

Your Question:

You requested information regarding policies on the process for withdrawing from a school district. Specifically, you wanted to know if states have a method for suspending a withdrawal process.

Our Response:

District organizing and reorganizing policies are contingent on how states have structured their school districts. As a result, reorganization may mean different things, or take different forms in each state. However, district reorganization can generally be defined as a procedural action to form a new school district by dissolving existing school districts, consolidating existing school districts, or by transferring territory. Procedures for reorganization are typically multifaceted and typically require some combination of voter approval, committee approval, and certification for the state department of education.

To the best of our knowledge, many - if not all - states have a policy for reorganizing school districts. The following are some state examples that provide a general sense of the key elements of state district reorganization policies. State policies for district reorganization may be found in either statute or administrative code. Although we did not scan all 50 states' policies, the search we conducted did not yield any states with specific language providing for a suspension of a withdrawal process.

- [California](#) – The state has four standard types of reorganization: territory transfers, formations of new districts, unifications with components, and lapsations of districts. The petition threshold varies depending on the type of reorganization. For instance, district unification may commence when 25 percent of voters sign a petition or may be commenced by a county committee under the direction of the state board of education. The process that follows involves a combination of public hearings, research and recommendations, more public hearings, and final petition approval after which time an election is called (please refer to Figure 1 for a sample flow chart). State law does not include a procedure for suspending the reorganization process.
- [New Jersey](#) – The process here begins with a petition to the executive county supervisor to investigate the advisability of withdrawing from a constituent school district. Following the petition, the governing boards of constituent municipalities, the regional district board of education, and the executive county supervisor must review the withdrawal procedure. Following the investigation, the superintendent presents a report and makes a recommendation based on the report. If withdrawal proceeds, a special election is held followed by a final review from the Commissioner of Education, the State Treasurer, and the Director of the Division of Local Government Services in the Department of Community Affairs. There is no specific language pertaining to suspending the withdrawal process.

- [New Hampshire](#) – District reorganization, which includes withdrawal specifically, begins with presenting the question at a district meeting, to a local legislative body, or through a ballot referendum. If accepted, a planning committee is formed to create a plan for reorganization and present the plan to constituents at a public hearing. Once the plan is accepted, it is then submitted to the state department of education and voters. If the plan does not receive 3/5 of total votes in favor, it can then be resubmitted to voters at the next district meeting. State law does not explicitly speak to suspending the process; however, it does provide specific language regarding the scope of the planning committee’s authority in circumstances of school withdrawal from districts.
- [Massachusetts](#) – State reorganization procedures require heavy involvement from the Department of Elementary and Secondary Education. Overall, the process requires a regional committee to develop a long term education plan that is reviewed by the department. Once approved, regional entities are then required to engage in collective bargaining with municipal representatives. Following collective bargaining, the new district must enter budget negotiations within the regional committee that must be accepted by 2/3 of the regional committee members as well as local appropriating authorities. In addition to the administrative procedure required for district reorganization, the state also requires local schools to form an administrative structure to support the new district’s operations (information found [here](#), [here](#), and [here](#)). The state does not provide guidance on suspending withdrawal proceedings.

It is worth considering that with so many opportunities for reorganization procedures to fail, many states do not need a method for suspending reorganization proceedings.

For more information on state education policies related to governance issues, please visit our [state policy databases](#) where you will also be able to browse legislation pertaining to [district consolidation and deconsolidation](#). Additional information regarding district consolidation and incentives for consolidation may be found [here](#).

Figure 1: District Unification Administrative Process - California

Flowchart C

UNIFICATION INITIATED BY OWNERS, 25% PETITION, OR DISTRICT GOVERNING BOARDS

