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ABSTRACT

The history of statutory and case law pertinent to school reorganization reflects the elaboration of state authority over education during the development of the American Republic. This article considers the legal right of the state to define and redefine the territory served by administrative units that provide direct services to students. Public education, originally begun by religious groups in colonial days, was firmly established by the turn of the 20th century with state education agencies, compulsory attendance, and teacher training and certification. Consolidation laws are fairly consistent from state to state. The basic principle is that boards of education act properly to open and close schools in accord with the legitimate exercise of the official judgment of members. Trends in case law literature--a bulk of nearly 150 cases decided between 1936 and 1966 and about 50 thereafter--affirm the disciplinary authority of the state entities to alter the territory to which instructional services are provided. Legal grounds for challenges to consolidation are limited to issues of procedure, interpretations of statutory intent, or, in rare cases, demonstrable abuse of authority. Several questionable presumptions are that elected school boards represent the constituents who elect them and that board members freely exercise the authority vested in them. At present, territoriality is limited by the distance deemed feasible to transport students. In the future the need for territorially-based schooling may be eliminated by telecommunications. (KS)

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A Territorial Imperative:
The Authority of the State to Reorganize Public Schools and Districts

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A Territorial Imperative:
The Authority of the State to Reorganize Public Schools and Districts

The provision of mass education represents an unparalleled intrusion of the state into a realm of experience once considered private (Lasch, 1991). Citizens have often resisted this intrusion (e.g., Curtis, 1988) and most proposals to close schools or reorganize districts continue to elicit such intrusion (DeYoung & Howley, in press; Stephens, 1991).

The legal historical context of state authority to reorganize schooling is seldom appreciated, however. This article considers the legal right ("authority" per se) of the state¹ to define and redefine the territory served ("reorganization") by administrative units that provide direct services to students ("public schools and districts"). It reviews illustrative statutory and case law that circumscribes the authority of the state acting on behalf of the commonweal to provide schooling to all children.

The concluding section offers some speculations on the future of territoriality as the basis for mass education, in light of legal battles of the past and present and the emergence of the "postmodern" implications of educational technology.

Historical Origins

Schooling in the United States has evolved from its roots as an informal, albeit quasi-public, social phenomenon.² Today, schooling is

¹The term refers to government in general, except where, in context, local, state, and federal jurisdictions are indicated.

²"Quasi-public" refers to a peculiarly American circumstance. Much popular American education, even when funded by mutual arrangement of private citizens, aimed at construction of a "common school" that would serve equally all the affected children from a given neighborhood (Boli, Ramirez, & Meyer, 1985; Meyer, Tyack, Nagel, & Gordon, 1979). Moreover, for dispossessed citizens of the world the American Republic was--during the Enlightenment of the 18th century and for much of the industrial construction that followed in the 19th century--the "world-class" destination of choice. For such reasons, education conducted truly privately--that is in the homes of patrician families--has almost always escaped much comment from historians of education. Schooling, as Counts (1931) observed, is a peculiarly American "road to culture."

conducted as a highly systematized public institution. Many observers, both right and left, seem to believe the existing system is too tightly linked. Greater autonomy of public schools, if not of teachers within in them, is seen as a mechanism by which to cultivate valid differences to which "consumers" (i.e., parents) might variously subscribe on the basis of choice. Some would extend the realm of choice, supported by public funds, to the private sector.

Limits to such putatively desirable autonomy, however, are inherent in the legal circumstances surrounding the very existence of public schools and districts. As the state consolidated its authority to administer schooling within given jurisdictions (i.e., local, regional, state, and federal), the need to compel the establishment and disestablishment of schools and districts was fundamental. Lacking such power, the authority of the state to administer public schools would become moot. This observation is as true now as it was when originally elaborated in law, particularly during the early years of the century. Perhaps in an age when the devolution of state authority to private hands (e.g., through voucher schemes) seems possible, the exercise of this power has even become desperately necessary as a demonstration that the state's authority is, indeed, legitimate (DeYoung & Howley, in press).

The legal term that applies to the material manifestation of this power is "consolidation." The Reporter System indexes relevant cases under this rubric. Stephens (1991) prefers to restrict use of the term "consolidation" to actions that affect schools and to apply the term "reorganization" to actions that affect districts. This essay follows the usage of the Reporter System in its consideration of legal issues. It adopts the latter term, however, as broadly applicable to both districts and schools in reference to the exercise of state authority and power in defining and redefining geographically zoned schooling in the United States.

Legal Historical Background

From the earliest days of the Republic, and, indeed, long before, Americans have sought to provide as widely available an education as resources

might permit. The Puritans were among the first to provide for the public education of their children, under the terms of the "Old Deluder, Satan" law of 1642. This public schooling, of course, was not the project of secular, but of a religious, state. This early law, however, establishes the precedent of American commitment to schooling as an important tool in cultivating the commonweal. Through much of the 17th and 18th centuries, church communities banded together to support this sort of quasi-public schooling. Indeed, the distant colonial powers took little interest in American education. Left to their own devices, colonists began to elaborate a popular--if not yet "populist"--demand for education.

By the time of the American revolution, the native demand for education--and its prospects for the future--influenced visionary plans for a Republic based on popular rule (Cremin, 1980). The progress of education among the colonial elite, particularly the widely appreciated influence of the ideals of the Enlightenment, in fact, enabled this vision. And the colonial elite that framed the national project fervently believed that popular education was the most effective insurance for the survival of the emerging nation. This commitment was reflected prior to the establishment of the Republic, in fact, by the Northwest Ordinance of 1784. The Ordinance provided a mechanism in newly formed states to fund common schools through the application of resources generated by public lands.

During the early years of the Republic, aspirations for a public system of schooling continued to grow. Law often referenced such aspirations without, however, effectively implementing action to realize them. The Indiana constitution of 1816 (cited in Cremin, 1980, p. 148) illustrates this circumstance:

It shall be the duty of the general assembly, as soon as circumstances will permit, to provide, by law for a general system of education, ascending in regular gradation from township schools to state university, wherein tuition shall be gratis, and equally open to all.

Indeed, such aspirations were constitutionally inherent in the new American zeitgeist. The aspirations of those who framed the Indiana constitution, in fact, attest to the rapid spread of educational aspiration within the expanding Republic. Jefferson, one should remember, called for the sons of a few families of common people to be "raked from the rabble" for the privilege of receiving a university education. In Indiana, the apparent desire in 1819 was for not only the sons, but perhaps the daughters as well, and for not only the few, but quite definitely the many, to attend university --a state-sponsored university, at that.

Despite the demands, state resources were not sufficient to realize the aspirations of the populace until the middle of the nineteenth century, particularly after recovery from the Civil War. States like Massachusetts were considered "progressive" for compelling the establishment of high schools (from 1825 onward, according to a schedule and related criteria set by the Massachusetts legislature), implementing a state superintendency (1838) and establishing state-supported teacher training (1839), establishing compulsory attendance laws (1852), and for actually enrolling a large portion of school-age children (Katz, 1968; Stephens, 1991). In actual fact, however, states in the middle and western parts of the nation equalled or exceeded Massachusetts in actual enrollments and in increasing the proportion of school-age children enrolling (Cremin, 1980). Establishment of the U. S. Bureau of Education in 1868 indicated that the polyglot American system was beginning to coalesce to such an extent that the necessity of conceiving a federal role had become obvious.

By the turn of the 20th century, most states had followed the administrative lead of Massachusetts in establishing state education agencies, compelling attendance, and training and certifying teachers. High schools, too, were becoming more common following the Kalamazoo decision of 1881.

Because education is a right reserved to states under the federal constitution, education is neither a fundamental right of citizens under federal law, nor need school law reflect principles of law consistent from one

state to another, except insofar as federal constitutional rights or laws are implicated. Nonetheless, the body of law about consolidation is remarkably consistent from state to state. The basic principle (established, in fact, in a Supreme Court case of 1928) with respect to schools is that boards of education act properly to open and close schools in accord with the legitimate exercise of the official judgment of members. District reorganization has historically involved legislative action, often in concert with use of the "bully pulpit" with which official roles endow leaders within state education agencies (Stephens, 1991).

Case Law Literature on Consolidation and Related Issues

Since 1819, at least 450 cases about consolidation and related issues (e.g., division, annexation, change of organization) have been decided at all levels of the court system, including the U. S. Supreme Court (where most rulings have dealt with consolidations in which racial segregation is also at issue). Of these cases, nearly 400 were decided prior to 1976, and approximately half of these were decided between 1936 and 1976.

Trends within the case literature. Nearly 150 cases were decided between 1936 and 1966, the era of the "big push," when closing one-room schools and small high schools was a priority high on the agenda of school reformists (Stephens, 1991). Between 1966 and 1976 most cases entailed school or district territoriality related to racial segregation.

Between 1976 and 1986 approximately 15 relevant cases were decided. More than twice that number have been decided between 1986 and the present. This increased litigation, no doubt, reflects new efforts by states to use consolidation to achieve hypothetical improvements in financial efficiency. North Carolina implemented an abortive plan to mandate consolidations in 1985, for instance, and consolidation has again become an issue in many states in the West and Midwest, where independent districts predominate (Sher, 1986; Stern, in press).

In West Virginia--a state with a county governance system--the liberal governor has implemented a tactic often used in the 1936-1966 period to consolidate smaller schools: the provision of capital improvement funds tied to plans to eliminate such schools. Funds are provided only to county districts that submit and adhere to such plans. In fact, in this state a court battle is now underway to determine if county boards of education may subsequently withdraw or revise their consolidation plans. The state education agency seeks to enforce adherence to plans as originally submitted.

Illustrative cases. Among the many cases that might be considered at some length, those that follow illustrate the key concepts of common schooling, state authority and power, and territoriality as they relate to consolidation. The will of the state as it acts through local, state, and federal entities is implicit in these concepts. In addition, some of the cases considered counterpose the will of the people acting as private citizens to the sovereign will of such entities of the state.

The earliest case relevant to consolidation was decided in Massachusetts in 1819 (*Commonwealth v. Inhabitants of Deadham*, 16 Mass. 141). This case affirmed the responsibility, under applicable statute, of a town required to provide a schoolmaster to provide services to the entire town and not only to a portion of the town. This earliest precedent establishes the territorial intent upon which the common-school foundation rests. As noted previously, territoriality is a key concept in consolidation cases, in the context of common schooling to cultivate the commonweal.

An Indiana case of 1856 (*Quick v. Springfield Township*, 7 Ind. 636) illustrates the importance of the concept of state authority. In this case the court established that, in establishing a system of common schools, funding could be specially directed to unserved portions of the township in order to establish funding on an equal footing within portions of the newly established system. The court specifically noted that power thus to discriminate was incident to the right of sovereignty. This early precedent suggests the prerogatives that state authority entails.

An Iowa case of 1860 (*McDonald v School District No. 1*, 10 Iowa 469) was among the first to establish the contractual continuity of consolidated townships districts with former independent districts. In general, the burden of the outcome of any action brought against pre-existing districts is to be borne by the entirety of the consolidated district, and not merely by a portion thereof.

A Washington state case of 1891 (*McGovern v. Fairchild*, 2 Wash. St. 479, 27 Pac 173) illustrates that consolidation efforts began with state statutes providing for (1) creation of single districts in incorporated municipalities and (2) annexation of adjacent territory to districts thus created. In this case, the law that provided for the creation of a single school district in cities of population 10,000 or more, also permitted such cities to annex and thereby abolish previously independent districts adjacent to, but outside the limits of, the city. Members of the boards of education of such districts, moreover, were not thereby entitled to sit on the boards of the consolidated district.

Subsequent to such action, other states sought to clarify the authority of the legislature to adopt measures to consolidate districts. A 1901 Michigan case (*Attorney General v. Lowrey*, 92 NW 189, 131 Mich. 639, 9 Detroit Leg. N. 470) established that the Michigan legislature did have the authority to pass Local Act 315, which, in creating a consolidated district from one district and a portion of another, vested in the new district the property of that portion of the other district now within the territory of the consolidated district.

An unusual South Dakota Law of 1907 provided for the creation of consolidated township districts from previously existing common-school districts on petition of a majority of voters in the township. A 1909 case (*Stephens v. Jones*, 123 NW 705, 24 SD 97) affirmed that formation of such a district under such circumstances was incumbent upon and positively required of the county commissioners and the county superintendent. Once petitioned,

the legislature legitimately required formation of the consolidated township district.

Convenience of access to school is an issue of territoriality addressed in an Illinois case of 1922 (*People v. Graham*, 134 NE 57, 301 Ill. 446). In this case the court was asked to determine if the extent of a newly consolidated district permitted convenient travel to school, given the statutory requirement that the territory of the consolidated district be "compact and contiguous" for such purpose. The court ruled that the district (8.5 miles by four miles in extent) met the requirements of statute, even though some children lived 6 1/2 miles from the village in which the central school was to be maintained.

A powerful precedent for the emerging authority of county boards of education with respect to consolidation was provided by the U. S. Supreme Court in a 1928 Mississippi case (*Gong Lum v. Rice*, 48 S. Ct. 91). The court ruled that consolidation of common-school districts within a county district is discretionary with county boards of education.

Similar precedents were established throughout the 1930s in the various states. For example, a 1931 Texas case (*Love v. City of Dallas*, 40 SW 2nd 20) affirmed the discretionary authority of the legislature to enlarge or diminish the territory of school districts in that state.

A Kentucky case the same year (*Whalen v. Board of Education of Harrison County*, 39 SW 2nd 475) determined that authorization of consolidation did not require demonstration of the need for consolidation within each affected subdistrict. The discretionary authority of the state supervenes questions of needs among constituents of only a portion of the affected territory.

The courts in the various states, moreover, appear loathe to consider the substantive issue of necessity in consolidation cases generally. An Arkansas case of 1940 (*School Dist. No. 3 v. School Dist. No. 47*, 136 SW 2d 476) held that courts of that state need not consider testimony about the issues of necessity for consolidation among subdistricts. The ruling in this case limited objections to planned consolidation to matters of procedural process

with respect to applicable statute (challenges to validity of list of petitioners, challenges to adequate notice). In this case, the court then used points of judicial procedure to dismiss the procedural challenges brought by the (plaintiff) district seeking to overturn the consolidation plan.

Having established the clear discretionary authority of the state entities to alter the territory to which instructional services are provided, the courts acted subsequently to safeguard citizens from abuse of the power implied by such authority. One of the earliest such cases, decided in Kentucky in 1945 (*Alford v. Board of Education of Campbell County*, 184 SW 2d 207), is illustrative. The court affirmed the county board's "broad powers" and "liberal discretion," but ruled that such powers could not thereby be exercised arbitrarily.

During the first postwar decade, challenges were also based on the notion that exercise of state power (e.g., in declining to entertain the necessity of consolidation among subdistricts) deprived citizens of representation. Courts in the various states have refused to entertain this argument as well, ruling that such rights are not vested in school districts as they are in counties or municipalities (*State ex rel. Gray v. Board of Ed. of City of Chetopa*, 185 P 2d 677; *Lincoln Community High School District No. 404 v. Elkhart Community High School District No. 406*, 111 NE 2d 532).

Challenges have also involved corporate interests, when annexations of territory were proposed and accomplished in order to augment the tax base of a district. Oil companies in Wyoming brought suit to enjoin such annexations (e.g., *Forest Oil Corp. v. Davis*, 396 P 2d 832 [1964]) in the early 1960s. The courts, building on the precedent that citizens do not have rights vested in particular school districts, disallowed such challenges. They allowed such annexations, if educational benefit (e.g., adequacy and equity of funding) ensued.

The relationships among the entities of the state has also engaged the attention of the courts. A 1954 case in Georgia (*Crawford v. Irwin*, 85 SE 2nd 8) confirmed that it was within the power of the legislature to

confer upon county boards of education the authority to consolidate schools within the counties.

The process of consolidating districts, when it involves annexation of the territory of portions of small districts, may jeopardize the survival of districts thus fragmented. Such a circumstance is inevitable, given the piece-meal progress and local idiosyncracies of the process. A South Dakota case of 1964 (*Nelson v. Deuel County Board of Education*, 128 NW 2d 554) interpreted that state's 1960 reorganization statute to intend the creation of larger units at the express expense of smaller units. Survival of such fragmented units, noted the court, was "not contemplated."

During the late 1960s and early 1970s a large majority of consolidation cases entailed attempts--and challenges to such attempts--to convert Southern dual-race school systems to unitary systems. Frequently, desegregation efforts involved district mergers, changes in attendance areas, and school closings. Cases were often complex. A 1970 Florida case (*Allen v. Board of Public Instruction of Broward County*, 312 FSupp 1127) is illustrative. In this case, the National Association for the Advancement of Colored People (NAACP) brought suit against the district, which agreed to convert to a unitary system. The court remained involved in the case, seeking counsel from many intervening parties, in order to oversee the plan devised under the agreement. As a result, attendance areas were rezoned and one school was closed. The court noted explicitly that achievement of a unitary system--not racial balance--was its aim.

Elsewhere in this period, courts in the several states tended to reaffirm the principles illustrated in cases described previously. For instance, a 1968 Kentucky case (*Porter v. Bullitt County Bd. of Ed.*, 433 SW 2d 126) affirmed the discretionary authority of local boards of education (Kentucky has both independent and county districts) to consolidate schools, barring arbitrary action or other abuse of discretion.

During the late 1960s, however, the courts in several states began to rule that the state, in considering consolidations, had an obligation to

consider the desires or self-expressed needs of residents of affected districts.

One example is presented by a Minnesota case of 1969 (Granada Independent School District No. 455 v. Mattheis, 170 NW 2d 88). In this case the plaintiff district continued operation following an order to consolidate, under threat of loss of state aid and services. The court ruled that the Commissioner of Education had the responsibility to reconsider the case on the basis of community needs, as opposed to "implementation of some theoretical ideal which the community may not be ready to accept." Such injunctions were not uncommonly becoming part of statute. A 1968 Ohio case (Davis v. State Board of Education, 233 NE 2d 321) interpreting such a statute noted that the discretion of boards of education included not only selection of the methods of determining residents' desires, but determination of the extent to which such desires thus measured ought to affect the boards' judgments. The effect of such statutory and case law is to provide residents the opportunity to be heard. The effect is to extend due process protections to residents who nonetheless lack any rights vested in the territory of school districts.

By the end of the 1970s most of the key legal issues surrounding consolidation had been settled. The passage of new laws, however, requires that courts continually refine existing interpretations. A 1978 Ohio case (Swanton Local School Dist. Library v. Budget Commission of Lucas County, 378 NE 2d 139) illustrates such cases. A 1959 consolidation statute made the boundaries of public library districts coterminous with school districts. The court in this instance was called on to affirm the fact that as consolidation increased the territory of a district, the boundaries of the "local school district library" were thereby also increased.

Legal challenges to consolidation continue in many states following renewed interest on the grounds that small schools, particularly in rural areas, are financially inefficient. The legal grounds for such challenges now appear to be quite narrow, limited to the most part to issues of procedure,

interpretations of statutory intent, or, in rare cases, demonstrable abuse of authority ("arbitrary and capricious" action by state entities).

Two 1989 cases illustrate such challenges. In a South Dakota case (Kaberna et al. v. School Board of Lead-Deadwood School District 40-1, 438 NW 2d 542), the South Dakota Supreme Court interpreted statutory language that permitted school closure without the normally required majority vote of residents under certain circumstances specified in statute. In this case, the court ruled that the defendant district had misconstrued statutory language in attempting to close a very small school (six students) without such a vote. A West Virginia case of the same year (Haynes v. Board of Education of Kanawha County, 383 SE 2d 67) challenged plans to close a rural school within this largely urbanized county on a variety of procedural grounds. The main challenge rested on the allegation that an election intervening between the closure hearing and the decision to close the school invalidated the plan because a quorum of those at the hearing could not be convened to take the closure vote. The court ruled that boards of education act as an entity, which entity continues an authoritative existence without respect to its changing membership. The procedural challenge was without substance in the eyes of the court.

Interpretation

The history of statutory and case law pertinent to school reorganization reflects the elaboration of state authority over education during the development of the American Republic. The history of this development necessarily determined the territory not only of school attendance zones, but of municipalities, townships, counties, states, and, in fact, the national boundaries as well. Changes in all such territories were unavoidable as the population of the nation grew from three million to nearly 250 million during its 200-year journey to the present.

Stephens (1991) notes that school districts are governmental entities, but they are peculiar sorts of instruments of governance. The chief principle

illustrated by the legal history of reorganization--and the one that distinguishes school districts from other entities of the state--is that citizens' rights are not vested in the territory of school districts. In most cases, however, citizens residing within a district mistakenly presume the existence of such rights. The discovery that they are without such rights is usually painful.

When the authority of the state determines consolidation to be in the best educational interests of the system of schools under its particular (legislative or administrative) jurisdiction, its judgment is final, absent constitutional trespass, gross procedural violations, statutory ambiguity, or demonstrably arbitrary or capricious exercise of such authority. Courts will not generally intervene on behalf of residents of a school district who take a view of educational need other than that taken by duly constituted state authority.

Occasionally the courts have directed authorities to "reconsider" decisions, but they have not seen fit to render such decisions themselves, except where constitutional issues (as in desegregation cases) are clearly at issue. Even here, however, the courts act with restraint to fashion solutions that demonstrate the constitutional requirements of authoritative action, while simultaneously preserving the administrative integrity of the state's authority. Contrary to popular misperception, the record of case law relevant to desegregation cases involving consolidation indicates that the courts are loathe to engage in "social engineering."

Interpretation

When issues of territoriality are at stake, the state clearly has the responsibility to preserve its authority and exercise its power in defining and redefining territorial boundaries. Territory is the material manifestation of sovereignty and legitimate jurisdiction. With respect to schooling, the continual need to readjust territorial boundaries would threaten the legitimacy of the state, absent the unusual governance

arrangements bequeathed by the law. Order and stability require the state to vest its authority in such entities as school boards, whose members are most often (but not always) elected officials.

Questionable presumptions. The historical presumption here is twofold. First, elected school boards are presumed to represent the constituents who elect them. Second, both constituents and the state presume that school board members, acting in their official capacities, freely exercise the authority vested in them. Substantial literatures on boards, superintendents, and communities, however, contest both these assumptions. Lasch (1991) and Katz (1992), for instance, maintain that school boards were "captured" by elite groups, largely business interests, at least by the early 1920s. Effective superintendents, on the other hand, often dominate their boards, thereby compromising their authority to engage in substantive action in their official capacities (e.g., Schmuck & Schmuck, 1990, 1989).

Others maintain, partly as a result of such circumstances, that the massive territorial reorganizations that occurred in the 20th century were orchestrated professionally, in league with interests that placed a premium on efficiency, to the detriment of thoughtful education (e.g., Callahan, 1962; Silver & DeYoung, 1986; Webb, 1992). Such observers argue that reorganizations was abetted under color of law as professional educators--particularly administrators--effectively influenced the authority of the state. The combination of professional expertise, state authority, and business influence (the "cult of efficiency," in Callahan's phrase) has proved sufficient to overcome widespread local resistance to reorganization.

The conventional wisdom that bigger is better has, however, been challenged in many quarters in recent decades (e.g., Bryk, Holland, Lee, & Carriedo, 1984; Friedkin & Necochea, 1988; Goodlad, 1984; Sher, 1977). Moreover, the evidence that larger schools and districts achieve cost savings is remarkably scant (Streifel, Foldsey, & Holman, 1989; Valencia, 1984).

Territoriality and education. The state's need to define and redefine territories subject to its authority is absolute. Without such authority

there can be no state. Yet exercise of such authority does not necessarily imply the consolidation (i.e., enlargement by combination) of territory-- either in schooling or in other governmental units. Indeed, as states evolved historically, initially large counties tended to subdivide into smaller counties.

State control of education has nonetheless involved construction of a "consolidated" monopoly on a territorial basis. Statutory and case law on consolidation documents the elaboration of the relationships among state entities and the development of the authority and power of the state--largely on the basis of professional influence--to enforce consolidations. The system thus consolidated represents a good deal more than territorial consolidation, of course. Administration, curriculum, pedagogy, and professional induction have also been "consolidated" in the process of territorial reorganization.

According to a colleague (Todd Strohmenger, personal communication, October 1992), an Ohio statute of the mid-1800s sought to establish a school within walking distance of every student. Extant state compulsory education laws that exclude students living a specified distance from bus stops, in fact have their origin in such prior laws. In the nineteenth century, access to schooling implied proximity, and proximity entailed an intimate relationship (for both better and worse) between home and school. Twentieth-century territorial reorganization has effectively eliminated the intimacy that schooling once entailed.

At present, territoriality is limited by the distance thought feasible to transport students--longer at the secondary level, and shorter at the elementary level. This issue is frequently raised by opponents of consolidation at school closure hearings, and some State Boards of Education have recommended what these limits might be.

The need of the state to define and redefine its authority over schooling on a territorial basis has generated much rancor among the very people schooling is presumed to benefit. It is curious to speculate about what schooling not based on territoriality might be like. Perhaps the twenty-first

century version of schooling will constitute a different sort of educational history.

Such speculation is not so entirely far-fetched as it might seem. Monk (1989) distinguishes between "proximate" and telecommunicated instruction. Territorially-based schooling presumes the need for proximate instruction. It also presumes the virtual isolation of schools within districts and of districts from one another. As a result, professionals typically assume that they must actually develop and deliver all instructional activities locally (Stephens, 1991).

In the future, telecommunications may undermine such presumptions and the territorial basis on which they rest. Quite small schools (both elementary and secondary) may provide instructionally rich environments for students, as the sophistication and flexibility of the telecommunications infrastructure evolves. At present, data transfer is quite slow, but as fiber-optic cable replaces existing phone lines, and as other emergent technologies proliferate, opportunities for conducting schooling with little regard to territoriality will inevitably emerge. All sorts of utopian scenarios (good and ill) are imaginable, but each would seem to undercut the need to conduct schooling on a territorial basis.

If proximate schooling were no longer necessary (on the same grand scale as now pertains), both concerned citizens and educators will need to ask many questions about the nature of a true education. Many cherished assumptions may disappear, though many are certain to survive. The need to send a child to a particular location, however, may no longer be so pressing an issue. Indeed, our children's children may have access to the academic work on which they are engaged from a variety of sites, none of which takes precedence, and all of which might provide a richer access to social capital than that currently provided in territorially based schooling. It may be that, some time in the future, a different sort of administrator will manage a different sort of territory and a different sort of teacher will manage a different sort of "classroom"--once again, however, for both good and ill.

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