documented best practices, consistent with state and federal regulations, for use by the local districts; and

(f) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in core academics.

(2) Local school boards shall spend minimum school program funds for programs and activities for which the State Board of Education has established minimum standards or rules under Section **53A-1-402**.

(3) (a) A board may purchase, sell, and make improvements on school sites, buildings, and equipment and construct, erect, and furnish school buildings.

(b) School sites or buildings may only be conveyed or sold on board resolution affirmed by at least two-thirds of the members.

(4) (a) A board may participate in the joint construction or operation of a school attended by children residing within the district and children residing in other districts

either within or outside the state.

(b) Any agreement for the joint operation or construction of a school shall:

(i) be signed by the president of the board of each participating district;

(ii) include a mutually agreed upon pro rata cost; and

(iii) be filed with the State Board of Education.

(5) A board may establish, locate, and maintain elementary, secondary, and applied technology schools.

(6) A board may enroll children in school who are at least five years of age before September 2 of the year in which admission is sought.

(7) A board may establish and support school libraries.

(8) A board may collect damages for the loss, injury, or destruction of school property.

(9) A board may authorize guidance and counseling services for children and their parents or guardians prior to, during, or following enrollment of the children in schools.

(10) (a) A board shall administer and implement federal educational programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

(b) Federal funds are not considered funds within the school district budget under Title 53A, Chapter 19, School District Budgets.

(11) (a) A board may organize school safety patrols and adopt rules under which the

patrols promote student safety.

(b) A student appointed to a safety patrol shall be at least ten years old and have written parental consent for the appointment.

(c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of a highway intended for vehicular traffic use.

(d) Liability may not attach to a school district, its employees, officers, or agents or to a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting the program by virtue of the organization, maintenance, or operation of a school safety patrol.

(12) (a) A board may on its own behalf, or on behalf of an educational institution for which the board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.

(b) These contributions are not subject to appropriation by the Legislature.

(13) (a) A board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection **76-10-105(2)**.

(b) A person may not be appointed to serve as a compliance officer without the person's consent.

(c) A teacher or student may not be appointed as a compliance officer.

(14) A board shall adopt bylaws and rules for its own procedures.

(15) (a) A board shall make and enforce rules necessary for the control and management of the district schools.

(b) All board rules and policies shall be in writing, filed, and referenced for public access.

(16) A board may hold school on legal holidays other than Sundays.

(17) (a) Each board shall establish for each school year a school traffic safety

committee to implement this Subsection (17).

(b) The committee shall be composed of one representative of:

- (i) the schools within the district;
- (ii) the Parent Teachers' Association of the schools within the district;
- (iii) the municipality or county;
- (iv) state or local law enforcement; and
- (v) state or local traffic safety engineering.

(c) The committee shall:

(i) receive suggestions from parents, teachers, and others and recommend school traffic safety improvements, boundary changes to enhance safety, and school traffic safety program measures;

(ii) review and submit annually to the Department of Transportation and affected municipalities and counties a child access routing plan for each elementary, middle, and junior high school within the district;

(iii) consult the Utah Safety Council and the Division of Family Health Services and provide training to all school children in kindergarten through grade six, within the district, on school crossing safety and use; and

(iv) help ensure the district's compliance with rules made by the Department of Transportation under Section **41-6a-303**.

(d) The committee may establish subcommittees as needed to assist in accomplishing its duties under Subsection (17)(c).

(e) The board shall require the school community council of each elementary, middle, and junior high school within the district to develop and submit annually to the committee a child access routing plan.

(18) (a) Each school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in its public schools, on school grounds, on its school vehicles, and in connection with school-related activities or events.

(b) The board shall implement its plan by July 1, 2000.

(c) The plan shall:

(i) include prevention, intervention, and response components;

(ii) be consistent with the student conduct and discipline policies required for school districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

(iii) require inservice training for all district and school building staff on what their roles are in the emergency response plan; and

(iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (18)(a).

(d) The State Board of Education, through the state superintendent of public instruction, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).

(e) Each local school board shall, by July 1 of each year, certify to the State Board of Education that its plan has been practiced at the school level and presented to and

reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

(19) (a) Each local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.

(b) The plan may be implemented by each secondary school in the district that has a sports program for students.

(c) The plan may:

(i) include emergency personnel, emergency communication, and emergency equipment components;

(ii) require inservice training on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and

(iii) provide for coordination with individuals and agency representatives who:

(A) are not employees of the school district; and

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The board, in collaboration with the schools referred to in Subsection (19)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The State Board of Education, through the state superintendent of public instruction, shall provide local school boards with an emergency plan response model that local boards may use to comply with the requirements of this Subsection (19).

(20) A board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

(21) (a) Before closing a school or changing the boundaries of a school, a board shall:

(i) hold a public hearing, as defined in Section **10-9a-103**; and

(ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

(b) The notice of a public hearing required under Subsection (21)(a) shall:

(i) indicate the:

(A) school or schools under consideration for closure or boundary change; and

(B) date, time, and location of the public hearing; and

(ii) at least ten days prior to the public hearing, be:

(A) published in a newspaper of general circulation in the area; and

(B) posted in at least three public locations within the municipality or on the district's official website.

Amended by Chapter 92, 2007 General Session

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Last revised: Monday, April 30, 2007

Appendix F: Appointment of Local School Board Members Nationally

Table 30. Appointment of Local School Board Members

State	Appointment and Election of School Board Members*	Appointed by:				
		City Council/ Commission/ County School Board	Mayor/ County Commissioner/ County Executive/ County Superintendent	Governor	State Board of Education/ Chief of State School	Commanding General
Alabama	City school board members are appointed by the city council or commission, although the voters in certain municipalities may choose to elect their city school board members (The voters in 20 municipalities have chosen to elect their city school board members). County school board members are elected.	X				
Illinois	Local school board members are elected. However, local school board members for the Chicago school district are appointed by the mayor of Chicago.		X			
Indiana	Members of 274 local school boards are elected, and members of 16 local school boards are appointed, depending on the school district, by the mayor, the county commissioner, the city council or a combination of these individuals and entities.	X	X			
Kansas	Members of 301 local school boards are elected, and members of 1 local school board, the Fort Leavenworth unified school district 207 school board, are appointed by the commanding general of Fort Leavenworth.					X
Maryland	County school board members are either appointed by the governor or elected. In fact, local school board members in 9 counties are appointed by the governor and local school board members in 13 counties are elected. School board members for the Baltimore city school district are jointly appointed by the governor and the mayor of Baltimore, and school board members for the Prince George's county school district are jointly appointed by the governor and the county executive of Prince George's County.		X	X		
Mississippi	Some local school board members are elected, while other local school board					

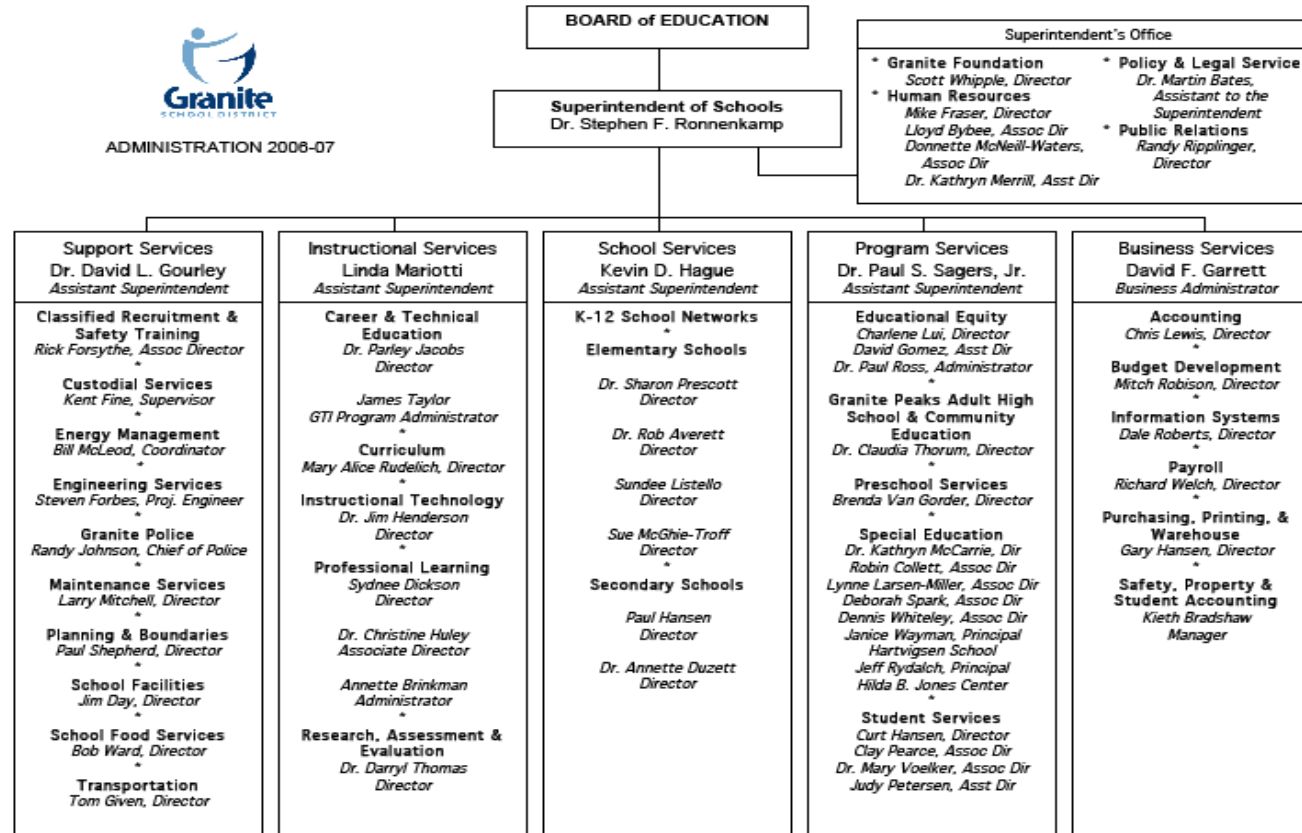
State	Appointment and Election of School Board Members*	Appointed by:				
		City Council/ Commission/ County School Board	Mayor/ County Commissioner/ County Executive/ County Superintendent	Governor	State Board of Education/ Chief of State School	Commanding General
	members are appointed.					
New Jersey	Consolidated school board members are appointed by county superintendents. Type I school board members are appointed by the mayor or other chief executive officer of the municipality constituting the district. Type II school board members are either elected or appointed by the mayor or other chief executive officer of the municipality constituting the district. Local school board members for the Jersey City, Paterson and Newark school districts are appointed by the state board of education and the chief state school officer.		X		X	
New York	School board members in city school districts with fewer than 125,000 people are elected. There are 5 city school districts with over 125,000 people (Buffalo, Rochester, Syracuse, New York City and Yonkers). In Rochester, Buffalo and Syracuse board members are elected. In New York City 5 of the 13 members are appointed by the 5 borough presidents and 8 of the 13 members, including the chancellor of public instruction who serves as chairperson, are appointed by the mayor. In Yonkers city school district board members are appointed by the mayor. There are also 32 community school district boards in the New York City school district. Members of community school district boards are elected.		X			
North Carolina	Members of 14 city school boards and 100 county school boards are elected, and members of 3 city school boards are appointed by city councils.	X				
Ohio	City school district school board members, exempted village school district school board members and local school district school board members are elected. The members of the municipal school district school board in the Cleveland school district are appointed by the mayor of Cleveland.		X			
Pennsylvania	Local school board members are elected,		X	X		

State	Appointment and Election of School Board Members*	Appointed by:				
		City Council/ Commission/ County School Board	Mayor/ County Commissioner/ County Executive/ County Superintendent	Governor	State Board of Education/ Chief State School Commanding General	
	although several school districts are currently governed by appointed panels. In Philadelphia, a 5-member school reform commission consists of 3 appointees of the governor and 2 appointees of the mayor. Two other school districts, Harrisburg and Chester Upland, operate under the authority of state-appointed boards of control. In each of these instances, the locally elected school board continues to serve but with limited authority.					
Rhode Island	local school board members for the Providence school district are appointed by the mayor and local school board members for the Central Falls school district are appointed by the state.		X		X	
South Carolina	Local school board members are either appointed by certain governmental bodies, such as county school boards, or elected.	X				
Texas	Members of 1,038 local school boards are elected, and members of 5 school boards, which are located on military bases, are appointed by the state board of education.				X	
Virginia	City and town school board members are either appointed by the governing body of the city or elected. County school board members in counties with a county manager or a county board form of government are appointed by boards of county supervisors. County school board members in single county school districts are appointed by a school board selection commission or elected.	X				

* Description of appointment and election of school boards is taken from the ECS Governance Structures Database available at http://www.ecs.org/ecsmain.asp?page=/html/educationissues/governance/govk12db_intro.asp

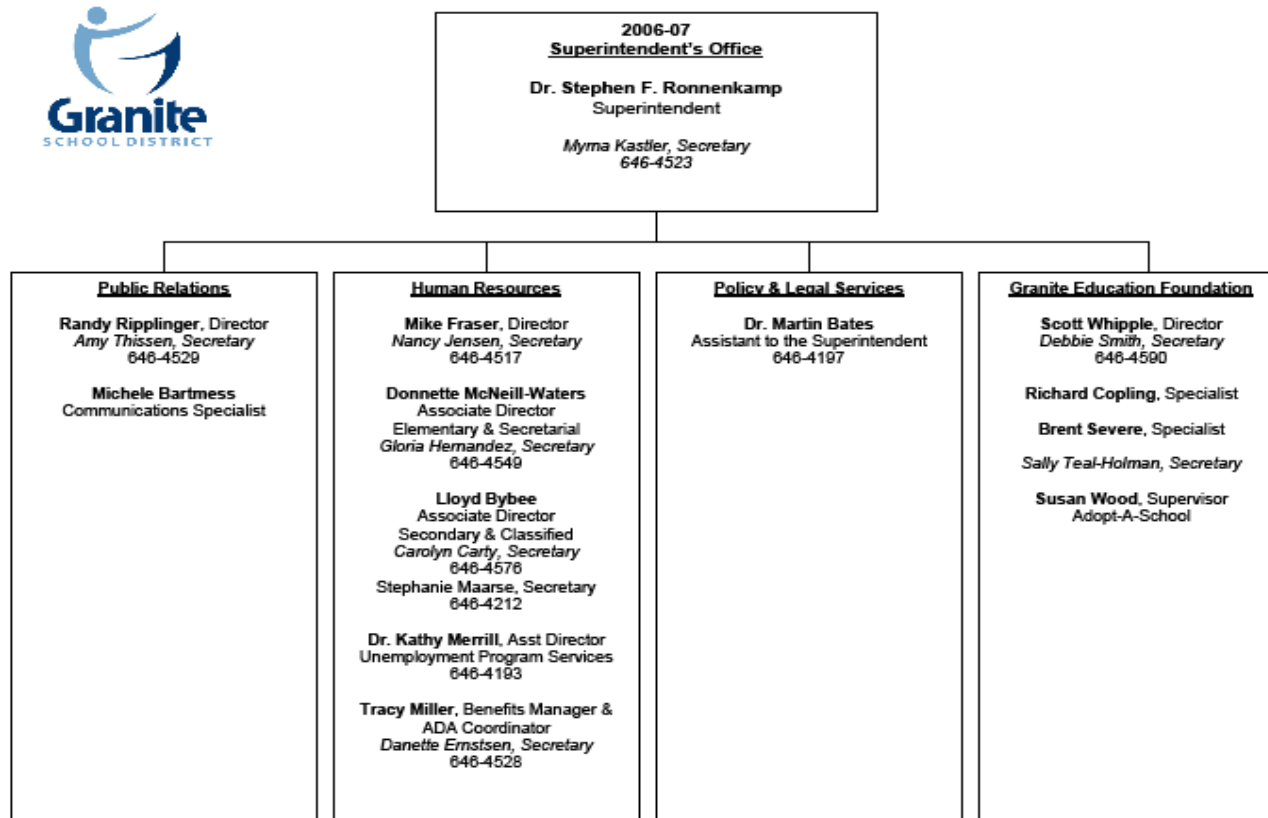
Appendix G: Granite School District Organizational Charts

Figure 1. Granite School District Administrative Organizational Chart



2/9/07

Figure 2. Granite School District Superintendent Organizational Chart



7/13/06

Appendix H: Utah School Community Councils Code

53A-1a-108. School community councils authorized -- Duties -- Composition -- Selection of members.

(1) As used in this section:

(a) "Parent or guardian member" means a parent or guardian of a student who is attending the school or who will be enrolled at the school at any time during the parent's or guardian's initial term of office. "Parent or guardian member" may not include a person who meets the definition of a school employee member unless the person's employment at the school does not exceed an average of six hours per week.

(b) "School employee member" means a person employed at a school by the school or school district, including the principal.

(2) Each public school, in consultation with its local school board, shall establish a school community council at the school building level.

(3) (a) Each school community council shall:

(i) develop a school improvement plan in accordance with Section **53A-1a-108.5**;

(ii) develop the School LAND Trust Program in accordance with Section **53A-16-101.5**;

(iii) assist in the development and implementation of a staff professional development plan as provided by Section **53A-3-701**;

(iv) develop a child access routing plan in accordance with Section **53A-3-402**; and

(v) advise and make recommendations to school and school district administrators and the local school board regarding the school and its programs, school district programs, and other issues relating to the community environment for students.

(b) In addition to the duties specified in Subsection (3)(a), a school community council for an elementary school shall develop a reading achievement plan in accordance with Section **53A-1-606.5**.

(4) (a) Each school community council shall consist of school employee members and parent or guardian members in accordance with this section.

(b) Except as provided in Subsection (4)(c):

(i) each school community council for a high school shall have six parent or guardian members and five school employee members, including the principal; and

(ii) each school community council for a school other than a high school shall have four parent or guardian members and three school employee members, including the principal.

(c) (i) A school community council may have a larger membership provided that the number of parent or guardian members exceeds the number of school employee members.

(ii) A school community council may have a smaller membership provided that:

(A) the number of parent or guardian members exceeds the number of school employee members; and

(B) there are at least two school employee members on the school community council.

(5) (a) Each school employee member, except the principal, shall be elected by a majority vote of the school employees and serves a two-year term beginning July 1. The principal shall serve as an ex officio member with full voting privileges.

(b) (i) Each parent or guardian member shall be elected at an election held at the school by a majority vote of those voting at the election and serves a two-year term beginning July 1.

(ii) Only parents or guardians of students attending the school may vote at the election under Subsection (5)(b)(i).

(iii) Any parent or guardian of a student who meets the qualifications of this section may file or declare himself as a candidate for election to a school community council.

(c) Written notice of the elections held under Subsections (5)(a) and (5)(b) shall be given at least two weeks prior to the elections.

(d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made available to the public upon request.

(e) (i) If a parent or guardian position on a school community council remains unfilled after an election is held, the other parent or guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.

(ii) If a school employee position on a school community council remains unfilled after an election is held, the other school employee members of the council shall appoint a school employee to fill the position.

(iii) The chair of the community council shall notify the local school board of each appointment made pursuant to Subsection (5)(e)(i) or (ii).

(iv) A member appointed to a school community council pursuant to Subsection (5)(e)(i) or (ii) shall serve a two-year term beginning July 1.

(f) Initial terms shall be staggered so that no more than 50% of the council members stand for election in any one year.

(g) Council members may serve up to three successive terms.

(h) (i) Each school community council shall elect a chair and vice chair from its parent or guardian members and elected employee members.

(ii) No more than one parent or guardian member or elected employee member may at the same time serve as an officer specified in Subsection (5)(h)(i).

(6) (a) A school community council may create subcommittees or task forces to:

(i) advise or make recommendations to the council; or

(ii) develop all or part of a plan listed in Subsection (3).

(b) Any plan or part of a plan developed by a subcommittee or task force shall be subject to the approval of the school community council.

(c) A school community council may appoint individuals who are not council members to serve on a subcommittee or task force, including parents, school employees, or other community members.

Amended by Chapter 119, 2006 General Session

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Last revised: Monday, April 30, 2007

Appendix I: Sample of State Policies Related to Appointment of Local School Board Members

Below are examples of educational policies from the following states:

- Alabama
- Illinois
- Kansas
- Maryland
- Mississippi
- New Jersey
- North Carolina
- Ohio
- Pennsylvania
- Rhode Island
- South Carolina
- Texas
- Virginia

Alabama

School Board Bylaws

- (a) The county board of education shall be composed of five members, who shall be elected by the qualified electors of the county.
- (b) County boards of education unless otherwise provided by law may use the provisions of this subsection to establish single member election districts with one board member elected from each district. School boards exercising this option may establish five or seven such districts. Such plan shall be considered only after two weeks public notice has been given, outlining generally the school districts under consideration. The members so elected must be residents of the district in which election is sought. Such residency shall have been established at least one year before the general election at which the candidate is to be elected. The boundaries of such single member districts shall be determined by a majority vote of the county board of education. The county board of education shall apportion the districts according to the last federal decennial census for the county utilizing the principle of equal representation. Thereafter, each county board of education choosing to implement single member election districts shall reapportion those districts within six months following the publication of the results of each federal decennial census. They shall be persons of good moral character, with at least a fair elementary education, of good standing in their respective communities and known for their honesty, business ability, public spirit and interest in the good of public education. No member of the county board of education shall be an employee of said board; provided, that in counties having populations of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census, not more than one classroom teacher employed by the board may serve as a board member and also as a teacher. Members shall not be required to hold teachers' certificates.

(*School Code 1927, §§87, 92; Code 1940, T. 52, §§63, 68; Acts 1949, No. 369, p. 542, § 1; Acts 1949, No. 667, p. 1031; Acts 1964, 1st Ex. Sess., No. 249, p. 346, § 1; Acts 1969, No. 331, p. 705, § 1; Acts 1987, No. 87-282, p. 392, § 1.*)
Reference web site: <http://www.legislature.state.al.us/CodeofAlabama/1975/125760.htm>

Illinois

Constitution of the State of Illinois

ARTICLE VII

LOCAL GOVERNMENT

SECTION 8. POWERS AND OFFICERS OF SCHOOL DISTRICTS AND UNITS OF LOCAL GOVERNMENT OTHER THAN COUNTIES AND MUNICIPALITIES

Townships, school districts, special districts and units, designated by law as units of local government, which exercise limited governmental powers or powers in respect to limited governmental subjects shall have only powers granted by law. No law shall grant the power (1) to any of the foregoing units to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred, or (2) to make improvements by special assessments to any of the foregoing classes of units which do not have that power on the effective date of this Constitution. The General Assembly shall provide by law for the selection of officers of the foregoing units, but the officers shall not be appointed by any person in the Judicial Branch. (Source: Illinois Constitution.)

Reference web site: <http://www.ilga.gov/commission/lrb/con7.htm>

Kansas

Text of Law:

Constitution of the State of Kansas

Article 6.--EDUCATION

§ 1: Schools and related institutions and activities. The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law.

§ 2: State board of education and state board of regents.

(a) The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education shall perform such other duties as may be provided by law.

(b) The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or postbaccalaureate degrees and such other institutions and educational interests as may be provided by law. The state board of regents shall perform such other duties as may be prescribed by law.

(c) Any municipal university shall be operated, supervised and controlled as provided by law.

§ 3: Members of state board of education and state board of regents.

(a) There shall be ten members of the state board of education with overlapping terms as the legislature may prescribe. The legislature shall make provision for ten member districts, each comprised of four contiguous senatorial districts. The electors of each member district shall elect one person residing in the district as a member of the board. The legislature shall prescribe the manner in which vacancies occurring on the board shall be filled.

(b) The state board of regents shall have nine members with overlapping terms as the legislature may prescribe. Members shall be appointed by the governor, subject to confirmation by the senate. One member shall be appointed from each congressional district with the Remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. Vacancies occurring on the board shall be filled by appointment by the governor as provided by law.

(c) Subsequent redistricting shall not disqualify any member of either board from service for the remainder of his term. Any member of either board may be removed from office for cause as may be provided by law.

§ 4: Commissioner of education. The state board of education shall appoint a commissioner of education who shall serve at the pleasure of the board as its executive officer.

§ 5: Local public schools. Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for cooperative operation and administration of educational programs under the general supervision of the state board of education, but such agreements shall be subject to limitation, change or termination by the legislature.

§ 6: Finance.

(a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by

statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) No religious sect or sects shall control any part of the public educational funds.

§ 7: Savings clause.

(a) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. All laws inconsistent with this amendment, unless sooner repealed or amended to conform with this amendment, shall remain in full force and effect until July 1, 1969.

(b) Notwithstanding any other provision of the constitution to the contrary, no state superintendent of public instruction or county superintendent of public instruction shall be elected after January 1, 1967.

(c) The state perpetual school fund or any part thereof may be managed and invested as provided by law or all or any part thereof may be appropriated, both as to principal and income, to the support of the public schools supervised by the state board of education.

Reference web site: <http://www.skyways.org/KSL/ref/constitution/art6.html>

<http://www.kslegislature.org/legsrv-statutes/getStatuteFile.do?number=/72-8205.html>

Amendment (1992): <http://www.kslegislature.org/legsrv-statutes/getStatuteFile.do?number=/72-5333b.html>

Maryland

Chapter 72.—SCHOOLS: Article 53.--MISCELLANEOUS PROVISIONS

72-5333b. Same; board of education; appointment and officers; powers, duties, authority; application of laws; finance. (a) The unified school district maintaining and operating a school on the Fort Leavenworth military reservation, being unified school district No. 207 of Leavenworth county, state of Kansas, shall have a governing body, which shall be known as the "Fort Leavenworth school district board of education" and which shall consist of three members who shall be appointed by, and serve at the pleasure of the commanding general of Fort Leavenworth. One member of the board shall be the president and one member shall be the vice-president. The commanding general, when making any appointment to the board, shall designate which of the offices the member so appointed shall hold. Except as otherwise expressly provided in this section, the district

board and the officers thereof shall have and may exercise all the powers, duties, authority and jurisdiction imposed or conferred by law on unified school districts and boards of education thereof, except such school district shall not offer or operate any of grades 10 through 12. (b) The board of education of the school district shall not have the power to issue bonds.

(c) Except as otherwise expressly provided in this subsection, the provisions of the school district finance and quality performance act apply to the school district. As applied to the school district, the terms local effort and federal impact aid shall not include any moneys received by the school district under subsection (3)(d)(2)(b) of public law 81-874. Any such moneys received by the school district shall be deposited in the general fund of the school district or, at the discretion of the board of education, in the capital outlay fund of the school district.

History: L. 1953, ch. 349, § 2; L. 1969, ch. 310, § 33; L. 1971, ch. 229, § 1; L. 1975, ch. 371, § 1; L. 1992, ch. 284, § 3; July 1.

Maryland:

Text of Law:

§ 3-105. Composition of county board.

(a) Applicability of subsections (b), (c), and (d).- Subsections (b), (c), and (d) of this section do not apply to a county if the number of members of the county board is regulated by other provisions of this title.

(b) School system with less than 50,000 students.- If a county school system has an enrollment of less than 50,000 students, the county board shall have five members, except that: (1) The Worcester County Board shall have the number of members provided in subsection (e) of this section; (2) Any county board that had more than five members on July 1, 1969, shall retain that number of members; and (3) The Wicomico County Board shall have the number of members provided in subsection (f) of this section.

(c) School system with between 50,000 and 100,000 students.- If a county school system has an enrollment of 50,000 students or more but less than 100,000 students, the county board shall have seven members.

(d) School system with over 100,000 students.- If a county school system has an enrollment of 100,000 students or more, the county board shall have nine members except as provided in § 3-901 of this title for Montgomery County.

(e) Worcester County.- The Worcester County Board consists of seven voting members and one nonvoting student member from each public high school in the county.

(f) Wicomico County.- (1) The Wicomico County Board consists of seven members. (2) The term of a member is 5 years.

[An. Code 1957, art. 77, § 35; 1978, ch. 22, § 2; 1983, ch. 8; 1987, ch. 376; 1996, ch. 10, § 16; 2001, ch. 323, § 1; 2006, ch. 44, § 6.]

3-108. Appointment, term, and removal from county board.

(a) Appointment.- Except for the Baltimore City Board of School Commissioners established under § 3-108.1 of this subtitle and counties listed in § 3-114 of this subtitle, the Governor shall appoint the members of each county board from the residents of that county.

(b) Qualifications.- (1) Each member shall be appointed solely because of character and fitness and without regard to political affiliation. (2) An individual who is subject to the authority of the county board may not be appointed to or serve on the county board.

(c) Term; vacancies.- (1) Each member serves for a term of 5 years beginning July 1 after his appointment and until a successor is appointed and qualifies. (2) The Governor shall appoint a New member to fill any vacancy on an appointed board for the remainder of that term and until a successor is appointed and qualifies. (3) Unless otherwise disqualified under this section, a member of a board is eligible for reappointment. However, an individual may not serve for more than 2 consecutive terms.

(d) Removal.- (1) With the approval of the Governor, the State Superintendent may remove any member of a county board appointed under this section for: (i) Immorality; (ii) Misconduct in office; (iii) Incompetency; (iv) Willful neglect of duty; or (v) Failure to attend, without good cause, at least half of the scheduled meetings of the board in any one calendar year. (2) Before removing a member, the State Superintendent shall send the member a copy of the charges against him and give him an opportunity within 10 days to request a hearing. (3) If the member requests a hearing within the 10-day period: (i) The State Superintendent promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Superintendent sends the member a notice of the hearing; and (ii) The member shall have an opportunity to be heard publicly before the State Superintendent in his own defense, in person or by counsel. (4) If a member who is removed so requests, the State Superintendent shall file with the clerk of the circuit court for the county from which the member was appointed: (i) A complete statement of all charges made against the member; (ii) The findings of the State Superintendent; and (iii) A complete record of the proceedings.

[An. Code 1957, art. 77, § 35; 1978, ch. 22, § 2; 1983, ch. 8; 1984, ch. 255; 1993, ch. 455; 1996, ch. 10, § 16; 1997, ch. 105, § 1; 1998, ch. 245; 2002, ch. 289, § 3; ch. 545.]

3-108.1. Baltimore City Board of School Commissioners.

(a) "Board" defined.- In this section, "Board" means the Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(b) Established.- There is a Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(c) Members.- The Board consists of: (1) Nine voting members jointly appointed by the Mayor of Baltimore City and the Governor from a list of qualified individuals submitted to the Mayor and the Governor by the State Board; and (2) One voting student member appointed as provided in subsection (o) of this section.

(d) Residency requirement.- Each member of the Board shall be a resident of Baltimore City.

(e) Composition.- To the extent practicable, the membership of the Board shall reflect the demographic composition of Baltimore City.

(f) Member qualifications - Business administration expertise.- At least four of the voting members shall possess a high level of knowledge and expertise concerning the successful administration of a large business, nonprofit, or governmental entity and shall have served in a high level management position within such an entity.

(g) Same - Education expertise.- At least three of the voting members shall possess a high level of knowledge and expertise concerning education.

(h) Same - Parent of student.- At least one voting member shall be a parent of a student enrolled in the Baltimore City Public School System as of the date of appointment of the member.

(i) Same - Education of children with disabilities expertise.- (1) Among the nine voting members, at least one member shall also possess knowledge or experience in the education of children with disabilities. (2) The knowledge or experience may be derived from being the parent of a child with a disability. (j) Terms.- (1) The term of a voting member is 3 years. (2) The terms of the voting members are staggered as required by the terms provided for members of the Board on June 1, 1997. (3) At the end of a term, a voting member continues to serve until a successor is appointed and qualifies. (4) A voting member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies. (5) A voting member may not serve more than two consecutive full terms. (6) To the extent practicable, the Governor and the Mayor shall fill any vacancy on the Board within 60 days of the date of the vacancy from a list of qualified individuals submitted to the Mayor and the Governor by the State Board.

(k) Removal.- On the joint approval of the Mayor of Baltimore City and the Governor, a member may be removed only for cause in accordance with § 3-108 of this subtitle.

(l) Compensation.- Each member of the Board serves without compensation.

(m) Chairman - Appointment.- On appointment of the Board, the Governor and the Mayor shall jointly select one of the voting members to serve as the Chairman of the Board who shall serve through June 30, 1999.

(n) Same - Election.- Beginning on July 1, 1999 and every 2 years thereafter, from among its voting members the Board shall elect a chairman.

(o) Student member.- (1) One student member shall be a student enrolled in the Baltimore City Public School System who shall be selected by the Associated Student

Congress of Baltimore City. (2) The term of a student member is 1 year. (3) A student member may not serve more than two consecutive full terms. (4) The student member may vote on all matters before the Board except those relating to: (i) Personnel; (ii) Capital and operating budgets; (iii) School closings, reopenings, and boundaries; (iv) Collective bargaining decisions; (v) Student disciplinary matters; and (vi) Appeals to the Board as provided under §§ 4-205 and 6-202 of this article. (5) The student member may not attend or participate in an executive or special session of the Board.

(p) Action by the Board.- Any action by the Board shall require: (1) A quorum of a majority of the voting members then serving; and (2) The affirmative vote of a majority of the voting members then serving.

[1997, ch. 105, §§ 1, 28; 2001, ch. 281; 2002, ch. 19, § 1; ch. 545.]

3-109. Baltimore County Board.

(a) Appointment.- The Baltimore County Board consists of 12 members who shall be appointed as follows: (1) Four from the county at large; (2) One from each of the seven councilmanic districts in Baltimore County; and (3) One student member from the county at large.

(b) Student member.- (1) The student member shall: (i) Be an eleventh or twelfth grade student in the Baltimore County public school system; (ii) Serve for 1 year; and (iii) Advise the Board on the thoughts and feelings of students. (2) Unless invited to attend by an affirmative vote of a majority of the County Board, the student member may not attend an executive session that relates to: (i) Hearings on appeals of special education placements; (ii) Hearings held under § 6-202 (a) of this article; or (iii) Collective bargaining. (3) As provided in paragraph (4) of this subsection, the student member may vote on all matters except those relating to: (i) § 6-202 (a) of this article; (ii) Collective bargaining; (iii) Capital and operating budgets; and (iv) School closings, reopenings, and boundaries. (4) On a majority vote of the nonstudent members, the Board may determine, on a case-by-case basis, whether a matter under consideration is covered by the exclusionary provisions listed in paragraph (3) of this subsection.

(c) Removal.- A Board member who does not maintain his residential qualification shall be replaced as a member.

(d) Effect of boundary change.- If the boundary line of a councilmanic district is changed, the term of an incumbent member of the County Board who no longer resides in the councilmanic district because of the change is not affected during this term.

(e) School Shared Space Council - Created; appointment and terms of county employee members.- There is a School Shared Space Council in Baltimore County consisting of 12 employees of the county appointed by the County Executive for a term coterminous with that of the Board as follows: (1) Two from the staff of the County Board of Education; (2) Two from the County Executive's administrative staff, one of whom shall be the Director of Central Services; (3) One from the Department of Social Services; (4) One from the Department of Recreation and Parks; (5) One from the Department of Aging; (6) One from the Health Department; (7) One from the county community colleges, subject to the following conditions: (i) Representation shall be determined on a rotating basis by alphabetical order by community college name; and (ii) Each such member shall serve

for 1 year; (8) One from the Department of Juvenile Services; (9) One from the county public libraries; and (10) One from the Department of Planning.

(f) Same - Replacement of county employee members.- A county employee Council member who does not maintain his employment in the county shall be replaced.

(g) Same - County citizen members.- In addition to the county employee members, there shall be eight county citizens selected as members of the Council as follows and with the following duties: (1) The county citizen members shall be selected by the County Executive. One member shall be selected from each legislative district of Baltimore County with the approval of the State Senator from that district. Each legislative district representative shall reside in that district; (2) The initial members selected to represent legislative districts 5, 7, 9, and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May 31, 1981. Thereafter all members shall be selected to serve 2-year terms. The initial members selected to represent legislative districts 8, 10, 12, and 13 shall each serve for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all members shall be selected for 2-year terms; (3) A citizen member shall be entitled to attend and vote at a Council session where an issue before the Council concerns the school or schools in the citizen member's respective district; and (4) When the Council meets to consider countywide issues, all selected citizen members shall be entitled to attend such sessions and vote.

(h) Same - Duties.- The Council shall: (1) Meet as needed to compile the number of spaces in the public schools of the county that are not filled and to evaluate the feasibility of the utilization of the spaces by the community and county departments; and (2) Report its findings; and recommendations to the County Board of Education and the County Executive at least twice during the school year.

(i) Same - Additional members from county agencies.- The County Executive may, by executive order, appoint up to two additional members to the Council from agencies of the county government.

[An. Code 1957, art. 77, § 35; 1978, ch. 22, § 2; 1979, ch. 316; 1980, ch. 353; ch. 627, §§ 1, 2; 1983, ch. 209; 1984, ch. 255; 1985, ch. 10, § 3; 1986, ch. 144; 1988, ch. 348; 1993, ch. 568; 1994, ch. 708; 1995, ch. 8, § 4; 2000, ch. 61, § 1; 2001, ch. 29, § 6; 2002, ch. 19, § 1; 2003, ch. 53, § 4; 2006, ch. 44, § 6.]

Reference web site:

<http://michie.lexisnexis.com/maryland/lpext.dll?f=templates&fn=main-h.htm&cp=>

Mississippi

§ 37-7-203. Composition of boards of trustees of municipal separate school districts; qualifications, selection, and terms of office of members of boards.

(1) The boards of trustees of all municipal separate school districts created under the provisions of Article 1 of this chapter, either with or without added territory, shall consist of five (5) members, each to be chosen for a term of five (5) years, but so chosen that the term of office of one (1) member shall expire each year. In the event the added territory of a municipal separate school district furnishes fifteen percent (15%) or more of the pupils enrolled in the schools of such district, then at least one (1) member of the board of trustees of such school district shall be a resident of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then not more than two (2) members of the board of trustees of such school district shall be residents of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district in a county in which Mississippi Highways 8 and 15 intersect furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then the five (5) members of the board of trustees of such school district shall be elected at large from such school district for a term of five (5) years each except that the two (2) elected trustees presently serving on such board shall continue to serve for their respective terms of office. The three (3) appointed trustees presently serving on such board shall continue to serve until their successors are elected in March of 1975 in the manner provided for in Section 37-7-215. At such election, one (1) trustee shall be elected for a term of two (2) years, one (1) for a term of three (3) years and one (1) for a term of five (5) years. Subsequent terms for each successor trustee shall be for five (5) years. In the event one (1) of two (2) municipal separate school districts located in any county with two (2) judicial districts, District 1 being comprised of Supervisors Districts 1, 2, 4 and 5, and District 2 being comprised of Supervisors District 3, with added territory embraces three (3) full supervisors districts of a county, one (1) trustee shall be elected from each of the three (3) supervisors districts outside the corporate limits of the municipality. In the further event that the territory of a municipal separate school district located in any county with two (2) judicial districts, District 1 being comprised of Supervisors Districts 1, 2, 4 and 5, and District 2 being comprised of Supervisors District 3, with added territory embraces four (4) full supervisors districts in the county, and in any county in which a municipal separate school district embraces the entire county in which Highways 14 and 15 intersect, one (1) trustee shall be elected from each supervisors district.

Except as otherwise provided herein, the trustees of such a municipal separate school district shall be elected by a majority of the governing authorities of the municipality at the first meeting of the governing authorities held in the month of February of each year, and the term of office of the member so elected shall commence on the first Saturday of March following. In the case of a member of said board of trustees who is required to come from the added territory outside the corporate limits as is above provided, such member of the board of trustees shall be elected by the qualified electors of the school district residing in such added territory outside the corporate limits at the same time and in the same manner as is otherwise provided in this article for the election of trustees of school districts other than municipal separate school districts.

In the event that a portion of a county school district is reconstituted, in the manner provided by law, into a municipal separate school district with added territory and in the event that the trustees to be elected from the added territory are requested to be elected from separate election districts within the added territory, instead of elected at-large, by the Attorney General of the United States as a result of and pursuant to preclearance under Section 5 of the Voting Rights Act of 1965 as amended and extended, and in the event the added territory of a municipal separate school district of a municipality furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then two (2) members of the board of trustees shall be residents of the added territory outside the corporate limits of such municipality and shall be elected from special trustee election districts by the qualified electors thereof as herein provided. The board of trustees of the school district shall apportion the added territory into two (2) special trustee election districts as nearly as possible according to population and other factors heretofore pronounced by the courts. The board of trustees of the school district shall thereafter publish the same in a newspaper of general circulation within said school district for at least two (2) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees of the school district, said New District lines shall thereafter be effective. Any person elected from the New trustee election districts constituted herein shall be elected in the manner provided for in Section 37-7-215 for a term of five (5) years. Any vacancy in the office of a trustee elected from such trustee election district, whether occasioned by redistricting or by other cause, shall be filled by appointment of the governing authorities of the municipality, provided that the person so appointed shall serve only until the first Saturday of March following his appointment, at which time a person shall be elected for the remainder of the unexpired term in the manner provided in Section 37-7-215.

In any county organizing a countywide municipal separate school district after January 1, 1965, the trustees thereof to be elected from outside the municipality, such trustees shall be elected by the board of supervisors of such county, and the superintendent of such school district shall have authority to pay out and distribute the funds of said district. In the event a municipal separate school district should occupy territory in a county other than that in which the municipality is located and fifteen percent (15%) or more of the pupils enrolled in the schools of such district shall come from the territory of the district in the county other than that in which the municipality is located, the territory of such county in which the municipality is not located shall be entitled to one (1) member on the board of trustees of such school district. Said trustee shall be a resident of the territory of that part of the district lying in the county in which the municipality is not located and shall be elected by the qualified electors of the territory of such county at the same time and in the same manner as is provided for the election of trustees of school districts other than municipal separate school districts having territory in two (2) or more counties.

All vacancies shall be filled for the unexpired terms by appointment of the governing authorities of the municipality; except that in the case of the trustees coming from the added territory outside the corporate limits, the person so appointed shall serve only until the first Saturday of March following his appointment, at which time a person shall be elected for the remainder of the unexpired term in the manner otherwise provided herein.

No person who is a member of such governing body, or who is an employee of the municipality, or who is a member of the county board of education, or who is a trustee of any public, private or sectarian school or college located in the county, inclusive of the municipal separate school district, or who is a teacher in or a trustee of said school district, shall be eligible for appointment to said board of trustees.

(2) In counties of less than fifteen thousand (15,000) people having a municipal separate school district with added territory which embraces all the territory of a county, one (1) or more trustees of such district shall be nominated from each supervisors district upon petition of fifty (50) qualified electors of said district, or twenty percent (20%) of the qualified electors of such district, whichever number shall be smaller, and shall be elected by a plurality of the vote of the qualified electors of said county. One (1) trustee so elected shall reside in each supervisors district of the county. In such counties embraced entirely by a municipal separate school district there shall be no county board of education after the formation of such district and the county superintendent of education shall act as superintendent of schools of said district and shall be appointed by the board of trustees of said district, and the provisions of subsection (1) of this section and the first paragraph of Section 37-7-211 shall not apply to such districts.

Sources: Codes, 1942, §§ 6238-07, 6328-21; Laws, 1953, Ex Sess, ch. 12, § 7; ch. 17, § 1; Laws, 1956, ch. 273; Laws, 1964, ch. 391, § 1; Laws, 1966, ch. 409, § 1; Laws, 1966, ch. 410, § 1; Laws, 1968, ch. 400; Laws, 1975, ch. 306; Laws, 1985, ch. 509, § 1; Laws, 2002, ch. 598, § 3, eff July 22, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

Reference web site:

<http://michie.lexisnexis.com/mississippi/lpext.dll?f=templates&fn=main-h.htm&cp=>

New Jersey

18A:12-6. Boards; number of members

The board shall consist of 5 or 7 members as provided by ordinance of the municipal governing body, except that it shall consist of 9 members in districts in cities of the first class, and in districts in which it has been so determined by referendum held pursuant to law.

L.1967, c.271; amended by L.1969, c. 153, s. 1, eff. Sept. 4, 1969.

18A:12-7. Boards; appointments; vacancies

The boards of education shall be appointed by the mayor or other chief executive officer of the municipality constituting the district. Any vacancy occurring in the membership of the board shall be reported forthwith by the secretary of the board to the mayor or other chief executive officer of the municipality, who shall within 30 days thereafter appoint a qualified person to fill the vacancy for the unexpired term.

L.1967, c.271.

18A:12-9. Terms of members of boards

Of boards consisting of 5 members, one shall be appointed each year for a term of 5 years, of boards consisting of 9 members, 3 shall be appointed each year for terms of 3 years, and of boards consisting of 7 members, 3 shall be appointed in the first year and 2 shall be appointed in each of the 2 following years of each 3-year period, each for a term of 3 years, except the members of the first board of any such district, who shall be appointed for such terms, as shall, as soon as possible, result in all members of a 5-man board being appointed for terms of 5 years and the terms of one member expiring each year, or all members of a 9-man board being appointed for terms of 3 years and the terms of 3 members expiring each year, or all members of a 7-man board being appointed for terms of 3 years and the terms of either 3 or 2 members expiring in each 3-year period. All members shall serve after the expiration of their respective terms until the appointment and qualification of their successors.

L.1967, c.271; amended by L.1969, c. 153, s. 2, eff. Sept. 4, 1969.

18A:12-10. Application of subarticle

The provisions of this subarticle shall apply to all type II school districts except as otherwise provided in this title for regional districts and except those districts in which the members of the boards of education are appointed pursuant to subarticle C of this article.

L1967, c.271.

18A:12-11. Election and number of board members; terms

The board of education shall consist of nine members, or it shall consist of three, five or seven members as, and if, it has been so determined pursuant to law or shall be so determined by referendum as provided in this chapter, who shall be elected at annual school elections in the district for terms of three years except as otherwise herein provided.

L.1967, c.271.

18A:12-3. Cessation of membership

18A:12-3. Whenever a member of a local or regional board of education shall cease to be a bona fide resident of the district, or of any constituent district of a consolidated or regional district which he represents, or shall become mayor or a member of the

governing body of a municipality, his membership in the board shall immediately cease; and, any member who fails to attend three consecutive meetings of the board without good cause may be removed by it. Whenever a member of a county special service school district or a member of a county vocational school district shall cease to be a bona fide resident of the district, or shall hold office as a member of the governing body of a county, his membership on the board shall immediately cease.

Notwithstanding the provisions of N.J.S. 2C:51-1 or any other law to the contrary, whenever a member of a board of education is disqualified as a voter pursuant to R.S. 19:4-1, or is convicted of false swearing as provided in section 5 of P.L.1987, c. 328 (C. 18A:12-2.2), his membership on the board shall immediately cease.

L.1967, c.271; amended by L. 1981, c.23, s.2; 1987,c.328,s.3.

19:6-18. During the 30-day period immediately preceding November 25 of the year preceding each presidential year and February 15 of every other year, the chairman and vice-chairlady of each county committee and the State committeeman and State committeewoman of each of such two political parties, respectively shall meet and jointly, in writing, nominate one person residing in the county of such county committee chairman, duly qualified, for member of the county board in and for such county for the succeeding year, in the case of the presidential year.

If more than two members are elected to the State committee of any party from a county, the State committeeman and State committeewoman who shall participate in the process of nomination shall be those holding full votes who received the greatest number of votes in their respective elections for members of the State committee.

If nomination be so made, the said county committee chairman shall certify the nomination so made to the State chairman and to the Governor, and the Governor shall commission such appointees, who shall be members of opposite parties, on or before December 20 of the year preceding each presidential year or on or before March 1 in every other year, as the case may be. If nomination be not so made on account of a tie vote in the said meeting of the county committee chairman, county committee vice-chairlady, State committeeman and State committeewoman, in respect to such nomination, the said county committee chairman shall certify the fact of such a tie vote to the state chairman, who shall have the deciding vote and who shall certify, in writing, to the Governor, the nomination made by his deciding vote. Appointees to county boards of election pursuant to this section shall continue in office for 2 years from either December 20 of the year preceding each presidential year or March 1, as the case may be, next after their appointment.

The first appointment having been made pursuant to law for terms of 1 and 2 years, respectively, the members subsequently appointed each year shall fill the offices of the appointees whose terms expire in that year.

Amended 1955, c.243, s.1; 1968, c.84; 1978, c.15, s.2; 2005, c.136, s.8; 2007, c.61, s.4.

19:6-19. Filling vacancies

If a vacancy arises in any county board from any cause other than expiration of the term, the secretary of the county board, within 5 days thereafter, shall in writing notify the Governor, the appropriate county committee chairman, county committee vice-chairlady, State chairman, State committeeman and State committeewoman of such vacancy, and within the same time notify the Governor in writing the date on which such notice was received by the county committee chairman. If the secretary fails to so notify, any member of the county board may make such notifications. Within 10 days after receipt of notice by such county committee chairman, the county committee chairman, county committee vice-chairlady, State chairman, State committeeman and State committeewoman shall jointly nominate a successor, and any such nomination shall be made and certified in the same manner as provided in section 19:6-18 of the Revised Statutes, and the person so nominated shall thereupon be commissioned by the Governor. All appointments to fill vacancies shall be for the unexpired term only.

Amended by L.1955, c. 243, p. 920, s. 2; L.1956, c. 167, p. 660, s. 1.

19:6-20. Appointments by Governor in absence of nomination

If any nomination is not made and certified in writing to the Governor within the time specified, the Governor shall make such appointments of his own selection from the citizens of the county in which such failure occurs.

Amended by L.1955, c. 243, p. 920, s. 3.

19:6-21. Board office; equipment; supplies

18A:12-17. Appointments; terms; vacancies

The mayor or other chief executive officer of the municipality shall, between April 1 and April 15 in each year, appoint one member of the board to serve for a term of 5 years beginning on May 15 next succeeding his appointment, to take the place of the member whose term shall expire in that year, and any vacancy occurring in the membership of the board shall be reported forthwith by the secretary of the board to the mayor or other chief executive officer of the municipality, who shall within 30 days thereafter appoint a qualified person to fill the vacancy for the unexpired term.

L.1967, c.271; amended by L.1970, c. 3, s. 2, eff. Feb. 4, 1970; L.1979, c. 23, s. 8, eff. Feb. 8, 1979; L.1979, c. 284, s. 2, eff. Jan. 10, 1980.

18A:12-18. Resolution or petition for election of members; submission

In every such district the question whether or not the members of the board shall thereafter be elected by the voters of the district at annual school elections shall be submitted to the legal voters of the district at the next general or municipal election, following the expiration of 40 days after the adoption by the governing body of the municipality of a resolution, or after the filing with the clerk of the municipality of a petition signed by not less than 15% of the number of legally qualified voters who voted in the municipality at the last preceding general election held for the election of all of

the members of the general assembly, directing such submission, whichever occurs earlier, or at the next annual school election, or a special school election called for that purpose, to be held after the expiration of 40 days from the adoption by the board of education of the district of a resolution, or from the filing with the secretary of the board of education of a petition signed by said percentage of such number of legally qualified voters of the district, directing such submission and thereupon said clerk or secretary shall cause said question to be submitted accordingly.

L.1967, c.271.

Reference web sites:

http://www.state.nj.us/education/genfo/qsac/njsba261006_files/frame.htm#slide0047.htm

<http://www.state.nj.us/education/genfo/qsac/njsba261006.pdf>

North Carolina

Article 5.

Local Boards of Education.

§ 115C-35. How constituted.

(a) The county board of education in each county shall consist of five members elected by the voters of the county at large for terms of four years: Provided, that where there are multiple local school administrative units located within the county, and unless the county board is responsible for appointing members of the board of education of a city administrative unit located within the county, only those voters who reside within the county school administrative unit boundary lines shall be eligible to vote for members of the county board of education. Where the county board is responsible for appointing members of the board of education of a city administrative unit located within the county, the voters residing within that city school administrative unit shall be eligible to vote for members of the county board of education.

The terms of office of the members of boards of education of all school administrative units in this State, who serve on June 25, 1975, shall continue until members are elected and qualified as provided in this section unless modified by local legislation.

(b) No person residing in a local school administrative unit shall be eligible for election to the board of education of that local school administrative unit unless such person resides within the boundary lines of that local school administrative unit. (1955, c. 1372, art. 5, s. 1; 1967, c. 972, s. 1; 1969, c. 1301, s. 2; 1975, c. 855, ss. 1-3; 1981, c. 423, s. 1.)

§ 115C-36. Designation of board.

All powers and duties conferred and imposed by law respecting public schools, which are not expressly conferred and imposed upon some other official, are conferred and imposed upon local boards of education. Said boards of education shall have general control and supervision of all matters pertaining to the public schools in their respective administrative units and they shall enforce the school law in their respective units. (1955, c. 1372, art. 5, s. 18; 1957, c. 262; 1963, c. 425; 1965, c. 1185, s. 1; 1969, c. 517, s. 2; 1981, c. 423, s. 1.)

§ 115C-37. Election of board members.

(a) Method of Election. – The county boards of education shall be elected on a nonpartisan basis at the time of the primary election in 1970 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation and any qualified voter residing in the county shall be entitled to vote such ballots. Except as otherwise provided herein, the election shall be conducted according to the provisions of Chapter 163 of the General Statutes then governing primary elections.

The terms of office of the members shall be staggered so as nearly equal to one half as possible shall expire every two years.

(b) County Board of Elections to Provide for Elections. – The county board of elections under the direction of the State Board of Elections, shall make all necessary provisions for elections of county boards of education as are herein provided for. The county board of elections of each county shall file with the State Board of Elections a statement specifying the size and method of election of members of its county board of education.

(c) City Board of Education. – The board of education for any city administrative unit shall be appointed or elected as now provided by law. If no provision is now made by the law for the filling of vacancies in the membership of any city board of education, such vacancy may be filled by the governing body of the city or town embraced by said administrative unit. In the event that any such vacancy is not filled in this manner within 30 days, the State Board of Education may fill such vacancy.

(d) Members to Qualify. – Each county board of education shall hold a meeting in December following the election. At that meeting, newly elected members of the board of education shall qualify by taking the oath of office prescribed in Article VI, Sec. 7 of the Constitution.

This subsection shall not have the effect of repealing any local or special acts relating to boards of education of any particular counties whose membership to said boards is chosen by a vote of the people.

(e) Vacancies in Nominations for Membership on County Boards. – If any candidate nominated on a partisan basis shall die, resign, or for any reason become ineligible or disqualified between the date of his nomination and the time for the election, such vacancy caused thereby may be filled by the actions of the county executive committee of the political party of such candidate.

(f) Vacancies in Office. – All vacancies in the membership of the boards of education whose members are elected pursuant to the provisions of subsection (a) of this section by death, resignation, or other causes shall be filled by appointment by the Remaining members of the board, of a person to serve until the next election of members of such

board, at which time the Remaining unexpired term of the office in which the vacancy occurs shall be filled by election.

(g) Eligibility for Board Membership; Holding Other Offices. – Any person possessing the qualifications for election to public office set forth in Article VI, Sec. 6 of the Constitution of North Carolina shall be eligible to serve as a member of a local board of education: Provided, however, that any person elected or appointed to a local board of education, and also employed by that board of education, shall resign his employment before taking office as a member of that board of education.

Membership on a board of education is hereby declared to be an office that, with the exceptions provided above, may be held concurrently with any appointive office, pursuant to Article VI, Sec. 9 of the Constitution, but any person holding an elective office shall not be eligible to serve as a member of a local board of education.

(h) Death or Disqualification of Candidate in Nonpartisan Election. – If a candidate dies or becomes disqualified after the filing period has closed and before the election, and the ballots have not been printed, the county board of elections shall immediately reopen the filing period for five days so that additional candidates may file for election. If the ballots have been printed at the time the board of elections receives notice of the death or disqualification, the board shall reopen the filing period for three days if the board determines it will have time to reprint the ballots before the election.

In the event the board of elections determines that there is not time enough to reopen the filing period for three days and to reprint the ballots, then the ballots shall not be reprinted and the name of the deceased or disqualified candidate shall remain on the ballot. Votes cast for such candidate shall not be considered and the candidates receiving the highest number of votes equal to the number of positions to be filled shall be elected.

(i) The local board of education shall revise electoral district boundaries from time to time as provided by this subsection. If district boundaries are set by local act or court order and the act or order does not provide a method for revising them, the local board of education shall revise them only for the purpose of (i) accounting for territory annexed to or excluded from the school administrative unit, and (ii) correcting population imbalances among the districts shown by a New federal census or caused by exclusions or annexations. After the General Assembly has ratified an act establishing district boundaries, the local board of education shall not revise them again until a New federal census of population is taken or territory is annexed to or excluded from the school administrative unit, whichever event first occurs. After the local board of education has revised district boundaries in conformity with this act, the local board of education shall not revise them again until a New federal census of population is taken or territory is annexed to or excluded from the school administrative unit, whichever event occurs first, except that the board may make an earlier revision of district boundaries it has drawn if it must do so to comply with a court order or to gain approval of a district-revision plan by the U.S. Justice Department under Section 5 of the Voting Rights Act. In establishing district boundaries, the local board of education shall use data derived from the most recent federal census. (1955, c. 1372, art. 5, ss. 2-8; 1967, c. 972, ss. 2-6; 1969, c. 1301, s. 2; 1971, c. 704, s. 6; 1973, c. 1446, s. 1; 1977, c. 662; 1981, c. 423, s. 1; 1985, c. 404; c. 405, ss. 1, 2; 1985 (Reg. Sess., 1986), c. 975, s. 10; 1991, c. 400, s. 1.)

§ 115C-37.1. Vacancies in offices of county boards elected on partisan basis in certain

counties.

(a) All vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the person, board, or commission specified in the act, except that if the act specifies that appointment shall be made by a party executive committee, then the appointment shall be made instead by the Remaining members of the board.

(b) If the vacating member was elected as the nominee of a political party, then the person, board, or commission required to fill the vacancy shall consult with the county executive committee of that party and appoint the person recommended by that party executive committee, if the party executive committee makes a recommendation within 30 days of the occurrence of the vacancy.

(c) Whenever only the qualified voters of less than the entire county were eligible to vote for the member whose seat is vacant (either because the county administrative unit was less than countywide or only residents of certain areas of the administrative unit could vote in the general election for a district seat), the appointing authority must accept the recommendation only if the county executive committee restricted voting to committee members who represent precincts all or part of which were within the territory of the vacating school board member.

(d) This section shall apply only in the following counties: Alamance, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Graham, Guilford, Haywood, Henderson, Jackson, Madison, McDowell, Mecklenburg, Moore, New Hanover, Polk, Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Vance, Wake, Washington, and Yancey. (1981, c. 763, ss. 4, 14; c. 830; 1983, c. 493, s. 1; 1987 (Reg. Sess., 1988), c. 974, s. 5; 1989, c. 497, s. 3.)

§ 115C-38. Compensation of board members.

The tax-levying authority for a local school administrative unit may, under the procedures of G.S. 153A-92, fix the compensation and expense allowances paid members of the board of education of that local school administrative unit.

Funds for the per diem, subsistence, and mileage for all meetings of county and city boards of education shall be provided from the current expense fund budget of the particular county or city.

The compensation and expense allowances of members of boards of education shall continue at the same levels as paid on July 1, 1975, until changed by or pursuant to local act or pursuant to this section. (1955, c. 1372, art. 5, s. 12; 1975, c. 569, ss. 1-3; 1977, c. 802, s. 39.5; 1981, c. 423, s. 1.)

§ 115C-39. Removal of board members; suspension of duties by State Board.

(a) In case the State Board of Education has sufficient evidence that any member of a local board of education is not capable of discharging, or is not discharging, the duties of his office as required by law, or is guilty of immoral or disreputable conduct, the State Board of Education shall notify the chairman of such board of education, unless such chairman is the offending member, in which case all other members of such board shall be notified. Upon receipt of such notice there shall be a meeting of said board of education for the purpose of investigating the charges, and if the charges are found to be

true, such board shall declare the office vacant: Provided, that the offending member shall be given proper notice of the hearing and that record of the findings of the other members shall be recorded in the minutes of such board of education.

(b) In the event the State Board of Education has appointed an interim superintendent under G.S. 115C-105.39 and the State Board determines that the local board of education has failed to cooperate with the interim superintendent, the State Board shall have the authority to suspend any of the powers and duties of the local board and to act on its behalf under G.S. 115C-105.39. (1955, c. 1372, art. 5, s. 13; 1981, c. 423, s. 1; 1995 (Reg. Sess., 1996), c. 716, s. 5.)

§ 115C-40. Board a body corporate.

The board of education of each county in the State shall be a body corporate by the name and style of "The _____ County Board of Education," and the board of education of each city administrative school unit in the State shall be a body corporate by the name and style of "The _____ City Board of Education." The several boards of education, both county and city, shall hold all school property and be capable of purchasing and holding real and personal property, of building and repairing schoolhouses, of selling and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation.

Local boards of education, subject to any paramount powers vested by law in the State Board of Education or any other authorized agency shall have general control and supervision of all matters pertaining to the public schools in their respective local school administrative units; they shall execute the school laws in their units; and shall have authority to make agreements with other boards of education to transfer pupils from one local school administrative unit to another unit when the administration of the schools can be thereby more efficiently and more economically accomplished. (1955, c. 1372, art. 5, s. 10; 1981, c. 423, s. 1; 1985 (Reg. Sess., 1986), c. 975, s. 24.)

§ 115C-41. Organization of board.

(a) Unless otherwise provided by local law, all local boards of education shall have an organizational meeting no later than 60 days after the swearing in of members following election or appointment and as often thereafter as the board shall determine appropriate. The board may fix the date and time of its organizational meeting. At the organizational meeting the members of all boards shall elect one of their members as chairman for a period of one year, or until his successor is elected and qualified. The chairman of the local board of education shall preside at the meetings of the board, and in the event of his absence or sickness, the board may appoint one of its members temporary chairman. The superintendent of schools, whether a county or city superintendent, shall be ex officio secretary to his respective board. He shall keep the minutes of the meetings of the board but shall have no vote: Provided, that in the event of a vacancy in the superintendency, the board may elect one of its members to serve temporarily as secretary to the board.

(b) All local boards of education shall meet on the first Monday in January, April, July, and October of each year, or as soon thereafter as practicable. A board may elect to hold regular monthly meetings, and to meet in special session upon the call of the chairman or of the secretary as often as the school business of the local school administrative unit may require. (1955, c. 1372, art. 5, ss. 9, 11; 1981, c. 423, s. 1; 1983, c. 408.)

§ 115C-42. Liability insurance and immunity.

Any local board of education, by securing liability insurance as hereinafter provided, is hereby authorized and empowered to waive its governmental immunity from liability for damage by reason of death or injury to person or property caused by the negligence or tort of any agent or employee of such board of education when acting within the scope of his authority or within the course of his employment. Such immunity shall be deemed to have been waived by the act of obtaining such insurance, but such immunity is waived only to the extent that said board of education is indemnified by insurance for such negligence or tort.

Any contract of insurance purchased pursuant to this section shall be issued by a company or corporation duly licensed and authorized to execute insurance contracts in this State or by a qualified insurer as determined by the Department of Insurance and shall by its terms adequately insure the local board of education against liability for damages by reason of death or injury to person or property proximately caused by the negligent act or torts of the agents and employees of said board of education or the agents and employees of a particular school in a local administrative unit when acting within the scope of their authority. The local board of education shall determine what liabilities and what officers, agents and employees shall be covered by any insurance purchased pursuant to this section. Any company or corporation which enters into a contract of insurance as above described with a local board of education, by such act waives any defense based upon the governmental immunity of such local board of education.

Every local board of education in this State is authorized and empowered to pay as a necessary expense the lawful premiums for such insurance.

Any person sustaining damages, or in case of death, his personal representative may sue a local board of education insured under this section for the recovery of such damages in any court of competent jurisdiction in this State, but only in the county of such board of education; and it shall be no defense to any such action that the negligence or tort complained of was in pursuance of governmental, municipal or discretionary function of such local board of education if, and to the extent, such local board of education has insurance coverage as provided by this section.

Except as hereinbefore expressly provided, nothing in this section shall be construed to deprive any local board of education of any defense whatsoever to any such action for damages or to restrict, limit, or otherwise affect any such defense which said board of education may have at common law or by virtue of any statute; and nothing in this section shall be construed to relieve any person sustaining damages or any personal representative of any decedent from any duty to give notice of such claim to said local board of education or to commence any civil action for the recovery of damages within the applicable period of time prescribed or limited by statute.

A local board of education may incur liability pursuant to this section only with respect to a claim arising after such board of education has procured liability insurance pursuant to this section and during the time when such insurance is in force.

No part of the pleadings which relate to or allege facts as to a defendant's insurance against liability shall be read or mentioned in the presence of the trial jury in any action brought pursuant to this section. Such liability shall not attach unless the plaintiff shall waive the right to have all issues of law or fact relating to insurance in such an action

determined by a jury and such issues shall be heard and determined by the judge without resort to a jury and the jury shall be absent during any motions, arguments, testimony or announcement of findings of fact or conclusions of law with respect thereto unless the defendant shall request a jury trial thereon: Provided, that this section shall not apply to claims for damages caused by the negligent acts or torts of public school bus, or school transportation service vehicle drivers, while driving school buses and school transportation service vehicles when the operation of such school buses and service vehicles is paid from the State Public School Fund. (1955, c. 1256; 1957, c. 685; 1959, c. 573, s. 2; 1961, c. 1102, s. 4; 1977, 2nd Sess., c. 1280, s. 3; 1981, c. 423, s. 1; 1985, c. 527.)

§ 115C-43. Defense of board of education members and employees.

(a) Upon request made by or in behalf of any member or employee or former member or employee, any local board of education may provide for the defense of any civil or criminal action or proceeding brought against him either in his official or in his individual capacity, or both, on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his duty as a member of or employee of the local board of education. The defense may be provided by the local board of education by its own counsel, or by employing other counsel, or by purchasing insurance which requires that the insurer provide the defense. Nothing in this section shall be deemed to require any local board of education to provide for the defense of any action or proceeding of any nature.

(b) Any local board of education may budget funds for the purpose of paying all or part of a claim made or any civil judgment entered against any of its members or employees or former members and employees, when such claim is made or such judgment is rendered as damages on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his duty as a member of the local board of education or as an employee. Nothing in this section shall authorize any local board of education to budget funds for the purpose of paying any claim made or civil judgment entered against any of its members or employees or former members and employees if the local board of education finds that such member or employee acted or failed to act because of actual fraud, corruption or actual malice on his part. Any local board of education may budget for and purchase insurance coverage for payment of claims or judgments pursuant to this section. Nothing in this section shall be deemed to require any local board of education to pay any claim or judgment referred to herein, and the purchase of insurance coverage for payment of any such claim or judgment shall not be deemed an assumption of any liability not covered by such insurance contract, and shall not be deemed an assumption of liability for payment of any claim or judgment in excess of the limits of coverage in such insurance contract.

(c) Subsection (b) of this section shall not authorize any local board of education to pay all or part of a claim made or civil judgment entered or to provide a defense to a criminal charge unless (i) notice of the claim or litigation is given to the local board of education prior to the time that the claim is settled or civil judgment is entered and (ii) the local board of education shall have adopted, and made available for public inspection, uniform standards under which claims made, civil judgments entered, or criminal charges against

members or employees or former members and employees shall be defended or paid. (1979, c. 1074, s. 1; 1981, c. 423, s. 1.)

§ 115C-44. Suits and actions.

(a) A local board of education shall institute all actions, suits, or proceedings against officers, persons, or corporations, or their sureties, for the recovery, preservation, and application of all money or property which may be due to or should be applied to the support and maintenance of the schools, except in case of the breach of his bond by the treasurer of the county school fund, in which case action shall be brought by the board of county commissioners.

(b) In all actions brought in any court against a local board of education, the order or action of the board shall be presumed to be correct and the burden of proof shall be on the complaining party to show the contrary. (1955, c. 1372, art. 5, s. 14; 1981, c. 423, s. 1.)

§ 115C-50. Training of board members.

All members of local boards of education shall receive a minimum of 12 clock hours of training annually. The training shall include but not be limited to public school law, public school finance, and duties and responsibilities of local boards of education. The training may be provided by the North Carolina School Boards Association, the School of Government at the University of North Carolina at Chapel Hill, or other qualified sources at the choice of the local board of education. (1991, c. 689, s. 200(d); 2006-264, s. 29(h).)

§ 115C-51. Public comment period during regular meetings.

The local board of education shall provide at least one period for public comment per month at a regular meeting of the board. The board may adopt reasonable rules governing the conduct of the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing. The board is not required to provide a public comment period under this section if no regular meeting is held during the month. (2005-170, s. 1.)

§ 115C-52. Reserved for future codification purposes.

§ 115C-53. Reserved for future codification purposes.

Reference Website:

http://www.ncga.state.nc.us/enactedlegislation/statutes/html/byarticle/chapter_115c/article_5.html

Reference web site:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/pdf/ByArticle/Chapter_115C/Article_7.pdf

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Ohio

State law relevant to local school board structure and governance
<http://codes.ohio.gov/orc/3313>

CHAPTER 3313: BOARDS OF EDUCATION

[3313.01 Membership of board of education or governing board of service center.](#)

In local and exempted village school districts an educational service centers, except as provided in section 3311.054 and 3311.056 of the Revised Code, the board of education or governing board of an educational service center shall consist of five members who shall be electors residing in the territory composing the respective districts and shall be elected at large in their respective districts.

[3313.02 Membership of boards in city school districts.](#)

Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3313.03 to 3313.09 of the Revised Code do not apply to a joint vocational or cooperative education school district. This section does not apply to a municipal school district whose board members are appointed pursuant to division (B) or (F) of section 3311.71 of the Revised Code.

In city school districts containing, according to the last federal census, a population of less than fifty thousand persons, the board of education shall consist of not less than three nor more than five members elected at large by the qualified electors of such district.

In city school districts containing, according to the last federal census, a population of fifty thousand or more, but less than one hundred fifty thousand persons, the board shall consist of not less than two nor more than seven members elected at large and not more than two members elected from subdistricts by the qualified electors of their respective subdistricts.

In city school districts containing, according to the last federal census, a population of one hundred fifty thousand persons or more, the board shall consist of not less than five nor more than seven members elected at large by the qualified electors of such district.

[3313.03 Redistricting into subdistricts.](#)

Within three months after the official announcement of the result of each successive federal census, the board of education of each city school district which, according to such census, has a population of fifty thousand or more but less than one hundred fifty thousand persons and which elected to have subdistricts shall redistrict such districts into subdistricts. Such subdistricts shall be bounded as far as practicable by corporation lines, streets, alleys, avenues, public grounds, canals, watercourses, ward boundaries, voting precinct boundaries, or present school district boundaries, shall be as nearly equal in population as possible, and be composed of adjacent and as compact territory as practicable. If the board of any such district fails to district or redistrict such city school district, then the superintendent of public instruction shall forthwith district or redistrict such city school district, subject to sections 3313.01 to 3313.13, inclusive, of the Revised Code.

[3313.13 Membership restriction.](#)

Except as otherwise provided in this section, no prosecuting attorney, city director of law, or other official acting in a similar capacity shall be a member of a board of education.

An assistant prosecuting attorney may serve as a member of a board of education of a school district in any county other than the county in which the assistant prosecuting attorney is employed if the board of education's school district is not contiguous to the county in which the assistant prosecuting attorney is employed.

A city director of law who was appointed to that position under a city charter, village solicitor, or other chief legal officer of a municipal corporation may serve as a member of a board of education for which the chief legal officer is not the legal adviser and attorney under section 3313.35 of the Revised Code. A city director of law who was appointed to that position under a city charter may serve as a member of a board of education for which the city director of law is the legal adviser and attorney under section 3313.35 of the Revised Code, but only if the board uses no legal services of the office of the city law director or if the legal services of that office that it does use are performed under contract by persons not employed by that office. An employee of an appointed or elected city director of law may serve as a member of a board of education for which the city director of law is not the legal adviser and attorney under section 3313.35 of the Revised Code.

Effective Date: 09-09-1988; 12-20-2005; 02-02-2006

Text of Law:

Reference Website: <http://codes.ohio.gov/orc/3311>

Reference web site: <http://www.legislature.state.oh.us/constitution.pdf>

Pennsylvania:

State law relevant to local school board structure and governance

Text of Description of the Law:

School Districts

[Pre K-12 Schools Home](#) [Printable Version](#) [Text-Only](#) [Full-Screen](#) [eMail](#)

The Pennsylvania General Assembly is charged by the state Constitution to provide “for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth.” To meet this mandate the Pennsylvania General Assembly established school districts and delegated broad authority to them to operate schools and educate resident students of school age. Each school district is governed by a school board whose members must live in the school district. There are 501 school districts in the Commonwealth. Student enrollments ranges from 267 to 214,288. The number of schools operated in school districts ranges from one to 264.

School boards are provided broad authority by the Pennsylvania School Code to establish, equip, furnish and maintain the public schools in the district. School boards also have authority to employ the necessary qualified personnel to operate its schools. To support these activities school boards are provided authority to levy taxes, borrow funds, obtain grants and expend funds as outlined in the Pennsylvania School Code and by other state and federal laws. Public school districts spend more than \$14.8 billion each year to provide educational services to more than 1.8 million students.

The philosophy of local control has a strong tradition in Pennsylvania. Each school district through its locally-developed strategic plan outlines how it will assist students in meeting the state’s academic standards, including requirements for high school graduation. School boards must approve school district policies and educational practices including the school district’s curriculum and policies for grading, promotion, grade retention, student discipline and athletic teams.

School board members are elected by local citizens to serve for four years. In some cases members are appointed to the board. School board members serve without pay. Minimum qualifications for election or appointment to a school board include having good moral character, being eighteen years of age or upward and having been a resident of the district for at least one year. School board meetings, which are open to the public, are usually held once or twice each month.

Each school board employs a superintendent who serves as the chief executive of the school district. Additional administrators may also be hired by the school board, including a business manager, assistant superintendent, curriculum director, transportation director and food service director.

Reference web site:

<http://www.pde.state.pa.us/k12/cwp/view.asp?a=165&Q=46056&k12Nav=|810|>

<http://www.pde.state.pa.us/k12/cwp/view.asp?a=165&Q=47176&k12Nav=|3453|&k12Nav=|1141|810|>

Rhode Island:

CHAPTER 16-2

School Committees and Superintendents

SECTION 16-2-5

§ 16-2-5 Composition of city or town school committees – Election and terms of members – Vacancies. – The school committee of each city or town shall consist of three (3) residents of the city or town, or of any number as at the present time constitute the committee. In cities or towns having annual elections of city or town officers the committee shall be divided as equally as may be into three (3) classes whose several terms of office shall expire at the end of three (3) years from the dates of their respective elections. In cities or towns having biennial elections the committee shall be divided as equally as may be into two (2) classes whose several terms of office shall expire at the end of four (4) years from the dates of their respective elections. As the office of each class shall become vacant, the vacancy or vacancies shall be filled by the city or town at its regular city or town meeting for the election of state or city or town officers, or by the city or town council at its next meeting after this. In case of a vacancy by death, resignation, or otherwise than as is provided in this section, the vacancy shall be filled by the city or town council until the next regular city or town meeting for the election of state or city or town officers, when it shall be filled for the unexpired term as is provided in this section. This section shall not apply to the cities of Providence, Central Falls, or Woonsocket.

SECTION 16-2-5.1

§ 16-2-5.1 Professional development. – (a) The Rhode Island College in cooperation with the Rhode Island association of school committees shall develop a professional development educational program for Rhode Island school committees, that will include instruction in school finance, school law; duties and responsibilities of the committee, duties and responsibilities of the superintendent, ethics, the requirements of the open meetings law, student achievement, strategic planning, educational standards, student assessment, school accountability, data interpretation and analysis, collaboration building, advocacy, annual performance evaluation of the school superintendent and the local school committee, and any other topics as the Rhode Island association of school committees may deem to be necessary.

(b) In conformity with § 16-60-4(15), the board of regents for elementary and secondary education shall approve the professional development program and create a process for recognizing school committee members that successfully complete the program in part or in whole.

SECTION 16-2-34

§ 16-2-34 Central Falls School District board of trustees. – (a) There is hereby established a seven (7) member board of trustees, which shall govern the Central Falls School District. With the exception of those powers and duties reserved by the commissioner of elementary and secondary education, and the board of regents for elementary and secondary education, the board of trustees shall have the powers and duties of school committees.

(b) The board of regents for elementary and secondary education shall appoint the members of the board of trustees from nominations made by the commissioner of elementary and secondary education. The chairperson shall also be selected in this manner. The board of regents shall determine the number, qualifications, and terms of office of members of the board of trustees, provided however, that at least four (4) of the members shall be residents of the city and parents of current or former Central Falls public school students. The Remaining three (3) shall be appointed at large.

(c) The board of regents shall provide parameters for overall budget requests, approve the budget, and otherwise participate in budget development.

(d) The commissioner of elementary and secondary education shall recommend parameters for overall budget requests, recommend a budget, and otherwise participate in budget development.

(e) The commissioner shall approve the process for selection of the superintendent.

(f) The board of trustees shall meet monthly and serve without compensation. The board of trustees shall have broad policy making authority for the operation of the school, as well as the following powers and duties:

- (1) To identify the educational needs of the district;
- (2) To develop educational policies to meet the needs of students in the school district;
- (3) To appoint a superintendent to serve as its chief executive officer and to approve assistant and associate superintendents from nominations made by the superintendent;
- (4) To provide policy guidance and otherwise participate in budget development; and
- (5) To develop staffing policies which ensure that all students are taught by educators of the highest possible quality.

(g) The superintendent shall serve at the pleasure of the board of trustees with the initial appointment to be for a period of not more than three (3) years; provided, however, that the terms and conditions of employment are subject to the approval of the board of regents for elementary and secondary education.

(h) It shall be the responsibility of the superintendent to manage and operate the school on a day-to-day basis. The superintendent's duties shall include the following:

- (1) To be responsible for the care, supervision, and management of the schools;
- (2) To recommend to the board of trustees educational policies to meet the needs of the district, and to implement policies established by the board of trustees;
- (3) To present nominations to the board of trustees for assistant and associate superintendents and to appoint all other school personnel;
- (4) To provide for the evaluation of all school district personnel;
- (5) To establish a school based management approach for decision making for the operation of the school;
- (6) To prepare a budget and otherwise participate in budget development as required, and to authorize purchases consistent with the adopted school district budget;
- (7) To report to the board of trustees, on a regular basis, the financial condition and operation of the schools, and to report annually on the educational progress of the schools;
- (8) To establish appropriate advisory committees as needed to provide guidance on New directions and feedback on the operation of the schools;

(9) With policy guidance from the board of trustees and extensive involvement of the administrators and faculty in the school, to annually prepare a budget. The board of trustees shall approve the budget and transmit it to the commissioner. The board of regents for elementary and secondary education, upon recommendation of the commissioner of elementary and secondary education, shall provide parameters for the overall budget request. Based on review and recommendation by the commissioner, the board of regents shall approve the total budget and incorporate it into its budget request to the governor and to the general assembly. Line item budgeting decisions shall be the responsibility of the superintendent; and

(10) To negotiate, along with the chairperson of the board of trustees and his or her appointed designee, all district employment contracts, which contracts shall be subject to the approval of the commissioner of elementary and secondary education with the concurrence of the board of regents.

(i) Nothing in this section shall be deemed to limit or otherwise interfere with the rights of teachers and other school employees to bargain collectively pursuant to chapters 9.3 and 9.4 of title 28 or to allow the board of trustees or the superintendent to abrogate any agreement by collective bargaining.

(j) The appointment of the special state administrator for the Central Falls School District and the Central Falls School District Advisory Group, created by chapter 312 of the Rhode Island Public Laws of 1991, will no longer be in effect upon the selection and appointment of the board of trustees created in this section. All powers and duties of the special state administrator and the Central Falls School District Advisory Group are hereby transferred and assigned to the board of trustees created in this section, upon the selection and appointment of that board.

Reference web site:

<http://www.rilin.state.ri.us/Statutes/TITLE16/16-2/INDEX.HTM>

South Carolina

CHAPTER 15. COUNTY BOARDS OF EDUCATION

SECTION 59-15-10. Appointment, term and qualifications of members of county board of education.

There shall be a county board of education in each county which, except as otherwise expressly provided, shall be composed of seven members, six of whom shall be appointed by the Governor upon the recommendation of the Senator and at least one half of the members of the House of Representatives from the county, who shall serve terms of four years each commencing on May first in each year preceding the year of a presidential election. Any vacancies on the county boards of education shall be filled in the same manner for the unexpired terms. The county superintendents of education shall be ex officio members of the county boards of education in those counties in which the county superintendent of education is elected by the people and in counties in which the county superintendent of education is not elected by the people the seventh member shall be appointed in the same manner and for the same term as the other six members. No employee of a public school system other than the county superintendent of education shall be eligible to serve as a member of a county board of education.

SECTION 59-15-20. Board constitutes advisory body to county superintendent.

The county board of education shall constitute an advisory body with whom the county superintendent of education shall have the right to consult when he is in doubt as to his official duty.

SECTION 59-15-30. Quorum of board.

A majority of the members of the county board of education shall constitute a quorum for the transaction of the business of the board.

SECTION 59-15-40. Rule-making power of board.

County boards of education may prescribe such rules and regulations not inconsistent with the statute law of this State as they may deem necessary or advisable to the proper disposition of matters brought before them. This rule-making power shall specifically include the right, at the discretion of the board, to designate one or more of its members to conduct any hearing in connection with any responsibility of the board and to make a report on this hearing to the board for its determination.

SECTION 59-15-50. Oath of board members and trustees.

Each member of a county board of education or board of trustees shall take the oath prescribed in the Constitution of South Carolina.

Reference web site:

<http://www.scstatehouse.net/code/t59c015.htm>

Texas

§ 11.051. GOVERNANCE OF INDEPENDENT SCHOOL DISTRICT; NUMBER OF TRUSTEES. (a) An independent school district is governed by a board of trustees who, as a body corporate, shall oversee the management of the district. (b) The board consists of the number of members that the district had on September 1, 1995. (c) A board of trustees that has three or five members may by resolution increase the membership to seven. A board of trustees that votes to increase its membership must consider whether the district would benefit from also adopting a single-member election system under Section 11.052. A resolution increasing the number of trustees takes effect with the second regular election of trustees that occurs after the adoption of the resolution. The resolution must provide for a transition in the number of trustees so that when the transition is complete, trustees are elected as provided by Section 11.059.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 11.052. SINGLE-MEMBER TRUSTEE DISTRICTS. (a) Except as provided by Subsection (b), the board of trustees of an independent school district, on its own motion, may order that trustees of the district are to be elected from single-member trustee districts or that not fewer than 70 percent of the members of the board of trustees are to be elected from single-member trustee districts with the Remaining trustees to be elected from the district at large.

(b) If a majority of the area of an independent school district is located in a county with a population of less than 10,000, the board of trustees of the district, on its own motion, may order that trustees of the district are to be elected from single-member trustee districts or that not fewer than 50 percent of the members of the board of trustees are to be elected from single-member trustee districts with the Remaining trustees to be elected from the district at large.

(c) Before adopting an order under Subsection (a) or (b), the board must: (1) hold a public hearing at which registered voters of the district are given an opportunity to comment on whether or not they favor the election of trustees in the manner proposed by the board; and (2) publish notice of the hearing in a newspaper that has general circulation in the district, not later than the seventh day before the date of the hearing.

(d) An order of the board adopted under Subsection (a) or (b) must be entered not later than the 120th day before the date of the first election at which all or some of the trustees are elected from single-member trustee districts authorized by the order.

(e) If at least 15 percent or 15,000 of the registered voters of the school district, whichever is less, sign and present to the board of trustees a petition requesting submission to the voters of the proposition that trustees of the district be elected in a specific manner, which must be generally described on the petition and which must be a manner of election that the board could have ordered on its own motion under Subsection (a) or (b), the board shall order that the appropriate proposition be placed on the ballot at the first regular election of trustees held after the 120th day after the date the petition is submitted to the board. The proposition must specify the number of trustees to be elected from single-member districts. Beginning with the first regular election of

trustees held after an election at which a majority of the registered voters voting approve the proposition, trustees of the district shall be elected in the manner prescribed by the approved proposition.

(f) If single-member trustee districts are adopted or approved as provided by this section, the board shall divide the school district into the appropriate number of trustee districts, based on the number of members of the board that are to be elected from single-member trustee districts, and shall number each trustee district. The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population. In a district with 150,000 or more students in average daily attendance, the boundary of a trustee district may not cross a county election precinct boundary except at a point at which the boundary of the school district crosses the county election precinct boundary. Trustee districts must be drawn not later than the 90th day before the date of the first election of trustees from those districts.

(g) Residents of each trustee district are entitled to elect one trustee to the board. A trustee elected to represent a trustee district at the first election of trustees must be a resident of the district the trustee represents not later than: (1) the 90th day after the date election returns are canvassed; or (2) the 60th day after the date of a final judgment in an election contest filed concerning that trustee district. After the first election of trustees from single-member trustee districts, a candidate for trustee representing a single-member trustee district must be a resident of the district the candidate seeks to represent. A person appointed to fill a vacancy in a trustee district must be a resident of that trustee district. A trustee vacates the office if the trustee fails to move into the trustee district the trustee represents within the time provided by this subsection or ceases to reside in the district the trustee represents. A candidate for trustee representing the district at large must be a resident of the district.

(h) At the first election at which some or all of the trustees are elected in a manner authorized by this section and after each redistricting, all positions on the board shall be filled. The trustees then elected shall draw lots for staggered terms as provided by Section 11.059.

(i) Not later than the 90th day before the date of the first regular school board election at which trustees may officially recognize and act on the last preceding federal census, the board shall redivide the district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than 10 percent. Redivision of the district shall be in the manner provided for division of the district under Subsection.

(f) Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 982, § 1, eff. Sept. 1, 2001.

§ 11.059. TERMS. (a) A trustee of an independent school district serves a term of three or four years.

(b) Elections for trustees with three-year terms shall be held annually. The terms of one-third of the trustees, or as near to one-third as possible, expire each year.

(c) Elections for trustees with four-year terms shall be held biennially. The terms of one-half of the trustees, or as near to one-half as possible, expire every two years.

(d) A board policy must state the schedule on which specific terms expire.

(e) Expired.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 11.159. MEMBER TRAINING AND ORIENTATION. (a) The State Board of Education shall provide a training course for independent school district trustees to be offered by the regional education service centers. Registration for a course must be open to any interested person, including current and prospective board members, and the state board may prescribe a registration fee designed to offset the costs of providing that course.

(b) A trustee must complete any training required by the State Board of Education.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§61.2. Nomination of Trustees for Military Reservation School Districts.

(a) In nominating trustee candidates for military reservation school districts, the commanding officer of the military reservation shall do the following:

(1) submit a list to the commissioner of education with at least three nominees for each vacancy. A majority of the trustees appointed to the school board must be civilian, and all may be civilian. When two or more vacancies occur simultaneously, a list of three different nominees for each vacancy shall be submitted. In cases when the commanding officer wishes to reappoint existing board members, a list of three nominees for each vacancy must still be submitted. Nominees not selected for existing vacancies may be resubmitted as candidates for subsequent vacancies. The commanding officer may rank in the order of preference the nominees submitted for each vacancy;

(2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas and lives or is employed on the military reservation;

(3) submit a copy of a current biographical vita (resume) for each of the nominees, with a signature by the nominee attesting truth to the contents of the biographical vita;

(4) submit a statement from each of the nominees which expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state established standards on the duties and responsibilities of school board members;

(5) submit a signed statement which expresses recognition of the powers of the board of trustees to govern and manage the operations of the military reservation school districts;

(6) submit a signed statement regarding the governance and management operations of the district which expresses recognition that the role of the commanding officer of the military reservation is limited only to the duty defined by statute in the process for appointing members of the board of trustees; and

(7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the Texas Education Code, §11.352.

(b) A member of the board of trustees, who during the period of the term of office experiences a change of status which disqualifies such member for appointment under the provisions of the Texas Education Code, shall become ineligible to serve at the time of the change of status.

Statutory Authority: The provisions of this §61.2 issued under the Texas Education Code, §11.352.

Source: The provisions of this §61.1 adopted to be effective September 1, 1996, 21 TexReg 3705.

<http://www.tea.state.tx.us/sbmt/sboerules.html>

Reference web site:

<http://tlo2.tlc.state.tx.us/statutes/docs/ED/content/htm/ed.002.00.000011.00.htm#11.051.00>
<http://tlo2.tlc.state.tx.us/statutes/docs/ED/content/htm/ed.002.00.000011.00.htm#11.051.00>

Virginia

§ [22.1-29](#). Qualifications of members.

Each person appointed or elected to a school board shall, at the time of his appointment or election, be a qualified voter and a bona fide resident of the district from which he is selected if appointment or election is by district or of the school division if appointment or election is at large; and if he shall cease to be a resident of such district or school division, his position on the school board shall be deemed vacant.

(Code 1950, §§ 22-68, 22-90; 1959, Ex. Sess., c. 78; 1969, Ex. Sess., c. 25; 1980, c. 559; 1997, c. 727.)

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-29>

§ [22.1-29.1](#). Public hearing before appointment of school board members.

At least seven days prior to the appointment of any school board member pursuant to the provisions of this chapter, of §§ [15.2-410](#), [15.2-531](#), [15.2-627](#) or § [15.2-837](#), or of any municipal charter, the appointing authority shall hold one or more public hearings to receive the views of citizens within the school division. The appointing authority shall cause public notice to be given at least ten days prior to any hearing by publication in a newspaper having a general circulation within the school division. No nominee or applicant whose name has not been considered at a public hearing shall be appointed as a school board member.

(1985, c. 423; 1987, c. 430.)

§ [22.1-35](#). School board selection commission.

In each county to which the provisions of this article are applicable there shall be a school board selection commission composed of three members appointed from the county at large or, upon the request of the county governing body, one member appointed from each election district of such county. Members shall be qualified voters, shall reside in the county and shall not be county or state officers. Members shall be appointed by the circuit court of the county within thirty days after the first day of July, 1950, and every four years thereafter. Any vacancy occurring other than by expiration of term shall be filled by the circuit court within thirty days after the vacancy occurs. Each member shall receive twenty-five dollars for each day actually engaged in the performance of duties as such member, to be paid out of the funds of the school board. No person regularly employed by the school board of the division shall be eligible to serve on or as clerk of such school board selection commission.

(Code 1950, § 22-60; 1956, c. 365; 1959, Ex. Sess., c. 79, § 1; 1972, cc. 224, 665; 1973, c. 275; 1980, c. 559.)

§ [22.1-36](#). Composition of school board; to be appointed by commission.

The county school board shall consist of the same number of members from each magisterial district or, if the provisions of subsection C of § [15.2-1211](#) are applicable, election district in the county as there are members of the board of supervisors from each such district in the county. Each school board member shall be appointed by the school board selection commission. In addition to the members selected by districts, the governing body may authorize the school board selection commission to appoint no more than two members from the county at large.

(Code 1950, § 22-61; 1969, Ex. Sess., c. 25; 1970, c. 88; 1971, Ex. Sess., c. 225; 1972, c. 137; 1980, c. 559.)

§ [22.1-36.1](#). Composition of school board in certain cases.

Notwithstanding any other provision of law, when a county contains a town that is a separate school division, the school board for such county, regardless of whether it is elected or appointed, shall have no member representing such town. Instead, the county school board shall be comprised of one member elected or appointed from all of the election districts other than districts which have more than five percent of town residents, and an additional member elected or appointed at large from the entire county, excluding the town.

(1993, c. 220; 1995, c. 316; 2002, cc. 146, 269.)

§ [22.1-38](#). Terms of members of school board.

Within sixty days prior to July 1 in each and every year, the school board selection commission shall appoint, for terms of four years beginning July 1 next following their appointment, successors to the members of the county school board whose terms of office expire on June 30 of such year.

In any county having five or more districts in which it is found by the school board selection commission that it is not in the best interest of the schools for the terms of the school board members from two certain districts to expire simultaneously and such terms have been so expiring, the commission may, on the next occasion thereafter for appointing successors to the school board members from such two districts, appoint the member from one of such districts for a term of one year with appointments thereafter to be made for terms of four years.

(Code 1950, § 22-64; 1958, c. 515; 1980, c. 559.)

§ [22.1-42](#). Referendum on changing method of selection of members of school board.

Upon a petition filed with the circuit court of any county to which the provisions of this article are applicable signed by a number of registered voters of the county equal to fifteen per centum of the number of votes cast in the county in the preceding presidential election asking that a referendum be held on the question of changing the method of selection of members of the county school board, the court shall, by order entered of record, require the regular election officials on the day fixed in such order to open the polls and take the sense of the qualified voters of the county on the question printed on the ballot as herein provided. The clerk of the county shall cause a notice of such referendum to be published in some newspaper published or having a general circulation in the county once a week for three successive weeks prior to such referendum and shall post a copy of such notice during the same time at the front door of the courthouse of the county.

In lieu of such petition, the Board of Supervisors of Isle of Wight County or Roanoke County may cause to be passed a resolution requesting that such referendum be held; provided that prior to the passage of such resolution the Board of Supervisors shall hold a public hearing on the question of such referendum. The resolution shall be filed with the circuit court and upon receipt thereof, the court shall proceed as in the case of a petition. The ballots used in the referendum shall be printed as follows:

"Shall the present method of selecting the members of the county school board be changed from appointment by the School Board Selection Commission to appointment by the governing body of the county?

Yes _

No _ "

The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the State Board of Elections, the clerk of the county and the circuit court; and the court shall enter of record the results of such referendum.

(Code 1950, § 22-79.4; 1970, c. 126; 1975, cc. 517, 567; 1979, c. 10; 1980, c. 559; 1992, c. 354.)

§ [22.1-50](#). Appointment and term generally; vacancies.

The school board of a school division composed of the city or town to which the provisions of this article are applicable shall be appointed by the governing body of such city or town and shall consist of three members for each district in such city or town. However, the school board of a school division composed of any city or town having only one district shall consist of five members. Members shall be appointed for three-year terms except that initial appointments shall be for such terms that the term of one member from each district expires each year. However, the additional two members of the school board of a school division composed of any city or town having only one district, who are appointed after July 1, 1992, shall be appointed for such terms that the terms of one or two members expire each year. The governing body may, by duly adopted ordinance, limit the number of consecutive terms served by school board members. Terms shall commence on July 1. A vacancy occurring on the school board at any time other than by expiration of term shall be filled by the governing body for the unexpired term. Within thirty days preceding July 1 of each year, the governing body shall appoint a successor to each member whose term expires on June 30 of that year, provided the office of that member has not been abolished in redistricting the city or town.

(Code 1950, § 22-89; 1959, Ex. Sess., c. 78; 1972, c. 662; 1980, c. 559; 1991, c. 182; 1992, c. 182.)

Reference web site: <http://legis.state.va.us/Laws/search/Constitution.htm#8S1>