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A Critique of School District Reorganization In Nebraska

Arthur B. Winter*

The Nebraska Law Review is pleased to present this article, and the student comment immediately following, as a social-legal analysis of one of the state's most perplexing problems; the matter of school redistricting. Professor Winter presents a valuable summary of the history, goals, and contemporary problems involved in redistricting. Though presented from a social rather than legal view, the article loses no value to the attorney since it presents background material which is not readily available in summary form. The student comment directs itself toward the legal view, calling attention to and diagnosing the many constitutional problems involved in any plan to redistrict. Presented together, it is believed that the articles will give the members of the Nebraska Bar, both as attorneys and citizens, a new insight into this legal-educational problem area.

The Editors

I. INTRODUCTION AND BACKGROUND

Nebraska is one of the many states in the union utilizing the school district, instead of the town, township, or county, as the basic educational authority.¹ Based upon traditions of local auton-

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¹ Neb. Rev. Stat. § 79-102 (Reissue 1950) classifies and describes each type of district in detail. In general the classifications run as follows: Class I, a district maintaining only elementary grades under a single school board; Class II, a district containing not more than 1,000 inhabitants maintaining both elementary and high school grades under a single school board; Class III, a district having from 1,000 to 50,000 inhabitants maintaining both elementary and high school grades under a single school board; Class IV, a district having from 50,000 to 150,000 inhabitants maintaining both elementary and high school grades under a single school board; Class V, a district having over 150,000 inhabitants maintaining both elementary and high school grades under a single school board; Class VI, a district maintaining a high school only. A school district is a unit of local self-government, democratic in form possessing no rights or powers beyond those conferred upon it by the terms of the statutes of its creation. *Schulz v. Dixon County*, 134 Neb. 549, 279 N.W. 179 (1938).

omy, these governmental units, now numbering in the thousands, have operated primary and secondary schools since territorial days. Nebraska school districts were designed originally so that the maximum distance to and from school could be travelled easily on foot. Therefore, the typical district was confined by practical considerations to area limits of from four to six square miles. Today the majority of them are still the same size and of the one room, one teacher variety.²

Financial support for school districts has always been based upon property taxes; which means, in essence, that the educational function operates, district by district, upon the benefits-received principle of taxation. Thus, frugal districts are free to provide a minimal school program, while districts with more open-handed fiscal ideals are free to tax themselves at the higher rate necessary to provide more complete school facilities—assessed valuations permitting, of course. In the state as a whole, school district taxpayers themselves provide 91.9 per cent of the money used to operate and maintain the district systems.³

But although the size, structure, and support of the Nebraska school district remains essentially the same today as it was fifty-odd years ago, the environment in which it functions has undergone revolutionary changes. The population of the state has shifted so that once-populated areas are now depopulated, while many areas which were formerly deserted are now thickly populated. Also, there has been a slow but continuous population movement from rural to urban areas. Travel limits have been expanded by the evolution of the automobile. Farming, once a relatively simple process, is now becoming centralized and industrialized. Finally, the outlook of the farmer and his family has become urban rather than rural.⁴ These phenomena have brought changes in the attitude of many Nebraskans toward their educational system. A high literacy rate and the various modern media of communications have made evident to many persons a number of disturbing facts: that the quality of Nebraska school systems varies widely, that the burdens of maintaining them are unevenly and inequitably dis-

² In the year 1954-1955, "... school districts which each employed only one teacher ... were 3,657 in number ...", out of a state total of 5,900 districts. Facts about Nebraska Schools: Finance and School District Organization, Nebraska State Department of Education (Lincoln, 1956), p. 21. Hereinafter cited as Facts.

³ Id., p. 39.

⁴ I mean that farm families aspire to the dress, habits, habitation, and luxuries based upon urban rather than rural standards.

tributed, and further, that regardless of the merits of the case, the state is almost helpless to force schools to maintain even minimum established standards.⁵

Recognition of Nebraska's school problems is not new. "As early as 1903 and 1904, the State Superintendent of Public Instruction urged the counties to redistrict and consolidate, to remove the 'poor, battered old schoolhouses, sometimes lacking paint, with cannonball stoves, and cheerless yards,' and to abolish districts with only two or three pupils in school."⁶ In recent years, too, state educational officials have repeatedly urged various courses of action to alleviate the difficulties. A glance at the last ten annual reports from the Commissioner of Education and his predecessor, the State Superintendent of Public Instruction, will do much to reassure the citizen that his public servants are alert to the problem. Also, special studies on the subject have been made by the Legislative Council, notably in the years 1942, 1948, 1954, and 1956.

A. PROPOSED PLANS FOR EQUALIZATION

A number of suggestions have been made for equalizing educational opportunities and educational costs. Three organizational solutions are usually urged as a remedy for the ills of a school district system: (1) installation of a county-unit system, (2) consolidation of districts, and (3) school district reorganization. Noteworthy is the fact that in recent years many commentators have held that no satisfactory solution will be found to organizational problems until the state revamps its tax systems, both state and local. There is much merit in this contention. However, this paper

⁵ Other disturbing factors are: (1) that there are too many school districts in Nebraska; (2) that many school districts cannot afford to support a school system, adequate or otherwise; (3) that many school districts do not support a school system; (4) that one's neighbor in another school district pays no school taxes, or only a mere pittance; (5) that many Nebraska school teachers know little more than their pupils; (6) that in many schools even the three R's are poorly taught; (7) that no solution to these problems (proposed to date) appear satisfactory.

Also important is the problem of unequal taxation; that within a county the upper and lower mill levy may vary as much as sixty-eight mills, Report of the School District Reorganization Advisory Committee to Nebraska State Board of Education, 1955, p. 10, hereinafter cited as Reorganization Committee Report, 1955. An example of such taxation is Cherry County, which in 1956 had levy variations of from two to fifty mills; See Facts, p. 40.

⁶ Nebraska Legislative Council Committee on the Reorganization of School Districts, Nebraska Legislative Council Committee Report No. 50, 1954, p. 19. Hereinafter cited as Legislative Council Report No. 50.

will be concerned primarily with the third of these organizational solutions after a brief explanation of the other two.

If it were possible to treat Nebraska's school district problem in a political, economic, and social vacuum, one easy solution, in the opinion of the writer, would be to install *the county-unit system*. This simply would call for statewide abandonment, on a county-by-county basis, of all existing school districts. Along with the districts, school boards, boundary lines, and all the other paraphernalia of the district system would be extinguished. In its place would then be established a county school board consisting (probably) of popularly-elected members who in their corporate capacity would assume the role of successor taking over all the assets and obligations of all the abandoned districts. The county board would impose a county-wide mill levy annually, and would operate the system through its chief executive officer, the county school superintendent. Experiences which other states have had with the county-unit system indicate that cities and villages within the counties would be accorded the option of taxing themselves, at a slightly higher rate than the county, to provide a more extensive school system. Provisions might also be made for separate city and village school boards. This system has been offered an opportunity in Nebraska. In 1915, a law was passed which provided authorization for Nebraska counties to organize on the unit basis.⁷ The statewide acceptance of this law may be gauged by the fact that up to the time it was repealed in 1949, not one county took advantage of its provisions.⁸ In its 1955 report, the State Reorganization Committee had this to say of the county-unit system: "The basic philosophy underlying the county unit is contrary to Nebraska's tradition for almost a century. . . ."⁹ One feels that the committee's abrupt dismissal of the county-unit idea reflects in large part the sentiments of a group which already had made a previous program commitment. It is, of course, a fact that Nebraskans kept the county-unit law for thirty-four years without giving it a single trial. Perhaps different results would have been forthcoming if the county-unit concept had been promoted with as much zeal as "school district reorganization."

A second solution proposed as a cure for the ills of Nebraska's school systems is *consolidation*. In its elementary form consolidation envisages a process through which two or three school districts are

⁷ Neb. Laws c.233, p.536 (1915).

⁸ Legislative Council Committee Report No. 50, p.42.

⁹ Reorganization Committee Report 1955, p.18.

joined together into one new unit. The detailed procedure by which this is accomplished usually requires the citizens in each district concerned to initiate the action. In some states petitions are presented to the county school superintendent who in turn must take action to effect consolidations. Other states accomplish consolidation through what amounts to an initiative and referendum proceeding. Nebraska's first consolidation law, which authorized the county superintendent of schools to join two or more contiguous districts (having more than 150 children) into one new district, was enacted in 1869.¹⁰ Another law permitting the same official to change the boundary of any school district, or to form a new district from one or more districts (when petitioned by one-third of the voters of each affected district), was passed in 1881.¹¹ Probably because the entire arrangement was left to the initiative of the local people and never promoted by any groups organized upon a state-wide basis, no significant reduction in the number of school districts took place for the next sixty-odd years, as indicated in Table I.¹² And, despite the fact that additional laws, calculated to facilitate the consolidation process, were passed in 1883, 1885, 1889, 1897, 1907, and 1919,¹³ consolidation seems to have been scarcely more acceptable than the county-unit plan.

As an introduction to *school district reorganization* it is helpful to state the views which a student¹⁴ of reorganization made in the fall of 1949, the year the state act¹⁵ was passed:

Nebraska's school districts are not only too numerous, but they consist of a bewildering patchwork of overlapping elementary and high school districts. . . . Some districts, organized for high school purposes only [Class VI] offer only a two-year high school program. In such a case, the taxpayer finds himself in three different school tax jurisdictions: one for the elementary school district in which he resides, one for the two-year high school district in which he resides, and one for the county-wide nonresident tuition fund, in which he is involved by 50 per cent of the total levy for that purpose. . . .¹⁶

¹⁰ Neb. Laws, System of Public Instruction, § 70 (1869).

¹¹ Neb. Laws, c. 78, subdivision 1, p.331 (1881).

¹² *Infra*, p. 778.

¹³ Neb. Laws, c.72 p.228 (1883); c.79, p.319 (1885); c.78, p.539 (1889); c.58, p.221 (1895); c.62, p.308 (1897); c.116, p.396 (1907); c.243, p.1007 (1919).

¹⁴ Kenneth E. McIntyre, "The School Redistricting Problem in Nebraska", *American School Board Journal*, Vol. 119, December, 1949, pp. 15-16.

¹⁵ Neb. Laws, c.256, p.689 (1949).

¹⁶ In many instances because of narrow tax bases, villages and small cities must levy higher taxes than larger cities. At the same time these smaller jurisdictions maintain schools inferior to those in the larger cities. See Legislative Council Report No. 50, pp. 7-9.

During the school year 1946-47, a total of 6285 pupils, representing nearly one-fourth of the districts in the state, were sent under contract to other districts. This practice, while undoubtedly resulting in somewhat better opportunities in general for the pupils involved, is not a solution to the problem of inadequate school districts. . . .¹⁷

A third problem . . . is that of extreme localism. In rural districts, the people have become so accustomed to having a school within sight of their front door that any suggestion of reorganization is . . . regarded as an intrusion on their right of local control. . . .

In Nebraska the redistricting problem is complicated by a widespread misinterpretation of the terms "reorganization" and "consolidation." The history of consolidation . . . has not been an altogether happy one. . . . It never was guided by an over-all state plan, it often produced heavy bonded indebtedness, and in most instances two or more inadequate districts were combined to form a larger, but still inadequate, district. The haunting specter of consolidation will be a persistent problem to reorganization officials.

Although nearly nine years have passed since these statements were made, essentially the same problems remain today to complicate and plague the reorganization movement. Officially, the program is called "school district reorganization." However, proponents frequently use the term "redistricting" synonymously. In the course of this paper the two terms are used interchangeably.

B. THE NATIONAL SCOPE OF REORGANIZATION

Initially, it must be recognized that the reorganization movement is not merely a state-sponsored scheme designed for Nebraska by Nebraskans. It is part and parcel of a national movement nurtured by leading professional educators for approximately thirty years.¹⁸ Today this movement continues and is actively promoted by the National Education Association, various state departments of Health, Education, and Welfare. Its leaders propose not merely the establishment of more consolidated or combined school dis-

¹⁷ In the school year 1955-1956, a total of 6,057 pupils from 1,143 of the state's 4,958 school districts (as of September 1) were sent under contract to other districts. See: Nebraska Education: The Annual Report of the State Board of Education to the Governor of the State of Nebraska for the Year Ending December 31, 1956, pp. 17, 66, 72. Hereinafter cited as Annual Education Report 1956.

¹⁸ For example, see: C. E. Campton, "Reorganization of School Districts on a County Basis," Proceedings of the National Association of Public School Business Officials, 1935. C. O. McCracken, "Reorganizing the Local School Unit in Terms of Social and Economic Relations," Proceedings of the National Education Association, 1927. United States Office of Education, Handbook of Procedures for the Reorganization of Local School Units, Circular No. 156 (Washington: U.S. Government Printing Office 1936).

tricts, but rather what they describe as "more effective districts." The justification for such units is expressed in a Department of Health, Education, and Welfare publication, as follows:

If our way of life were static—its needs unchanging, with no changes in our culture and economy, and without any population growth or mobility—then perhaps there would be no need for making changes or adaptations in school district organization.

But our way of life is highly dynamic. Rapid social and economic changes are among its most significant characteristics. These changes, along with increased understanding and acceptance of responsibility concerning the educational needs of young people for effective living, have made it imperative that school districts be kept adapted to current conditions.¹⁹

On the national reorganization stage the educational bureaucracy is well aware of the difficulties of overcoming local resistance to the movement. Therefore, they propose "planned reorganization programs of a permissive nature."²⁰ These programs have certain common features, including the following:

The approach is statewide and is focused on reorganization wherever it is needed, rather than being restricted to those localities where local people themselves may be willing to initiate action.

Emphasis is given to planned reorganizations which are based on studies of local conditions and needs.

County or other local committees are created to conduct studies of redistricting needs and to develop proposals for new districts which are submitted for ratification to the voters concerned.

A State administrative agency—the State department of education or a special commission created by the legislation—[sic] is empowered to set policies and procedures for the program and to provide leadership and assistance in conducting it.²¹

C. REORGANIZATION IN NEBRASKA: INSTITUTIONS AND PROCEDURES

Nebraska's reorganization program can certainly be included within the general limits of the above description. Although consolidation laws have been in effect since 1883, legislation authorizing school district reorganization, in the comprehensive sense, was not passed until 1949. The law, officially known as the Reorganization Act of 1949 (as amended),²² provides two new agencies: the State Committee for the Reorganization of School Districts (known as the state committee), and a committee for the reorgan-

¹⁹ C. O. Fitzwater, U.S. Department of Health, Education and Welfare, Office of Education, School District Reorganizations: Policies and Procedures (Washington: U.S. Government Printing Office, 1957), p. 4.

²⁰ *Id.*, p.7.

²¹ *Ibid.*

²² Neb. Laws, c.256, p.689 (1949).

ization of school districts for each county to assist in the procedures of establishing "effective" redistricting programs. The former, by statutory provision, comprises the Commissioner of Education (as the non-voting committee secretary) plus five voting members to be elected by the State Board of Education for staggered terms of one, two, three, four, and five years respectively. Three members are to be laymen while the remaining two are required to hold a teacher's certificate ". . . issued by the authority of the State of Nebraska. . . ." ²³ The latter comprises the county superintendent of schools (as the non-voting secretary) plus not less than six nor more than ten additional members chosen by all county district school board members, sitting "in convention." County committee members serve four-year terms, no two members serving from the same district. ²⁴

As prescribed by law, both state and county committees are charged with the preparation of plans and procedures for the reorganization of school districts and each may recommend to the other plans for consideration. The exact process by which this is carried out will be described below. County committees which fail to perform their duties within two years after establishment may be dissolved by the state committee. ²⁵ Since this system was formulated in 1949 a total of about ninety reorganization plans have been submitted to the state committee. ²⁶ For failure to submit plans within the prescribed period, forty-three county committees have been dissolved and new committees elected. ²⁷

The two methods of reorganization in general use today are known officially as the "Petition Method" and the "County Committee Method." In addition, there exists a third reorganization plan of minor importance along with miscellaneous consolidation and boundary-change laws.

As indicated by the title, the first method requires (1) that a petition signed by fifty-five per cent of the legal voters in each

²³ Neb. Rev. Stat., § 79-426.03 (Supp. 1955).

²⁴ Neb. Rev. Stat., § 79-426.05 (Supp. 1955).

²⁵ Neb. Rev. Stat., §§ 79-426.07, 79-426.08 (Supp. 1955).

²⁶ Annual Education Report, 1956, p.17.

²⁷ Omaha World Herald, October 10, 1957. County Committees were dissolved in: Arthur, Burt, Dundy, Garfield, Keya Paha, Morrill, Saunders, Wheeler, Blaine, Cheyenne, Deuel, Hall, Kimball, Nance, Sherman, Boone, Colfax, Fillmore, Harlan, Lancaster, Nuckolls, Sioux, Box Butte, Cuming, Franklin, Hitchcock, Lincoln, Otoe, Stanton, Boyd, Custer, Gage, Howard, Loup, Polk, Thomas, Buffalo, Dawes, Garden, Keith, Merrick, Rock and Thurston counties.

district affected be presented to the county committee which (2) reviews the proposal and (3) within forty days submits it to the state committee. After forty days the state committee (4) returns it with recommendations to the county body. (5) Within fifteen days the county committee must then hold a public hearing for the purpose of considering the recommendations of the state committee. (6) After ten more days the county committee is required to forward the petition to the county superintendent of schools, who (7) shall then advertise and hold a hearing to determine the validity and sufficiency of the signatures on the petition. (8) If he finds that sufficient valid signatures are affixed to the petition, the county superintendent then, as a ministerial act, must effect the changes sought by the petitioners.²⁸

Under the second method, the county committee, or county committees, if more than one county is involved, (1) prepares a reorganization plan²⁹ which takes into account: (a) the educational needs of local communities, (b) the economics in transportation and administration costs, (c) the future use of existing satisfactory school plants, (d) the possibility of a reduction in the disparities in per-pupil valuation among school districts, (e) the convenience and welfare of pupils, (f) the equalization of the educational opportunities of pupils, and (g) any other matters of importance. (2) A public hearing is held under the sponsorship of the county committee. (3) Taking into account changes which may, or may not, have been proposed at the hearing, the committee, after due consideration, transmits the plan to the state committee. (4) After review of the plan, the state committee returns it to the county committee with any recommendations deemed feasible. (5) If no changes are recommended, in a period of from thirty to sixty days after its return from the state, the plan may be put to a vote by the county committee. (6) If changes are recommended, the county committee may hold additional hearings before putting the plan to a vote. (7) In the election held, all districts of like class shall vote as a unit, and approval of the plan shall require a majority of all electors voting within each unit. (8) If the vote is favorable, the county superintendent of schools is empowered to appoint a new board of education to take jurisdiction over the new district.³⁰

²⁸ Neb. Rev. Stat., § 79-402 (Supp. 1955), as amended; Neb. Laws, c. 342, p. 1181 (1957).

²⁹ The delegation of legislative powers to a county committee allowing school district boundaries to be fixed has been held constitutional, *Nickel v. School Board of Axtell*, 157 Neb. 813, 61 N.W.2d 566 (1953).

³⁰ Neb. Rev. Stat., §§ 79-426.09—79-426.18 (Reissue 1950), as amended.

Other district boundary changes and/or consolidations may be made by the county superintendent under certain conditions; e.g. (1) when a district is for any reason reduced below a certain size and population, (2) when a river has changed the physical characteristics of a district, (3) when land has been appropriated by the United States.³¹ Upon petition, a board, of which the county superintendent is a member, may also shift the land of a freeholder from one district to another.³² The writer has been told by state education officials that the latter process is the favorite method by which a taxpayer escapes from a heavily to a lightly taxed jurisdiction.

D. LEGISLATIVE BASES: SUCCESS AND FAILURE

In concluding the discussion on the general background and legislative bases of the reorganization movement, it seems appropriate to comment briefly upon its material successes and failures. Since the passage of the 1949 act, the number of school districts in Nebraska has been reduced from 6,807 (1949) to 4,958 (1956).³³ Of the present number, 424 districts provide educational programs from kindergarten through the twelfth grade, and 4,534 provide programs from the kindergarten through the eighth grade.³⁴ As of December 31, 1956, 1,042 districts were operating no public schools; of these 991 were contracting with other schools and fifty-one provided no school program at all.³⁵

No overall data are available to show tax increases or decreases correlating with reorganization programs. However, the Nebraska Citizens Council provides a limited view of the situation from 1948 to 1954. Its figures show that all counties which redistricted had tax increases. Strangely enough, however, within the counties where major reorganization programs took place, tax increases were lower than in counties having minor reorganization. The tabulation below illustrates the point:³⁶

Number of Counties Involved	Percentage of Reorganization	Average Tax Increase (%)
2	over 50	27.6
4	35-50	29.0
8	20-35	32.7
13	10-20	38.8

³¹ Neb. Rev. Stat., §§ 79-408—79-408.02 (Supp. 1955).

³² Neb. Rev. Stat., § 79-403 (Supp. 1955).

³³ Legislative Council Report No. 50, p.10; Facts, p. 6.

³⁴ Annual Education Report 1956, p.17.

³⁵ Id., p. 22.

³⁶ Nebraska Citizens Council, "School Taxes in Reorganization Counties," Today's Taxes, An Information Bulletin (no date).

Although encouraged, state educational officials believe that reorganization needs to be pushed with much more fervor than it is now. Commenting upon the difficulties impeding the movement, the incumbent Commissioner of Education said:

The major barrier confronting Nebraska's school district reorganization programs continues to be the great variation of tax levies between school districts. As long as the levies vary from no mills for general school purposes in some districts to as much as seventy mills in other districts, planned reorganization initiated at the local level will develop slowly.³⁷

II. THE SUBSTANCE AND GOALS OF REORGANIZATION

Beginning with the premise that the existing one-teacher, one-room school system blanketing the larger part of rural Nebraska was sub-standard in numerous aspects,³⁸ state educational leadership decided to launch and concentrate its efforts upon a campaign of school district reorganization as the solution to the problem rather than attempt to bring the schools under direct control of the state or the counties. The initial impulse which started the movement came from Senator Harold C. Prichard of Falls City. The Senator, desirous of raising the quality of the Nebraska school system, was put in touch with Professor Leslie L. Chisholm of the University of Nebraska through a mutual friend. Having long been associated with school district reorganization as a feasible solution for the defects of the typical school district system, Professor Chisholm seemed a good prospect to assist the Senator. Accordingly, at the Senator's request, Professor Chisholm drafted the bill which became the basis for The Reorganization Act of 1949.³⁹ As indicated above, the concept of school district reorganization envisages a state-sponsored program of planned school district consolidations, with each individual plan "tailored" to suit the needs of the community involved.⁴⁰ Since passage of the 1949 legislation, there have been no essential changes in the program. The statement of principles for reorganization is contained in many publications of the state department, the state board, and the state com-

³⁷ Annual Education Report 1954, p.16.

³⁸ Sub-standard because of: (1) Higher per pupil costs; (2) A very narrow curriculum; (3) Poor library and laboratory facilities; (4) Inadequately-trained teachers; (5) Many teachers instructing in fields for which they had no preparation. See F. E. Henzlik and L. L. Chisholm, *Nebraska Looks at Her School Districts* (University of Nebraska Press, Lincoln, 1948), p. 6.

³⁹ Neb. Laws, c.256, p.689 (1949).

⁴⁰ *Supra*, p. 742.

mittee. In a manual,⁴¹ provided by the state committee for use of county committees, the general principles "basic to sound school district reorganization" are set forth as follows:

- (1) Free public education is a privilege and the responsibility of everyone, and therefore it follows that everyone should contribute to the support of a continuous educational program from kindergarten through the twelfth grade. [K-12].
- (2) Each district should be so planned that the total educational program is controlled by the people who support it.
- (3) Each district should be financially sound and capable of providing a recognized accredited program housed in adequate facilities for each child from kindergarten through the twelfth grades, in one administrative unit.⁴²
- (4) Each school district should be organized under one administration with as many attendance centers as necessary to provide a recognized accredited educational program from kindergarten through the twelfth grade.
- (5) Each district should involve sufficient population area under one administration to warrant at least one teacher per grade from kindergarten through grade six, and an adequately staffed, recognized accredited high school program for grades seven through twelve.
- (6) Each district should provide a transportation system which will equalize the opportunity for education by providing for each child free transportation service, wherever distance justifies, to and from the attendance unit.

Using these principles as a springboard, the Department of Education, the Teachers College, and the state and county reorganization committees have produced dozens of publications explaining reorganization, and urging its widespread acceptance. For all practical intents and purposes, there have been no substantive changes in the basic objectives and goals of the originally conceived program. As in 1949, the desideratum is still the creation of high quality district school systems, epitomized by what the state department has dubbed "the K-12 District."

A. EFFECTUATION OF REORGANIZATION: APPROACH AND PRESENTATION

In spite of the relatively stable nature of program objectives and goals, public opinion considerations have forced reorganization proponents to revise their tactical approach to the campaign. For example, when the reorganization program was launched in the

⁴¹ State Committee for the Reorganization of School Districts, *Manual for the Study of Local School Districts by the County Reorganization Committees*, (Lincoln, 1956), pp. 2-3. Hereinafter cited as *Manual*, 1956.

⁴² The term "administrative unit" when used in connection with reorganization is synonymous with the term "School." An "administrative unit" may contain any number of "attendance units".

year following passage of the act, the public relations tactic emphasized school redistricting as an ideal means of producing greater value received for each tax dollar spent—in a reorganized system. This tactic might be termed: “the efficiency and economy approach.”⁴³ One might suppose this to be a most rational way to enlist public support for such a program; and, indeed, if the economic cycle and the international political situation had “co-operated,” it might well have been. Unfortunately, however, the Korean War began in June, 1950, at about the same time as the first reorganization projects were beginning to mature. With the beginning of the War, prices rose and the value of the dollar declined. This effectively invalidated reorganization cost estimates submitted in state department redistricting survey reports. Thus, to the relatively economically unsophisticated citizens of affected project areas, such variations indicated at least inaccurate work or at most, an attempt to defraud. Soon the Department of Education was host to a number of citizens whose irate statements usually began with, “You said . . . !” Since the heart of the “efficiency and economy” approach was grounded in statistical studies showing how money could be saved or at least spent more efficiently, and since it appeared that a continuing upward spiral of costs was to be the prevailing trend for an interminable length of time, it became necessary to develop a different tactic to “sell” reorganization. As a consequence, another type of appeal, the “better educational program” approach was launched and is still in effect. This second scheme for popularizing reorganization is based upon the plausible theory that every parent wants his child to have the best possible educational opportunities. The “better educational program” is approached through redistricting in the following steps: (1) a good educational program requires a sound school system; (2) a sound school system is possible only in an adequately organized school district; (3) an adequately organized school district rests upon the reorganization of inadequately organized school districts.

⁴³ “Careful reorganization would lower the per-pupil cost in most districts for the same kind of instruction as is now offered. This would mean that a broader school program could be offered in most districts at no increase in the per-pupil cost. Savings should result through: 1. Lowered administrative costs. 2. Maximum use of needed attendance units and the closing of unneeded units. 3. Efficient use of classroom materials. 4. Quantity buying for the enlarged district. We must carefully plan and work together so that our children receive a dollar’s worth of educational opportunity for each tax dollar expended. . . .” State Committee for the Reorganization of School Districts, Yours for Better Understanding; School District Reorganization (pamphlet) (Lincoln, State Department of Public Instruction, 1951).

In one brochure prepared for the reorganization campaign, a "good educational program" is characterized by: a "Comprehensive program of studies," "Well-prepared teachers and other personnel," "Sufficient enrollment," "Adequate building facilities and teaching tools," and "Proper district organization."⁴⁴ Additional expository material, explaining each of the above-listed components is generally included in all the reorganization literature (e.g., county reorganization surveys, state department and state committee publications, and articles stemming from the pens of Teachers College proponents). For instance, in the pamphlet which is quoted above, the characteristic "Comprehensive program of studies" spells out twelve subject areas which should be included in a "sound high school program"; included also is a fairly detailed description of a "sound elementary school program."⁴⁵

Having spelled out at length the elements of a "good educational program," most presentations usually include the components of a "sound school system."⁴⁶ Next is broached the matter of an adequate school district. Reorganization publications handle this in a variety of ways. One state committee pamphlet smoothly equates an adequate district with a "reorganized school district."⁴⁷

⁴⁴ Department of Education, *Characteristics of a Good Educational Program* (pamphlet) (Lincoln, 1957), p. 1.

⁴⁵ *Id.*, pp.2-3.

⁴⁶ A sound school system is one which has: (1) A qualified superintendent of schools employed to give leadership to the total school program; (2) A well-prepared high school principal responsible for supervision of instruction in grades seven through twelve; A specially prepared elementary school principal to supervise instruction in grades kindergarten through six; (4) Staff members qualified and responsible for special education, pupil guidance, library, and student health; (5) Staff members responsible for services such as custodial care, a lunch program, a bus system, and secretarial service. Department of Education. *Characteristics of a Good Educational Program*, (pamphlet) (Lincoln, 1957), p. 3.

⁴⁷ It is said that the district: (1) Should be carefully planned, with all of the facts about the new district clearly understood by the people concerned; (2) Should have a sufficient number of pupils to offer a well-balanced and complete school program from the kindergarten through the twelfth grade, and, if necessary, may have more than one high school and elementary school; (3) Should have sufficient valuation to provide the teaching materials and equipment necessary to attract and hold good administrative and teaching personnel; (4) Should be small enough to permit all of the people to take part in the activities and control of the schools (and) Natural community areas should be taken into consideration in decisions concerning the location of attendance units; (5) Should be the result of a carefully planned merger of small existing school districts into a larger unit which is capable, in terms of resources and

The pamphlet, *Characteristics of a Good Educational Program*,⁴⁸ describes in close detail the constituent parts of an adequate school district, emphasizing the economic and population characteristics. According to the publication, the district must include: a high school enrollment of from 200 to 400 pupils, an elementary school enrollment of from 250 to 500 pupils; a sufficient number of schools (attendance units) well located, with enough large, well-equipped classrooms and special rooms; an annual operating budget of from \$175,000 to \$275,000, based upon an assessed valuation base of from \$8-\$10 million, with a levy of from 22.5 to 28 mills; and a school bus system.⁴⁹

The final step in the presentation of reorganization today is approached more cautiously than in the past. To many rural Nebraskans, the words "redistricting" and "reorganization" have a grossly invidious connotation. So reorganization campaigners place the greatest stress upon the "kind of school program which children deserve and need in this day and age" and merely mention reorganization as "a way in which parents" can get this type of program.⁵⁰ A recent pamphlet uses the question and answer device to list the possible advantages of a "sound school system" with a "good educational program" to increase sentiment for reorganization without, at the same time, being unduly aggressive.⁵¹ Reorganization as such

personnel, of providing all the essential services to children at a reasonable cost. State Committee for the Reorganization of School Districts, *Let's Examine Our School Districts* (pamphlet) (Lincoln, 1953) fact 11, p. 12.

⁴⁸ *Supra*, note 46.

⁴⁹ Department of Education, *Characteristics of a Good Educational Program* (pamphlet) (Lincoln, 1957), pp. 4-5.

⁵⁰ Department of Education, *What is a K-12 District* (pamphlet) (Lincoln, 1957) See: question 6.

⁵¹ *Ibid.*, Questions 7,8,9, and 11. These offer an excellent example of the use of the question and answer device to present the reorganization program.

7. WHO DETERMINES THE BOUNDARIES OF A K-12 DISTRICT UNDER REORGANIZATION? WHO WOULD DECIDE WHICH K-12 DISTRICT A RURAL DISTRICT WOULD BECOME A PART OF?

The people in an area determine the *if*, *when*, and *where* in reorganization. Any plan to change boundary lines must be submitted to the legal voters for final approval before it can become effective. Advice given by the State Committee or the Department of Education is purely advice, and the people make the final choice through majority vote or petition.

8. IF WE BECOME A PART OF A "K-12 DISTRICT", WILL WE LOSE CONTROL OF OUR SCHOOL AND NOT BE REPRESENTED ON THE BOARD OF EDUCATION?

is not urged as a panacea in public presentations to prospective K-12 district audiences, but is, however, the only major solution to the problem proposed by the Department of Education.

In the early years (1949-1953) of the campaign for school district reorganization in Nebraska, officials of the Department of Education and the state reorganization committee felt that the movement could be successfully pushed in the most expeditious way by acquainting the people with the provisions of the law—a mass educational approach. Consequently, whenever an opportunity arose, people were invited to mass meetings and a state department or committee official drove out and addressed the group. Education department officials were thus on the move from one place to another throughout the entire state. However, despite the industrious and far-reaching efforts of their field representatives, reorganization leaders were not satisfied with the overall results. It became apparent that appeals to the logical and economical advantages of redistricting were falling short when such appeals were put to an audience of rural Nebraskans by an “outsider” from Lincoln.⁵² Because of this negative reaction, the mass educational technique was not singularly successful, and the department revised its

“Control” of our schools comes about by the people electing board members to act for them in determining the school program, employing teachers, etc., in the district. The board of education is responsible for the complete program and represents all people in the district; the board provides true local control.

9. ARE PEOPLE WHO NOW LIVE IN REORGANIZED K-12 DISTRICTS HAPPY WITH THEIR NEW SCHOOLS?

A great majority of the residents of newly formed K-12 districts organized on a logical basis are well pleased with the results of their efforts to achieve a good school program. Even those who opposed reorganization while it was in process now realize the benefits that have come to their school. In some cases the reorganization, which was accomplished, was on too small basis to allow the people to set up a good program at a reasonable cost. In such instances, there may be dissatisfaction with “reorganization”. The trouble, however, is not due to reorganization but to improper and shortsighted planning.

11. DOES A K-12 SCHOOL SYSTEM GUARANTEE A BETTER SCHOOL PROGRAM?

The K-12 district organization is the means by which a better school program *can be made possible*. The school program in any district depends entirely upon what the people in the district expect of their school. If the people are content with a poor program, then it makes little difference as to the kind of organization.

⁵² A departmental official told the writer that on occasion he was approached before he reached a meeting and warned to “go back to Lincoln.” He stated that one could actually gauge the hostility of an audience at one of these meetings by the physical arrangement: a friendly audience tended to gather in the center seats and chatter contentedly

tactic by finding community leaders willing to support and work for reorganization. These persons were enlisted as local advocates for the program and information to and from the community channeled through them. Thus far, the community leadership approach has been much more satisfactory than the direct gambit from department to community.

B. EFFECTUATION OF REDISTRICTING: PAINS AND PENALTIES

At present, there is no *direct penalty* which may be assessed against the recalcitrant school district which refuses to accept a plan of reorganization advanced by the county or state committee. However, proposals for such a penalty have been advanced. During the 1957 legislative session, the state committee proposed that "the Legislature approve a measure which would require that all land in the state lie in a K-12 district by June 30, 1960. Under this proposal, any K-8 district which had not become a part of a K-12 district by that time would be dissolved and attached to an existing K-12 district."⁵³ While the proponents suffered a reversal when the Legislature refused to touch the measure, they have not given up. They now propose to pass the K-12 system through the initiative and referendum process by using the populations of the larger urban centers to advantage.⁵⁴ In this they are likely to be successful, for the average urban voter is not hamstrung, as is his senator, by the necessity of remaining on good "log rolling" terms with the rural-agricultural anti-reorganization legislators.

While the state does not use the direct penalty, there are several weapons available by which the reluctant school district may be *indirectly* coerced into reorganization. The principal means for applying pressure upon local systems lies in the Department of Education's statutory mandate to set standards and administer a program of approval and accreditation of schools.⁵⁵ The Commissioner also has the power to remove substandard schools from the list of schools eligible to receive "free high school tuition" from non-resident students, plus other limited benefits.⁵⁶ This does not mean

before the proceedings began; whereas a hostile meeting could be marked in advance by the fact that people were silent, the center seats were usually vacant, and a large number of the audience (mostly male) would be strung out along the rear and side walls of the room.

⁵³ Annual Education Report, 1956, p.17.

⁵⁴ Lincoln Evening Journal and Nebraska State Journal, April 10, 1958.

⁵⁵ Neb. Rev. Stat., §79-1247.02 (Supp. 1955). Also, see Nebraska Department of Education, Approval and Accreditation of Nebraska Public Schools, (Lincoln, 1955) pp. 7-44, for detailed criteria necessary for approved and accredited status.

⁵⁶ Neb. Rev. Stat., § 79-328(5) (Supp. 1955).

that the disapproved schools *must* close their doors, but it does mean that a school district, which receives a substantial portion of its income from "free high school tuition" provided by the districts from which the pupils come, will be forced to raise its mill levy to a high enough point to compensate for the tuition loss. In impoverished districts this means that the disapproved high school will have to be abandoned.

Pursuant to the accreditation statute, twenty-two schools were disapproved in 1958.⁵⁷ Commenting upon the matter, Commissioner of Education Decker said "that all of the district's [sic] disapproved for the coming school year had received 'at least one year's notice, and in some cases have been warned for two or three years'."⁵⁸ The same news story reported that two other schools ostensibly substandard also, were approved for one more year because each had in progress a redistricting program.⁵⁹ A close examination of the list of disapproved schools shows that Burr (Otoe Co.), Malmo (Saunders Co.), Otoe (Otoe Co.), Unadilla (Otoe Co.), and Virginia (Gage Co.) schools are situated in communities surveyed by state "teams" for reorganization purposes. Subsequent to the publication of the survey reports and the conduct of redistricting elections, all of these communities rejected reorganization, in some cases twice. Thus, in view of the fact that the promise of reorganization saved two schools from disapproval and the fact that five schools in areas rejecting redistricting proposals were removed from the approved status list, there appears to be some cause and effect relationship between rejection of reorganization and disapproval for free tuition by the department. Undoubtedly, the threat of disapproval and possible subsequent loss of tuition income serves as a stimulus to some schools to maintain at least minimum standards acceptable to the state.⁶⁰

⁵⁷ The Lincoln Star, March 5, 1958. Listed are schools in Cowles, Odessa, Belden, Otoe, Swanton, Jackson, Riverdale, Malmo, Steele City, Virginia, Ong, Mascot, Bristow, Reynolds, Petersburg, Linwood, Unadilla, Irvington, Burr, Belvedere, and Dixon. Note, however, that a later story states that injunctions to block the order of disapproval are being sought by Malmo, Ong, and Petersburg. See Lincoln Evening Journal and Nebraska State Journal, March 27, 1958, and The Lincoln Star, April 8, 1958.

⁵⁸ Ibid.

⁵⁹ Ibid; Riverton and Thurston, Nebraska Schools.

⁶⁰ This should be true, since graduates from non-approved high schools are not eligible: (1) to enter the University of Nebraska or other colleges of the state without taking entrance examinations; (2) to apply for nurses training in the Nebraska Schools of Nursing; (3) to qualify for scholarships granted by Nebraska colleges. Nebraska Department of Education, Approval and Accreditation of Nebraska Public Schools, (Lincoln, 1955), p.7.

To ascertain whether disapproval decisions possibly were based upon a state departmental preference for vocational and recreational over academic offerings, an analysis was made of the curricula of twenty-five rural high schools, including five of those recently disapproved. The data and analysis are shown in Table II.⁶¹ On the basis of the analysis of the facts in hand, the writer concluded that disapproval of Burr, Malmo, Otoe, Unadilla, and Virginia high schools was founded upon other factors than an overemphasis on academic or an underemphasis upon vocational and recreational subjects. One records here a recent statement of the incumbent Commissioner of Education: "We encourage our schools to offer as broad a program as possible, but not at the expense of the basic general program which traditionally includes such subject matter areas as English, science, mathematics, American history and American government."⁶² It is to be hoped that these words do not constitute a mere *lapsus calami*.

In addition to the power of disapproval, state law provides that Class II, two or four year high schools, which for three consecutive years have had an enrollment of less than ten or fifteen pupils respectively, may be closed, if another suitable school "shall be within fifteen miles" from such school over a reasonably improved highway.⁶³ Several years ago, the Commissioner of Education attempted to use this statute, in what some persons claim was an attempt at forced reorganization, to close the school at Amelia (Holt County), Nebraska. Countering, the school district brought suit to restrain his action, and successfully blocked it in the Nebraska Supreme Court. The Commissioner's defeat was brought about because the court decided that the roads involved did not constitute "reasonably improved highway[s]" within the meaning of the statute.⁶⁴ In anti-redistricting circles the suit attained the proportions of a *cause celebre*. Judging from the enmity evoked in the case, it should be apparent to any impartial observer that legally forced reorganizational salients serve only to exacerbate unnecessarily the opposition forces of redistricting. While the law is still available to the Commissioner, friendly persuasion is likely to be the most profitable *modus operandi* for proponents of reorganization.

One more measure is available to the state as a means of bring-

⁶¹ *Infra*, p. 779. The table breaks down specific courses under three headings; Vocational, Recreational, and Academic.

⁶² Annual Education Report, p.20.

⁶³ Neb. Rev. Stat., § 79-701 (5) (Supp. 1955).

⁶⁴ School District No. 228 of Holt County v. the State Board of Education, 164 Neb. 148, 82 N.W.2d 8 (1957).

ing pressure to bear upon individual school districts. It is a statute which requires the county superintendent to withhold state school funds from districts which do not hold school or have held school for less than the requisite number of days during a given year.⁶⁵ As far as can be ascertained, little use has been made of this law to date.

In concluding this section, a word should be said about the effects of reorganization upon the holders of a certain type of teaching certificate. The law provides that teachers holding a "Third Grade Elementary Certificate" may teach only in a Class I district for one year, under certain limiting conditions.⁶⁶ Since teachers holding this certificate are not eligible for service in other classes of districts and, since reorganization invariably means consolidation of a number of Class I districts, unless incumbent teachers hold certificates of an order high enough to satisfy certification requirements for the class of district proposed, redistricting in such cases would cause a number of teachers to lose their positions. This matter was discussed by a school board member recently at the Syracuse hearing on the "Central Otoe County Plan." Said he: "The thing that puts the board members on the spot, you don't know whether it [reorganization] is going to carry. Ordinarily we contract for a teacher in January. She might take a school somewhere else if she doesn't know. . . ."⁶⁷ At present, there seems to be no statutory arrangement which would permit holders of lower orders of certificates to continue in their employment as teachers in a reorganized district requiring a higher order of certification. Nor is there provided a period of grace during which time the incumbents would be allowed to take measures to convert a lower certificate into a higher one.

III. THE DYNAMICS OF SCHOOL DISTRICT REORGANIZATION—PROPONENTS

Major support for school redistricting in Nebraska comes from the State Department of Education, the Teachers College of the

⁶⁵ Neb. Rev. Stat., § 79-1304(4) (Supp. 1955). Not necessarily efficacious as a weapon for forcing redistricting, but available to the Commissioner of Education as a means of dissolving inactive school districts are the provisions of Neb. Rev. Stat., § 79-420 (Supp. 1955). Though this provision was declared unconstitutional as originally enacted in 1953, *Shutte v. Schmitt*, 162 Neb. 162, 75 N.W.2d 656 (1956), the 1955 legislature made amendments to correct the objections made by the Court.

⁶⁶ Neb. Laws, c.355, § 8, p.1207 (1957).

⁶⁷ Files, Department of Education, Central Otoe County Plan Hearings, Syracuse, Nebraska, December, 1957.

University of Nebraska and the principal educational pressure group, the Nebraska State Education Association. Other institutional bodies and private pressure groups are numbered among the proponents of reorganization, but the strongest constant pressure emanates from those cited above.

A. REORGANIZATION: POLITICAL PARTIES

From the political partisan standpoint both the Democratic and Republican platforms in selected years during the last decade have, to a greater or lesser degree, approved the idea of reorganizing Nebraska's school districts. The Republicans broached the matter first in 1948. Their plank on education included the following statement:

There are in excess of 7,000 school districts in the state. Changing conditions would seem to indicate the necessity of changes in district boundaries. We believe that our school systems could be more efficiently and economically administered if a plan were devised which would permit re-districting of school districts, the determination of new boundaries to be made at the local level. We commend to the careful consideration of the Legislature the enactment of legislation which would accomplish this purpose.⁶⁸

Whether in response to this plea or not, during the next session the legislature enacted the School District Reorganization Act of 1949 providing the state with the most comprehensive reorganization plan ever offered.⁶⁹ In their 1950 platforms neither party spoke directly to the question of redistricting, but the Democrats payed obeisance to the states agricultural-rural constituencies with the words: "We recognize that Nebraska has many serious educational problems, particularly in our rural districts, and that there exists [sic] inequalities in educational opportunities."⁷⁰

The Republicans ignored redistricting in 1952, but that same year the Democrats felt impelled to "... favor the strengthening of the school redistricting law in order to provide more efficient administrative units."⁷¹ Assuming that the term "administrative unit" refers to the districts themselves, and that major requirements for providing more efficiency in local units would probably mean increasing mill levies, it is doubtful that the Democratic policy makers devoted much effort and time to drawing up this

⁶⁸ Nebraska Legislative Council Nebraska Blue Book, 1948 (Nebraska Legislative Council, Lincoln, 1948), p. 402. Hereinafter cited as Nebraska Blue Book, (year).

⁶⁹ Neb. Laws, c.256, p.689(1949).

⁷⁰ Nebraska Blue Book, 1950, p. 441.

⁷¹ Id., 1952, p.469.

particular plank. With the passage of another two-year period, the Republicans were inspired to commit themselves to the following "goal." "In order to foster equalization of opportunity, legislation [should] be enacted to encourage the reduction of the number of school districts in the state. . . ."⁷² And, by 1956 they were emboldened to say: "We favor legislation directing local reorganization of all school districts into units which will provide an accredited educational program through the twelfth grade, and we suggest that a reasonable time limit be set for the implementation of the program."⁷³ Probably the strongest and best elaborated proposal of either political party for the last decade came from the Democrats in 1956:

In order to provide educational opportunities for all of Nebraska's children and insure efficient administration units, we favor the strengthening of the school redistricting law and the organizing of school districts on a kindergarten through twelfth grade basis, to the end of consolidating and reorganizing our present archaic, inefficient, scholastically inadequate and too numerous school districts, of which Nebraska has more than any other state in the Union.⁷⁴

This statement appears sufficiently strong to meet the approval of even the most sanguine of reorganization advocates from say—the State Department of Education.

Also included in the Democratic platform for 1956 was a plea for additional appropriations to help the State Department of Education meet the additional costs of "increasing demands for local communities, such as requests for assistance in the reorganization of school districts. . . ."⁷⁵ Apparently here is an issue upon which the two major parties of the state can find agreement. A possible manifestation of such accord may have been the 1957 amendment to the redistricting law requiring quicker action on state reorganization committee proposals by the county reorganization committees and providing for harmonizing the two former methods employed for effecting district reorganization.⁷⁶ It is, of course, less than prudent to give credit to either or both parties since their political personalities are submerged in official legislative nonpartisanship. Moreover, not one word on redistricting is found in the governor's

⁷² Id., 1954, p.531.

⁷³ Id., 1954, p.540.

⁷⁴ Id., p.546.

⁷⁵ Ibid.

⁷⁶ Neb. Laws, c.342, p.1181(1957).

inaugural or budget messages delivered during the 1957 legislative session.⁷⁷ That is not to say that Governor Anderson has always been so taciturn about this matter. For, in an official legislative pronouncement in 1955, he declared that "school district reorganization should be accelerated. It results in elimination of duplicated expense, lower cost per pupil, and lower cost per classroom, and at the same time brings higher teaching standards with better school facilities."⁷⁸ In effect these statements are simply reaffirmations of 1954 Republican party planks by the state party leader. Thus, they should not be interpreted as evidence of deep conviction; especially since they were not enunciated again in the 1957 session.

B. OFFICIAL PROPONENTS OF REORGANIZATION

Despite nominal bipartisan support for school redistricting, there is little in the record to show that it can be counted among the foremost matters of political interest in the state. It is nailed down to both party platforms, but thus far between campaigns it receives considerably less attention than the questions of the state flower and the state bird. Additional evidence of this indifference, in the past as well as in the present, may be gleaned from an inspection of the messages and proclamations of Nebraska governors from 1854 to 1941. During this entire period, only one governor touched upon the subject. In his inaugural address on January 9, 1919, Governor Sam McKelvie stated:

The decline of the rural school has become a matter of great concern to all who have observed this condition. It must be checked and the rural school must be placed upon a basis of equal service with the balance of our educational system. The consolidation of districts seems to offer the solution to this question and should be encouraged in every practical way. Some plan should be evolved for an equitable readjustment of the boundaries of rural school districts throughout the state, wherein both taxable property and number of pupils will make possible the establishment of schools commensurate with the needs of rural communities.⁷⁹

This statement would have been as valid if it had appeared in last Sunday's issue of one of our local newspapers.

C. REORGANIZATION: ADMINISTRATIVE AGENCIES

Much greater than the press of partisan politics upon the problem of school district reorganization has been the activity of professional educators. Foremost, at the pinnacle of leadership, stands the educational bureaucracy, the Nebraska State Department of

⁷⁷ Nebraska Legislative Journal, 1957, pp. 35, 146-153.

⁷⁸ *Id.*, 1955, p.77.

⁷⁹ Nebraska State Historical Society, Messages and Proclamations of the Governors of Nebraska 1854-1941, Volume III (Lincoln, Nebraska State Historical Society and The University of Nebraska, 1942), p. 358.

Education, headed by the State Board of Education and their executive, the Commissioner of Education.⁸⁰ Legally, departmental administrative policy is formed by the State Board of Education, the body which appoints the Commissioner. It would be unrealistic, however, to expect that this board has the time or possesses the adequate professional background to launch and sustain the campaign for school district reorganization. The board is comprised of elected officials. Distinguished though they may be in their own professions, in their role as members of the state's school board, they can do little at their rather infrequent meetings but ratify decisions which have already been taken by the established bureaucracy. Thus, it is the Commissioner of Education and his subordinates who do the bulk of the spade work and provide the proposals which ultimately are translated into board policy. Of course the board has the legal right to reject or veto any unacceptable subordinate proposals. Since the board was established in 1955, reorganization activity has continued at an accelerated pace. It may be thus assumed that the board members are in accord with the reorganization program.

To complete the picture of the state's educational bureaucracy, at least, that part concerned primarily with redistricting, a word or two must be said about the State Committee for the Reorganization of School Districts. Comprised both of laymen and professional educators with the Commissioner of Education serving as secretary, this board has a statutory mandate to review all reorganization plans submitted by county redistricting committees. Since its director and subordinate administrative personnel are part of the secretariat of the Department of Education in the state capitol building, it is both correct and safe to say that committee policies on redistricting and reorganization coincide with those of the Department.

Not quite so prominent on the "firing line" but indispensable in providing intellectual "logistical" support for the school district reorganization movement are various members of the faculty and research staff from the Teachers College of the University of Nebraska. They include a number of professors of school administration, the Coordinator of Teachers College In-Service Education, and, on occasion, even the Dean, himself.⁸¹ In cooperation with the Department of Education and committee on redistricting, the Teachers College has periodically provided research personnel, largely graduate students, who have performed reorganization surveys and pre-

⁸⁰ Formerly, the State Superintendent of Schools.

⁸¹ E.g., [Dean] F. E. Henzlik, and Leslie L. Chisholm, *Nebraska Looks at her School Districts*, op. cit. supra, note 38.

pared reports for county redistricting committees. These reports have served as bases for a number of redistricting proposals.⁸²

D. REORGANIZATION: PRESSURE GROUPS

Joined closely to these public institutional groups is the Nebraska State Education Association (NSEA). Reported as representing "more than 14,000 teachers and administrators throughout the state,"⁸³ the NSEA comprises the most active pressure group following the principles and procedures of reorganization as laid down by the Department of Education and the Teachers College. Prior to 1948, before reorganization policy metamorphized into its present form, NSEA policy makers toyed with the idea of promoting a "county-unit" based reorganization program. However, since 1948, NSEA and its local associations have followed, for the most part, the reorganization principles as laid down by Department of Education and Teachers College leaders.⁸⁴ Several officials from the department (in the presence of the writer) commented favorably upon the NSEA as a public relations organization. However, one individual did note the fact that certain NSEA field representatives, upon occasion, had not acquired sufficient information about the reorganization legislation, and were thus unable to answer correctly a number of questions put at public meetings held under NSEA sponsorship. This is mentioned in passing because it represents an interesting deviation from the norm. Usually in the stereotyped comparison between public servants and pressure group representatives the latter have a reputation for being better informed.

In discussing state leadership in district reorganization, one student has classified the NSEA as an "educational organization," along with the State Association of County Superintendents and the "teacher colleges." He indicated that support for reorganization from groups in this category was perhaps taken for granted by the state leaders who therefore "concentrated their efforts on the other groups [i.e., what he described as "lay organizations" and "educational-lay organizations"] . . . in order to expedite . . . [the reorganization] program."⁸⁵ In his work on reorganization, Fitzwater singles

⁸² E.g., Gage County (1957); Saunders County (1956).

⁸³ Lincoln Evening Journal and Nebraska State Journal, June 27, 1956.

⁸⁴ Henzlik and Chisholm, *Nebraska Looks at her School Districts*, p.38, provides a fairly complete statement of reorganization doctrine.

⁸⁵ Peter Janetos, *A Study of State Level Leadership in School District Reorganization* (unpublished doctoral dissertation) (Lincoln, University of Nebraska Teachers College, 1953), p.164. Examples of "lay organizations" are the Farm Bureau Federation, the Nebraska State Chamber of Commerce, Veterans of Foreign Wars, etc. Examples of "education-lay organizations" are the State School Boards Association, the State Congress of Parents and Teachers, and the Rural School Boards Association.

out the NSEA in two separate passages and includes them in a third dealing with organized support for reorganization bills in 1945, 1947, and 1949, respectively.⁸⁶

Despite what appears to the average layman as the monolithic quality of the NSEA, it contains a number of dissenting groups. Recently, for example, Frank Heinisch, executive secretary of the Omaha Educational Association (an NSEA affiliate) publicly voiced his group's dissatisfaction with NSEA "... lack of leadership. . . . As to reorganization, Heinisch said, State Education Commissioner Freeman B. Decker 'is making progress' but getting little help from NSEA," but Assistant Commissioner of Education, Stanley Hawley, immediately replied: "I personally know of no instance of lack of co-operation by the NSEA in the matter of school district reorganization."⁸⁷ Don Kline of NSEA "... commented that 'our policy is determined by representatives of all of the local associations. . . . During my term as executive secretary . . . we have not adopted a policy of letting one local association dictate policy and we do not intend to start now.' "⁸⁸ Heinisch's statement was also questioned by NSEA President Howard Schroeder who challenged Omaha criticism of "NSEA non-support of State Education Department school reorganization efforts, commenting: "We have worked with them 100%. We have no controversy with the department over school reorganization and I don't know how much further we could go in our support since the Legislature has placed the matter on a voluntary basis."⁸⁹ One is informed that the Omaha group's present dissatisfaction with NSEA is of long standing. It is said that the present flare-up pivots around the state group's stand on tax questions and that it has nothing to do with the reorganization question as such.

The county superintendents' state organization has supported the basic redistricting program since its inception. A reorganization leader noted this fact in the presence of the writer. He conjectured that a majority of the membership, if polled today, would sustain the organization's continuing collective record. He felt,

⁸⁶ C. O. Fitzwater, *op. cit.* supra note 19, at pp. 244-245.

⁸⁷ The Lincoln Star, March 25, 1958.

⁸⁸ *Ibid.* From what the writer can glean from educational circles, Mr. Kline's statement on policy determination reflects only the legal reality of the NSEA. In actual practice, policy-making activities develop among the leadership group of NSEA, the Department of Education, and the Teachers College in such manner as to make it difficult to determine from what source any single policy originated; this because of overlapping personnel relationships.

⁸⁹ *Ibid.*

however, that many individual county superintendents personally opposed the movement; for they have, he explained, a vested interest in maintaining the *status quo*. The reason lies in the fact that reorganization in certain counties would remove large numbers of Class I districts from the county superintendent's control, which, of course, would tend to impair his status. The picture is further complicated by the fact that the county superintendent is charged by law to act as a member of the county committee for reorganization. Thus, if the state authorities apply too much pressure, superintendents located in "sensitive" counties can bring any local reorganization movements to a grinding halt.

Probably less dependable than the two organizations previously treated, is the Nebraska Congress of Parents and Teachers. This may be the case because the membership is structurally split between educators and parents; the latter as such, undoubtedly feel that they have less at stake in the reorganization movement than do the teachers and other professional schoolmen. The present lack of unanimity within this organization is shown by the fact that the proposed legislative program for 1958-1959 actually hedges on redistricting. One has been informed that the statement proposing support for legislation which will "[p]rovide a system of school districts through Nebraska in which each district offers a good, well-rounded program for all children and youth," is to be interpreted as support for continuation of the reorganization program. Moreover, it was explained that a stronger statement was rejected for fear of alienating a number of local associations.⁹⁰

In his thesis on reorganization leadership, Janetos mentions a number of other state pressure groups: "lay," "educational-lay," and "educational," as he would classify them.⁹¹ Time has not permitted the writer to exhaust the material on the subject and thus, he has discussed briefly only those groups which have been mentioned as important by the reorganization leadership. It remains, however, to comment briefly upon one additional organization which was singled out as highly influential by a senior reorganization leader. To this gentleman, the writer put this question: "In your opinion, what pressure group has done the most to promote the success of the reorganization movement?" Without hesitation, he replied that the Farm Bureau, especially its state leadership, had worked assiduously: first, to use its political influence in sup-

⁹⁰ Subsequently, the state congress voted to continue support for reorganization. Lincoln Evening Journal and Nebraska State Journal, April 10, 1958.

⁹¹ *Supra*, note 85.

port of redistricting, and second, to explain to the people the significance of the program. In recent conversations with several officers of the Farm Bureau, the writer gained the impression that while the organization's official position was generally favorable towards redistricting, its membership did not extend blind and unquestioning support for the movement. The official position is stated as follows:

We favor local control of school redistricting on a voluntary basis and feel that K-6 and K-8 schools [i.e. schools offering programs from kindergarten through the sixth and eighth grades respectively] should be located in rural areas where advisable if redistricting is accomplished. It is our opinion that all-weather roads are a desirable feature in connection with redistricting. We recommend that local control of schools should not be sacrificed in order to secure tax advantages.⁹²

Farm Bureau officials made it quite clear that their organization favored an overall improvement in the state's school systems, but they maintained the position that "tax reorganization" should not be the basis of "school district reorganization." In another vein it was mentioned that University and State Education Department officials had stumbled into "bad public relations" practices in pressing for reorganization. Without identifying the individual or specifying a college affiliation, they told the writer of "one person from the University [of Nebraska] who rubbed people the wrong way." It appears that this advocate of reorganization persisted in "telling" farm audiences that they had no choice but to reorganize.

As a total impression of Farm Bureau sentiment towards reorganization, the writer gathered that that group, while not unsympathetic to the basic principles of the plan, were on the defensive in the matter of "local control." They felt that proponents gave lip service to "local control," but did not really espouse that spirit.

IV. THE DYNAMICS OF SCHOOL DISTRICT REORGANIZATION—OPPONENTS

A. ORGANIZED OPPOSITION

Opposition to redistricting and reorganization of Nebraska school districts is for the most part unorganized; but even where it can be said to be organized, it proceeds frequently upon intuitive, irrational, and bombastic rather than logical, rational, and temperate bases. As matters now stand there is only one organization primarily dedicated to opposing the official state reorganization program. Originally called the Nebraska Small Schools Association,

⁹² Nebraska Farm Bureau Federation, State Affairs Resolutions Adopted by the House of Delegates, November 20, 1957.

the organization is now denoted the Nebraska School Improvement Association. Its *stated* purpose is "to provide a common group for the promotion of mutual understanding, consultation and cooperation in the interest of the best possible education for the children of Nebraska."⁹³ A second group which formally opposes the state reorganization program, as it is now being administered, is the Nebraska Rural School Board Association. It is not to be supposed, however, that this group's primary purpose is simply to oppose re-districting. Such opposition merely constitutes a part of its present policy objectives.⁹⁴ Generally, anti-redistricting forces are decentralized, indifferently organized, and not particularly articulate. They seem to function upon an *ad hoc* basis, remaining quiescent until the stimulus of a local reorganization campaign stirs them into action. Undoubtedly the sentiments which they express are widely held, but, for the most part, Mr. Clinch's group and the Rural School Boards Association are the only formally-organized representatives of reorganization opposition at present.

B. MAJOR OBJECTIONS TO REORGANIZATION

Probably the groundwork of elementary opposition to redistricting lies primarily in the suspicions which the prototype rural-agricultural "man" holds for almost all emanations from the urban-industrial areas of the state. Thus, one can assume *ab initio* that any proposal attributable to an Omaha or Lincoln source automatically will evoke a negative response from a large number of rural folk. It is a rejection based purely upon a proposal's geographical source rather than upon its intrinsic merit. A report of the recent meeting of the Nebraska Rural School Board Association stated that "... [d]elegates from Western Nebraska time and again expressed the feeling that redistricting was being forced upon them by officials in Omaha and Lincoln. . . ."⁹⁵ Such a statement is palpably a verbalization of the xenophobic attitude of that particular rural group. Examination of the facts shows that no compulsory reorganization law exists; so the fear of such a law is expressed in incantations about such a law as a "fact." The attitude is manifested in a form of "guilt by association." If evil is automatically attributable to the "foreigners" from "X," then any or all ideas presented by such

⁹³ Lincoln Evening Journal and Nebraska State Journal, August 7, 1957. "Articles of incorporation were filed with the secretary of state by representatives of nine Nebraska communities for the non-profit Nebraska School Improvement Association. Headquarters for the association is Burwell, and the resident agent is Leo F. Clinch. . . ."

⁹⁴ Broken Bow Chief, February 20, 1958.

⁹⁵ Ibid.

people must be patently evil. In cases where such an attitude prevails, the prejudiced mental set of the group makes consideration of reorganization upon its merits completely impossible.

The second basic objection to reorganization is predicated upon the frankly-expressed fear of losing something called "local control." This shibboleth of "local control" seems to be grounded upon approximately the same xenophobic premises as the rural aversion to the "big cities." However, in the minds of its advocates, the interpretation of "local" envisages the erection of defenses, psychological and otherwise, against intruding strangers not only from those cesspools of iniquity, Lincoln and Omaha, but also rural interlopers from the next county or from some other part of the same county. An editorial from the Sidney Telegraph describes one aspect of this attitude:

The problem of reorganizing school districts in Nebraska is one which could be solved if it could be put on a state level, but when it gets down to local cases and personalities it becomes untenable.

A point of illustration is the effort to merge School District No. 9 in Cheyenne County with School District No. 17 in Kimball County. There is no good reason why they shouldn't join except there is jealousy between the counties. . . .

The Kimball County superintendent stated the case rather well three years ago during a court hearing. . . . She said bluntly with complete candor and honesty that she didn't care whether her opinions were legal or illegal—she was for Kimball County and against Cheyenne County and the court knew what it could do about it. . . .⁹⁶

Several statements which manifest one aspect of the persistent fear of losing "local control" were expressed at a recent meeting of the Nebraska Rural School Board Association: "'We don't want to be so far from our schools that we have no control over them,' said one woman. Exclaimed one man, 'I'm here to keep my kids from having to go 30 miles to school!'"⁹⁷ Another facet of this fear was expressed in a handbill purporting to be "in the interest of the welfare and human rights of Otoe County rural people," where one argument advanced against reorganization of some thirty-four districts clustering about Otoe, Syracuse, and Unadilla, was that the plan would: "Invest in a few Board Members the power to direct the School Policy for the entire district. No more local control."⁹⁸

⁹⁶ Sidney Telegraph, May 23, 1955.

⁹⁷ Broken Boy Chief, February 20, 1958.

⁹⁸ Handbill entitled: To the Rural People of Central Otoe County . . . concerning the coming election on November 12, 1957. Files, Department of Education, Lincoln. Hereinafter cited as: Otoe Handbill.

The principal anti-redistricting pressure group, the Nebraska School Improvement Association, declares itself in favor of "strengthening Nebraska school districts through 'well-planned reorganization. . . .';"⁹⁹ such reorganization to be based upon retention of "local control of the school systems in the state."¹⁰⁰ Since the Association is opposed to the present state-administered reorganization program, there appears to be a disagreement as to the interpretation of a "well-planned reorganization." As yet, however, the Association has not published a plan of its own.

The third major objection advanced against reorganization reflects such discredit upon its advocates that it is seldom enunciated by any but the most hardened and implacable opponents; this, with regard to the matter of tax equalization. Despite the most assiduous efforts of reorganization planners, it is almost impossible to contrive an effective reorganization proposal which will not raise mill levies in a substantial number of the districts included. Since no advantage could possibly accrue to the anti-redistricting cause from decrying the fate of the rural citizen faced with the threat of bearing (in some cases for the first time) his share of the school tax load, reorganization opponents usually find it more profitable to present the plan as an urban plot designed to foist the tax burden upon the poor country people.

The anonymous Otoe Handbill cites some of the usual anti-redistricting arguments relating to taxation as follows:

This idea of organizing all districts, town and rural into K-12 districts was originally born out of the fertile minds of a few school men who hoped by creating unusually high standards [a rather infrequent accusation against most professional educators] to eliminate competition in the education field and create high salaries. It is being supported generally by town people who see in it a chance to shift more than their share of the school tax burden to their fellow men in the country.¹⁰¹

At a 1956 meeting of the Nebraska Council for Better Education, one delegate (coincidentally from Otoe County) said that "reorganization there would bring about an unfair mill levy distribution. He said that in the Nebraska City area the rural taxpayers would have to pay 65 per cent of the school levy, but that only 20 per cent of the children were from rural areas."¹⁰²

⁹⁹ Lincoln Evening Journal and Nebraska State Journal, August 7, 1957.

¹⁰⁰ Ibid.

¹⁰¹ Otoe Handbill.

¹⁰² The Lincoln Star, October 9, 1958.

A slightly different twist was given to the same general approach by Mr. Leo Clinch¹⁰³ in a recent TV broadcast. He held that:

The reorganization redistricting proposals are usually started with the towns and with your cities who are having difficulty in keeping the schools going . . . and statewide, it has been the practice that any reorganizing eventually ends up in costing the rural people considerably more in taxes than they had prior to reorganization.¹⁰⁴

It is only fair to add the comment that the incumbent Commissioner of Education emphatically has stated publicly his opposition to reorganization upon such a basis.¹⁰⁵

A public "slap" was administered to those who would attempt to save money at the expense of the school system, by Mr. Lyman Ballard, chairman of the Otoe County Reorganization Committee. He said:

We measure everything by money and "mine" and really we shouldn't do that in America. Most of us would pull our neighbor out of the ditch but a lot of them wouldn't go across the road to help him educate his kids and that looks a little foolish to me. Some people have children that are educated and gone. The biggest part of the district[s] are in that very condition. They're looking right square at the dollar mark on their taxes and that's it. They'll probably be against it [reorganization] until we get another generation or somebody moves out or in. The biggest objection comes from people that don't have any children to educate. They've even been known to move their renters because they raise the taxes. That don't look like good Americanism to me. . . .¹⁰⁶

Appeals to conscience and patriotism to the contrary notwithstanding, it is only realistic to assume that if redistricting means equalization of a school district tax rate complex, especially in counties with district mill levy spreads from zero to fifty or sixty mills, there is bound to be a number of militant individuals opposing reorganization.

The fourth stock objection to reorganization is usually offered in the form of a "substitute motion" urging the construction of hard-

¹⁰³ Supra, note 93.

¹⁰⁴ KOLN-TV, Lincoln, Nebraska, 12:30 P.M., January 19, 1958.

¹⁰⁵ "He said the Department had found it necessary in a number of instances to discourage redistricting, especially in those cases when a small town tried to pull in surrounding territory in order to save the small high school. The Department . . . tells these little towns to forget about the high school and concentrate on the establishment of a good elementary school." As cited in: Legislative Council Report No. 50, p. 58.

¹⁰⁶ "Central Otoe County District Hearings," Syracuse, June 12, 1957. From the files of the Department of Education, Lincoln. Hereinafter cited as Central Otoe Hearings.

surfaced roads in the area involved. In effect, opponents of re-districting say: "Give the people good roads and reorganization will follow. Therefore, postpone reorganization until better roads are built." During the course of Mr. Leo Clinch's recent TV appearance, the moderator put this question: "Is your organization more interested in promoting good roads than it is in opposing reorganization?" To which Mr. Clinch responded: "We are not opposing reorganization—our major emphasis is on roads. . . ."¹⁰⁷ Essentially, this is the identical position taken by the Nebraska Farm Bureau.¹⁰⁸ Some aid for this position was given in a doctoral dissertation concerned with Nebraska reorganization problems of twenty years ago. Said the candidate: "The need for good farm-to-market roads has long been recognized by Nebraska. But custom and tradition have supported the provision in the state constitution requiring a pay-as-you-go program. . . . As the road system improves, the community lines will likewise continue to expand and the schools will find it increasingly convenient and desirable to make use of transportation in elementary small schools."¹⁰⁹ Henzlik and Chisholm, as proponents of reorganization, hold that "Reorganized school districts may be a major factor in securing good roads."¹¹⁰

The fifth and final major plank in the anti-reorganization platform stems from that rather large number of Nebraskans who simply oppose change—any form of change. "We're well satisfied with our school. My father went to school there. I went to school. I have a lot of sentiment. It will be hard to lose it for sentimental reasons." This statement was recorded from the Central Otoe District hearings.¹¹¹ More of the same was evident at a redistricting hearing at Ravenna several years ago:

Dist. 21—"Not in favor. Now have a good school operating with 15 or 16 students."

Dist. 52—" . . . We are happy now with our present school. We have a nearly new building and live quite a distance from town. May change opinion in the future, but for now would favor present setup."

Dist. 62—" . . . Have been talking over the proposal, but most are against bringing small children to town school. Been getting along good with present school facilities."

¹⁰⁷ *Supra*, note 104.

¹⁰⁸ *Supra*, p. 763.

¹⁰⁹ Millard D. Bell, A plan for the Reorganization of Administrative Units for the Schools of Nebraska (unpublished thesis) (New York, Columbia University Teachers College, 1939), pp.11-12.

¹¹⁰ Henzlik and Chisholm, *op.cit.* *supra* note 38, at 17.

¹¹¹ Central Otoe Hearing, *supra*, note 106.

Dist. 92—" . . . Would prefer to stay the way we are, as we are getting along fine. Proposed district would be too big, would be a full-time job for a school board member."¹¹²

At the same hearing, representatives from five other Buffalo County districts expressed almost identical sentiments. Commenting upon a redistricting drive in Butler County, one local newspaper reported that "The only apparent argument against the proposed reorganization . . . is that it is a deviation from the conventional or traditional idea that to every so many sections of land there should be a school district where the child must get his or her elementary schooling whether it be under good conditions or poor. In some instances these conditions are good, in many others they are unbelievably bad."¹¹³

C. ADDITIONAL OPPOSITION VIEWPOINTS

As already noted,¹¹⁴ changes in school district status may prevent some teachers from continuing in their positions. Moreover, no state law exists granting such incumbents a grace period for obtaining a higher order of certification. In individual situations, however, the state commissioner as administrator of the certification law, apparently has the necessary discretionary power to exempt individual teachers from its application when appropriate. According to the record, an agreement was made in connection with a reorganization proposal centering on Palmyra (Otoe County) allowing certain teachers holding lower certificates to finish the academic year in the event of successful redistricting.¹¹⁵ Despite the possibility of such temporary adjustments, redistricting opposition frequently prefers to emphasize the alternate possibility—that incumbents will be replaced. For example, opponents of the Central Otoe Plan chose to allege that reorganization would ". . . [d]eprive a couple of dozen of young farmers' wives—excellent teachers—of much needed income to supplement their farm earnings."¹¹⁶

Although it was not brought out in any of the literature examined in connection with reorganization, it is undoubtedly a fact that many school board members take great pride in their status as office holders. Naturally, it would be somewhat immodest of

¹¹² The Ravenna News, October 22, 1953.

¹¹³ David City Banner, June 3, 1954.

¹¹⁴ Supra, p.755.

¹¹⁵ "Notes taken at Palmyra Hearing, April 23, 1957." Files, Department of Education, Lincoln, p.15.

¹¹⁶ Otoe Handbill.

them to flaunt their status before the community. Thus, faced with the prospect of losing their vested interests, they would find other, less personal reasons, for supporting the anti-redistricting cause. Of course, such opposition would be found only in a limited number of cases.

Because anti-redistricting proponents show such an overwhelming concern for the sanctity of "local control," one would expect to find a number of cogent public statements manifesting dissatisfaction with state department and state teacher college educational policies. Certainly, along with the annual budget, the questions of what shall continue to be taught, what shall be added to the curriculum, and what shall be eliminated, are policy matters of the greatest significance; great concern to the individual school board. Yet, for the most part, reorganization opponents were quite inarticulate in the matter of educational policy. That it is significant is hardly to be doubted, especially at the secondary level. As state educational policy now runs, the ideal Nebraska high school apparently is supposed to serve the multiple purposes of a college preparatory, agricultural, commercial, and general vocational institution. The state seems to hold that, if a district can afford it, the high school under a reorganized regime should offer as many different courses as possible.

About the only reference to this matter at all was found in Mr. Leo Clinch's TV presentation. He simply asserted that a comparison of the records of several rural with several town high school students convinced him that the rural high school offered as good an educational program. He also thought that the typical rural school child was "better adjusted than the town child. At least [said he] we don't have any trouble with the problem of juvenile delinquency with rural kids. Whereas, you do have minor problems at least with some of the kids that are brought up in town."¹¹⁷ Such statements are hardly conclusive.

As a final commentary upon the opponents of reorganization, a word should be said about the only tactic currently being employed by them on a statewide basis. They wish to abolish the State Board of Education and reestablish the office of Commissioner of Education upon an elective basis. As leader of this movement, Mr. Clinch, denies that it is "just one way to get back at the Commissioner." "I think," said he, "that the present Commissioner hasn't given adequate consideration to the rural folks to which they're entitled."¹¹⁸ When queried upon the point that state board

¹¹⁷ *Supra*, note 104.

¹¹⁸ *Ibid.*

members were elected from all congressional districts in the state, he denied that the people in the "sand hills" were now properly represented. To his organization, a return to an elected commissioner seems to be the only satisfactory answer. The same position is also taken by the Rural School Boards Association. At a recent meeting:

Dislike was expressed repeatedly of "forced reorganization." Someone queried whether any rural school boards had protested directly to officials in Lincoln, as for instance Commissioner of Education Freeman B. Decker.

"We saw him," replied a Cuming County delegate. "He just sits there and tells us 'you're going to be redistricted.'"¹¹⁹

The association adopted the following resolutions: "We reaffirm the stand in the past that the head of the State Education Department be an elected official. . . . We reaffirm that the reorganization of rural school districts should be on a voluntary basis."¹²⁰

V. CONCLUSIONS

A. SCHOOL DISTRICT PROBLEMS AND STATE EDUCATIONAL POLICY

The first general criticism which should be directed at the state reorganization program is its lack of flexibility. Although legislators and proponents of reorganization have considered other solutions to organizational problems of Nebraska's primary and secondary schools, such considerations often have been colored by prejudices or have been somewhat superficial. As a result, school district reorganization is now offered as the answer to everything.¹²¹ Unfortunately, prospects for the development of new solutions appear highly unfavorable.¹²² Although founded in part upon John Dewey's "undogmatism," the current official philosophy of education is prone to be interpreted by his latter day disciples a bit dogmatically. Practically, this means that once an educational policy decision has been accepted by the professional educator, he is likely

¹¹⁹ Broken Bow Chief, February 20, 1958.

¹²⁰ Ibid.

¹²¹ For a typical statement see: "Classrooms not lacking. Redistricting is only need—Decker", Sunday World-Herald, Omaha, September 1, 1957.

¹²² E.g., The doctrinaire quality of this philosophy of education was recently manifested in a "professional" response to several articles on public education appearing in *Life*, to wit: "A National Education Assn. agency wants high school principals to consider banning *Time* and *Life* from classrooms 'as long as they have an attitude and policy inimical to education,'" as reported in: Lincoln Evening Journal and Nebraska State Journal, April 9, 1958.

to defend it as the one and only "true path to salvation." Conversely, opposing views are likely to be treated as representations of the epitome of evil. Thus, even the consideration of counter-proposals to school district reorganization is likely to be eschewed as anathema. Another manifestation of official educational philosophy which affects the progress of reorganization itself involves the nature of the curricula. The professional has been caricatured as believing "that the purpose of schools is to prepare children for useful lives and [that] therefore it is more important for them to learn such things as beauty shop operation and carpentry than to study Latin."¹²³ The opposing faction holds that the child goes to school to learn to read, write, and figure; "and what good is a knowledge of industrial arts going to do him if he can't add up his weekly pay?"¹²⁴ Nebraska reorganization leadership is not completely doctrinaire in supporting the former position, but they tend to be more sympathetic to it than to the latter. As interpreted to the general public by educational as well as reorganization leaders this particular approach is called "educating the whole child."¹²⁵ At the secondary level, where for the most part the knottiest reorganization problems develop, "educating the whole child" is accomplished through the installation of the "broad curriculum."¹²⁶ This means that the desideratum of all reorganization plans developed by state educators envisages the establishment of "broad curricula." No alternate arrangement is considered or provided. Unquestionably, many Nebraska school districts have the population and resources to support high schools offering the "broad curriculum"—or a substantial part of it; many more, however, do not.

Beyond even the impracticability of the "broad curriculum" extends another problem area. Reorganization leadership proposes that K-12 systems be imposed by legislative act upon the entire state. Although such a law would be beneficial in many regions, it is doubtful whether any amount of redistricting would be practicable in such counties as Cherry, Grant, Logan, McPherson, and Thomas, where population densities vary from one to two persons

¹²³ Sunday World-Herald, Omaha, March 23, 1958.

¹²⁴ Ibid.

¹²⁵ Since offering opposing arguments to "educating the whole child" seem to place one in the same category as those who would oppose "home, God and mother," the average non-professional educator or "layman" chooses to say nothing.

¹²⁶ The official "broad curriculum" for offerings for the typical reorganized school is shown on Table II, *infra*. p.779.

per square mile. It would be necessary to join a number of these counties together in order to find the school population for one K-12 district. If such were done, the transportation problem would be nearly insoluble. It is clear, therefore, that other solutions than redistricting must be found for the "Sand Hills" area. It is true that some districts provide "schools on wheels," but these vehicular classrooms offer only limited utilization. Perhaps Nebraska schools might benefit from several Australian practices:

It is now many years since a system of correspondence lessons was inaugurated in Australia for the children of settlers in isolated and sparsely populated districts. Recently a new system of teaching them, the "Australian School of the Air," which is quite unique in the history of education, has been introduced in Central Australia. By this new system, not only are lessons broadcast to the children, but the children themselves can answer and ask questions over the radio. The scheme relies for its success on the close co-operation of the now-famous "Flying Doctor Service," which uses specially invented pedal wireless "transceivers" . . . ¹²⁷

As far as can be ascertained from the literature examined, state authorities have given no thought whatsoever to the possibilities of reorganization plans founded upon a functional basis. Such an arrangement might entail either: (1) a single district maintaining several small or medium high schools each offering a specialized curriculum, or (2) several adjacent districts (K-12) each agreeing to support a particular type of high school open to the young people of all the districts involved. For example, individual districts in populous and prosperous regions possibly might support agricultural and technical, commercial, and academic high schools. In populous, but less prosperous areas, each of several conveniently adjacent districts might plan a similar system. Of course, the success of such arrangements would depend partially upon the temper of the areas concerned; but it would also depend upon advice, assistance and cooperation from the state educational authorities. One way in which the department could provide such aid would be to formulate model curricula for various types of high school programs, and present these as possible alternatives to the "broad curriculum." Granted that installation of specialized high school curricula might be suited only to a limited number of Nebraska districts, but the basis of criticism lies in the fact that apparently the "pros" and "cons" of such or similar proposals have never been examined or considered.

¹²⁷ International Bureau of Education Bulletin, Volume 26, p.51 (Second quarter, 1952). See also: C. Slocombe, "Australia's School of the Air," American Teacher, Volume 36, p.18 (April, 1952).

Within the last ten years, not quite such summary treatment was accorded the possibility of adopting the county unit system. It seems to present a plausible solution for school district problems in the more densely populated areas of Nebraska. As the reorganization laws now provide, moreover, counties, with a sufficient number of agreeable voters, can redistrict on a one hundred per cent basis. This would provide what would be in effect, a county-unit system. Thus, for the most part, the decision would lie with the local population.¹²⁸

B. THE ADMINISTRATIVE ASPECT OF A REORGANIZED SCHOOL DISTRICT

Although reorganization leadership now emphasizes the "good educational program" approach to redistricting, they still contend that the reorganized school will be more economical and efficient to operate. Fulfillment of this purpose is quite within the realm of possibility. However, it is only proper to observe that under certain circumstances these twin goals may not be reached.

First: It is an accepted canon of administration that an increase in the size of an organization tends to impair or depersonalize the relationships among the people associated with it. Thus, where redistricting implies abandonment of small schools (attendance units) and consolidations into one or several larger schools it follows that pupil-pupil and pupil-teacher relationships, translated into the larger units, are likely to suffer. One does not suggest that an absolute increase in inefficiency results therefrom, but it does seem logical to conclude that if the desired end of the total educational process is more easily attained in smaller groups, then increasing the size of the groups involved—beyond the optimum point—may well tend towards a deterioration in the group educational process.

Second: When the increased size of the attendance units requires a correspondingly increased number of school administrators and staff personnel, there is bound to be a corresponding increase in the volume and rate of publication of orders, rules, regulations, and directives. In other words, beyond a certain optimum point, an organization becomes a functioning bureaucracy. This trend towards bureaucratization, while inevitable for growing organizational units, does not automatically insure greater efficiency in the total educational process. Of course, administered properly, a bureaucracy constitutes the most rational form of human institu-

¹²⁸ Note that Banner County consolidated all districts in 1954-1955, and has recently completed a new school at Harrisburg.

tion for dealing with large volumes of routine and complex tasks; but unless bureaucracy is continuously scrutinized and held accountable for its activities by a conscientious governing body backed up by a responsible electorate, the purposes for which the institution is established eventually become subordinated to the processes and procedures of administrative convenience. Furthermore, without proper oversight and control, administrators begin to grasp the prerogatives which rightly belong to the governing body—in the case of schools, the district board. These are some of the fundamental administrative “facts of life” which should be taken into account before any community undertakes a major redistricting project.

C. SCHOOL REORGANIZATION: THE OPPOSITION

In the folklore of American government, and, to a limited degree, in the law, there has evolved a grassroots myth; the myth of local autonomy—which implies “local control.” Initially, in its pure form it stresses the best aspects of the Lockian tradition making the citizen the responsible principal for his agent, the government. From the framework of this tradition, the citizen is thus actively engaged in putting to rights governmental abuses and generally overseeing the operation of “his” governments. In the United States the model exhibit of local autonomy is the New England town meeting. From a legal standpoint, the myth of local autonomy generally neglects consideration of the precise status of the state. Its proponents prefer to consider the local governmental unit involved as an *imperium in imperio*.¹²⁹ The most advanced legal development bolstering local autonomy is municipal home rule,¹³⁰ but with the exception of a few states, this applies only to cities. Nowhere does it apply to school districts.

Legally, Nebraska school district laws provide for a great deal of local control; e.g., Class I district voters are empowered to assemble and transact business much in the same way as the participants in a New England town meeting.¹³¹ Redistricting beyond certain limits would certainly eliminate such participation; but in his entire study of opposition objections to reorganization, the writer found not one word of complaint about the abandonment of the district meeting. Noteworthy also was the fact that no word of complaint was registered about the possible loss of district control

¹²⁹ *LeRoy v. Hurlbut*, 24 Mich. 44, 9 Am. Rep. 104 (1871); *City of Lexington v. Thompson*, 113 Ky. 540, 68 S.W. 477 (1902).

¹³⁰ Municipal Home Rule is provided constitutionally in Nebraska; Neb. Const., Art. XI.

¹³¹ Neb. Rev. Stat., §§ 79-501—79-516, *passim*.

over the educational program. The most violent polemic directed against reorganization, the *Otoe Handbill*,¹³² was most concerned about the "urban conspiracy" to shift the tax burden to rural folk, the possible loss of employment by farm-wife teachers, and loss of "local control"; nothing being said about the annual meetings or control of the educational policies. Also, conspicuous by its absence from anti-reorganization statements was any objection to the loss of the community's role in choosing its teachers, the principal agents for effectuating educational policy. Since no objections to redistricting, voiced or published, included any one or all of these three fundamental items, it is doubtful that anti-redistricting forces (at least those encountered) are sincerely concerned about the possible loss of the opportunity of participating in local district decisions or of bearing the responsibility for control and oversight of district activities. In other words, unlike the ideal New England citizen who is fundamentally concerned with and jealously guards his policy-making prerogative, a large part of the opposition to redistricting in Nebraska invokes the cry of "local control" symbolic of something else.

The writer conjectures that the "something else" in a number of instances may be simply an American outcropping of what political theorists call "particularism." While this is usually a continental European phenomenon, its presence here may be explained by the fact that a fairly large percentage of Nebraskans are new citizens or immediate descendants of new citizens. This hypothesis is not presented as a "self-evident truth," but merely as a possible explanation of the frequent invocation of "local control" as a mythical symbol rather than a substantive tool of protest.

In commenting upon the opposition movement, it remains to comment very briefly upon one argument advanced by almost every group and individual of the anti-redistricting camp. Almost unanimously these people express the opinion that reorganization, if feasible at all, must follow the construction of a network of rural farm-to-market, hard-surfaced roads. Such a position is quite tenable in certain situations of redistricting where pupils who formerly walked to school would of necessity have to resort to bus or automobile transportation in order to get to a new or different school. But this argument does not have universal application. As pointed out by a reorganization leader, most of the reorganization plans envisage using the high school already in use, the prime desideratum being the combination of Class I districts (administrative units) under one reorganized district. Thus, it can be said in only specific

¹³² *Supra*, note 98.

cases that the construction of roads as such will automatically serve to assist the reorganization cause.

D. A FINAL ANALYSIS

In the opinion of the writer, except as noted above, there are few logical arguments which can be advanced against the general scheme of school district reorganization. Of course, each proposal plan should be thoroughly thought out and weighed upon its own merits. Assuming in every case the completion of adequate planning and the existence of a large population potential with sufficient resources to support redistricting, there are a number of possible advantages for the state, the county and the individual districts.

1. Redistricting may ultimately reduce the number of governmental units in the state. Such a reduction would of itself have a salutary effect upon the state and local communities in both tangible and intangible terms. In tangible terms, a reduction of districts would reduce correspondingly the necessity for the conduct of many separate elections. In turn, this would mean a substantial saving in man hours and money. From an administrative standpoint (regardless of the fact that many existing districts have little, if any, administrative machinery), cumulatively administrative tasks could be carried on more efficiently by centralized administrative machinery. Also there would be correspondingly less administrative work required of county and state officials, especially with respect to the keeping of records. From an intangible point of view, a cumulative reduction in the number of districts would tend to attenuate to the confusion which is always engendered by a multiplicity of governmental units, especially where many overlap.

2. Redistricting may ultimately provide for Nebraska a better educational system than we now enjoy. Many school systems at present operate on a "shoestring." By pooling resources and raising teacher certification standards, pupils could be offered better personnel and material services in the reorganized school district. Of course, the quality of such service is not guaranteed by reorganization. It depends, as is true in the case of existing districts, upon a continuing strong interest, oversight, and control, upon the part of the citizens. If citizens do not assume the responsibility for their school district, the level of performance will drop and eventually, a political vacuum will develop. A school district is subject to all the disabilities and ills of any other governmental unit.

3. Redistricting would certainly eliminate much tax evasion and would bring about an equalization of tax burdens within the reorganized districts. All citizens ultimately benefit from a high

quality educational system; therefore, all citizens should contribute to its support.

4. Finally, redistricting would not eliminate local control in the true sense. "Local" is a relative term; and, in Nebraska, the state, not the county, the town, the township, or the school district has the ultimate responsibility for educating the young. As the Supreme Court has said: ". . . the schools in which are educated the children who are to become in time the directors of our political destinies are matters of state . . . concern. To have educated and intelligent men and women cannot be of strictly local concern. It concerns the whole state."¹³³

TABLE I
THE NUMBER OF SCHOOL DISTRICT IN
NEBRASKA FOR SELECTED YEARS
1870-1957^a

Year	Number of Districts	Year	Number of Districts	Year	Number of Districts
1870	377	1920	7,035	1952	6,466
1880	3,132	1930	7,244	1954	5,900
1890	6,069	1940	7,192	1955 ^b	5,400
1900	6,705	1950	6,604	1957 ^c	4,958
1910	6,938				

Sources: ^a Nebraska Legislative Council, Committee on the Reorganization of School Districts, Nebraska Legislative Council Committee Report. No. 50 pp. 9-10.

^b Nebraska State Department of Education, Facts About Nebraska Schools: Finance and School District Organization (Lincoln: 1956) p. 6.

^c Omaha World-Herald, October 10, 1957.

¹³³ Carlberg v. Metcalfe, 120 Neb. 481, 488, 234 N.W. 87, 91 (1930).

TABLE II

A QUANTITATIVE COMPARISON OF ACADEMIC AND ELECTIVE
(VOCATIONAL AND RECREATIONAL) COURSE OFFERINGS IN
TWENTY-FIVE RURAL NEBRASKA HIGH SCHOOLS—
WITH AN APPROPRIATE ANALYSIS^a

School, County Village Pop. ^b , and State Status of School ^c	Academic Offerings: Number of Courses	Elective Offerings: Number of Courses	Total Course Offerings
Blue Springs (Gage) 581, x.	9	1 (typing)	10
Arcadia (Valley) 574, y.	13	10	23
North Loup (Valley) 526, y.	10	5	15
Cedar Bluffs (Saunders) 505, y.	15	7	22
Adams (Gage) 457, y.	13	10	23
Odell (Gage) 420, y.	12	5	17
Talmage (Otoe) 398, y.	15	12	27
Prague (Saunders) 396, y.	11	5	16
Valparaiso (Saunders) 392, y.	14	9	23
Mead (Saunders) 388, y.	16	8	24
Ceresco (Saunders) 374, y.	15	5	20
Palmyra (Otoe) 372, y.	16	5	21
Weston (Saunders) 345, x.	10	5	15
Yutan (Saunders) 287, y.	10	6	16
Liberty (Gage) 246, x.	12	7	19
Otoe (Otoe) 230, z.	11	3	14
Dunbar (Otoe) 228, y.	15	11	26
Unadilla (Otoe) 216, z.	9	4	13
Douglas (Otoe) 213, x.	9	3	12
Barneston (Gage) 208, y.	13	11	24
Clatonia (Gage) 192, x.	14	9	23
		(typing)	
Malmö (Saunders) 151, z.	12	2 (Gen. Bus.)	14
Filley (Gage) 136, y.	12	11	23
Virginia (Gage) 113, z.	12	12	24
		(typing)	
Burr (Otoe) 91, z.	14	2 (Band)	16

(x) approved; (y) accredited; (z) disapproved

Comparison of Highest and Lowest Offerings
In Three School Categories

	Academic		Elective		Total	
	Highest	Lowest	Highest	Lowest	Highest	Lowest
Approved (x)	16	10	12	5	27	15
Accredited (y)	14	9	9	1	23	10
Disapproved (z)	14	9	12	2	24	13

ANALYSIS

The purpose of including this table and analysis was to ascertain whether there were any indications that accrediting authorities tended to favor schools which emphasized elective courses to the detriment of those which emphasized the academic curriculum. Inspection of the table and tabulated comparisons immediately above, shows a tendency to accredit schools with large to medium total offerings; to approve schools with medium to small offerings, and to disapprove selected schools in both categories. It should be noted: (1) that no school had more electives than academic subjects; (2) that the highest and the lowest academic offerings in both approved and disapproved categories are exactly the same; and (3)

that in the accredited category the school with the lowest academic offering has only one more course than the schools with the lowest academic offerings in the approved and disapproved categories. Essentially, therefore, one could not detect any tendency to disapprove schools simply on the basis of low elective and high academic offerings.

SOURCES

- ^a The University of Nebraska Teachers College and The State Department of Education, *The Gage County Reorganization Study 1957* (Lincoln: School Survey Advisory Service, University Extension Division, 1957), p. 29 (facing). The University of Nebraska Teachers College and The Nebraska State Department of Education, *The Syracuse School Report*, May 11, 1956 (Lincoln: School Survey Advisory Service, University Extension Division, Teachers In-Service Program, 1956), p. 6 (facing). The University of Nebraska Teachers College, *The Saunders County Reorganization Study* (Lincoln: The Teachers College In-Service Program, The University of Nebraska, 1956, p. 4 (facing). The University of Nebraska Teachers College, *The Valley County Reorganization Study* (Lincoln: The Teachers College In-Service Program, No Date) p. 8 (facing).
- ^b The Nebraska Blue Book, 1954, pp. 412-419.
- ^c Nebraska Education: The Annual Report of the State Board of Education to the Governor of the State of Nebraska for the year ending December 31, 1956, pp. 38-41, passim, *The Lincoln Star*, March 5, 1958. The 1957 Department of Education report was not yet available when this paper was written. Therefore, the schools listed as approved or accredited were so designated officially to January 1, 1957. Some changes may occur in the 1957 listings.

NOTE

Academic Offerings:

Algebra	Creative Writing	Geometry
American History	Problems	Physical Education
Basic English	English Literature	Physics
Biology	Foreign Language	Senior Science
Chemistry	General Mathematics	World Geography
Contemporary Liter.	General Science	World History
Contemporary (Mod.)		

Elective Offerings: *Recreational*—

Band	Glee Club	Public Speaking
Debate	Health	Speech Correction
Dramatics	Library	Art Appreciation
Fine Arts (Gen. Art)	Orchestra	Remedial Reading

Elective Offerings: *Vocational*—

Agriculture	Homemaking	Typing
Auto. Mechanics	Metal Working	Vocations
Bookkeeping	Office Machines	Woodworking
Driver Education	Secretarial Pr.	Electricity
Gen'l Business	Shorthand	

The offerings vary a trifle in the tables shown in each reorganization study inspected. For example, one list contains *Electricity*, while it is omitted from several others. With only one or two exceptions the list applies "across the board."