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A study of interdistrict attendance agreements in the elementary school districts of Calaveras, Merced, and Solano Counties

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College of the Pacific
Stockton, Calif.

A STUDY OF INTERDISTRICT ATTENDANCE AGREEMENTS IN THE
ELEMENTARY SCHOOL DISTRICTS OF CALAVERAS,
MERCED, AND SOLANO COUNTIES

A Thesis
Presented to
The Faculty of the School of Education
College of the Pacific

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Harold Basil Youngblood
June 1951

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CHAPTER I

INTRODUCTION

The present study represents an investigation of the administration of the statutory provisions in California's Education Code which allow pupils resident in one school district to attend school in another.

During the Summer of 1949, the work of the California Commission on School Districts was being finally edited for publication, and the Commission's "Findings and Recommendations" were much publicized. Attention was being called, both by scholars and by administrators in the field, to the inadequacies of the existing district organization. These discussions frequently led to some consideration of possible misuse of the statutory provisions allowing inter-district school attendance. It was being unofficially reported that certain small school districts had perpetuated themselves wrongly through the use of interdistrict attendance agreements.

In July, 1949, a pilot study of interdistrict attendance problems was undertaken, leading eventually to the present investigation. This pilot study was extremely limited, but the findings seemed significant enough to justify further effort, and the present study resulted.

The problem. What are the financial and educational implications resulting from the administration of California's statutory provisions allowing pupils resident in one school district to attend school in another? This question sums up the problem.

The purposes of this study were, therefore, as follows: (1) To determine the effect of interdistrict school attendance upon the apportionment of State moneys to school districts; (2) To determine the effect of interdistrict school attendance upon the life and program of the school; (3) To determine the true intent of the statutory law permitting interdistrict attendance of school pupils; (4) To determine whether departures from the true intent of the law exist; (5) To organize the available information and raw data into a usable form; and (6) to assist in developing a method of equalizing educational opportunities in California in terms of fiscal support.

Definition of terms. An interdistrict attendance agreement is a contract between the governing boards of two school districts stipulating the terms and conditions under which pupils resident in the one school district may attend school in the other.

In order to clarify abbreviations, legal terms, and legal citations necessary for a study of this type, definitions of certain terms used in the study are given below:

1. The expression, "a. d. a." is an abbreviation referring to average daily attendance of school pupils in California schools.

2. The expression, "a. v." is an abbreviation standing for assessed valuation (taxable wealth).

3. The expression, "a. v./a. d. a." refers to the quotient obtained by dividing the total assessed valuation of a school district by the average daily attendance accredited to that particular district.

4. The symbol, "K - 8" and similar expressions, are used to indicate grade span--in this case, grades kindergarten through eighth.

5. Apportionment is used to indicate school moneys allocated to school districts by the State of California.

6. The words approximated and estimated are used, not to indicate inaccuracy, but rather to indicate that the sum of money involved was not actually paid in full at the time of this study.

7. Tax rate refers to the rate, in dollars and cents, paid on each one hundred dollars (\$100.00) of the assessed valuation.

8. The expression, "a. g. o." is an abbreviation for Attorney General's Opinion--for the purposes of this study, California Attorney General's Opinion.

Delimitation of the study. This study of inter-district school attendance agreements was delimited as follows:

1. Except as noted, this study was limited to the eighty active elementary school districts in Calaveras, Merced, and Solano Counties. The eighty active elementary school districts studied contained fifty-five sub-districts.

The exceptions to this specific delimitation were in the historical development of the California Interdistrict Attendance Agreement Law (Chapter II of this study) and in the discussion of the legal bases for interdistrict attendance agreements (Chapter III).

2. In the case of legal interpretations and legal bases for interdistrict attendance of school pupils, the study was limited to the United States, and includes that period of time from 1787 to 1950.

Four types of law were considered in the portion of the study dealing with this legal background: namely, (a) constitutional law; (b) statutory law; (c) court decisions and precedents; and (d) the rules and orders of educational officers and governing boards.

The only effective way to interpret constitutional and statutory law is through the eyes of court decisions and precedent. For this reason such court decisions and opinions of learned men in the law were consulted as a part of this study. Legal interpretations and bases have limitations based upon the statutes which they interpret, but they cannot be strictly bounded by geographical limits, nor by those of narrow periods of time.

3. The historical development of Division 2, Chapter 3, Article 1, Sections 1503 - 1503.5, of the Education Code of California, relating to interdistrict attendance agreements, was limited to the State of California, and includes that period of time from 1849 to 1950.

4. The effect of interdistrict agreements upon State apportionments was limited to the elementary school districts of Calaveras, Merced, and Solano Counties, for the fiscal year, 1950-51.

5. The study itself was further limited to the interdistrict attendance contracts, elementary level, of record for the 1949-50 fiscal year in the Counties of Calaveras, Merced, and Solano.

The raw data secured were limited to the effect of interdistrict attendance upon the computations of State foundation, basic aid, and equalization allowances.

Justification for the study. The justification for this study was found in the need for investigation of the administration of the statutes relating to interdistrict attendance of school pupils, in the objectives of research, and in the question as to whether interdistrict attendance agreements are being abused in practice.

Further justification for the study was found in the decision of a California District Court of Appeal. The ruling of the Court follows:

. . . that a school district has a valuable interest in the attendance of pupils residing within it. The Constitution of the State of California has mandated the establishment of the system of primary and secondary schools; the financial support of such schools is to a great extent provided from County and State funds on the basis of average daily attendance. It must necessarily follow, then, that the school district of residence has a valuable interest in the attendance of pupils residing in it . . . and the right to a court hearing in the matter.¹

Method of approach. Two primary methods of approach have been employed in this study. The historical method was first employed in order to provide: (1) a review of the development of the principles governing interdistrict attendance agreements together with attendant methods of pupil accounting in California; (2) a review of the development of the equalization principles for financing public

¹Laton Joint Union High School District v. Armstead, March 28, 1933. 130 Cal. Apl. 628.

education in California; and (3) a review and analysis of court decisions and opinions relating to interdistrict attendance of school pupils. Subsequently, the normative-survey method of research was employed in order to provide: (1) a survey of current practices relating to the administration of the interdistrict attendance agreement law, and (2) an analysis of current practices of school districts in tabular form.

Sources of data. Data for this study may be classified as primary and secondary.

Primary sources were: (1) public records of the California State Department of Education; (2) public records of selected county offices; (3) public records of selected school districts; (4) statutes and amendments to the California education and political codes; and (5) primary sources of the law, such as State and Federal Constitutions, acts of the California Legislature, and court decisions.

Secondary sources were: (1) State-financed studies of public education in California; (2) California State Legislature Interim Committee reports; (3) unpublished reports relating to the interdistrict attendance of school pupils; and (4) critical literature in the field under investigation.

CHAPTER II

THE DEVELOPMENT OF THE INTERDISTRICT ATTENDANCE SCHOOL LAW IN CALIFORNIA

In Article IX, Section 3, of the California State Constitution, adopted 1849, there was made first reference to a school district. This Section provided that a school "shall be kept up and supported in each district at least three months in every year".¹ There was no attempt on the part of the 1849 Constitutional Convention to define a school district. In 1855, the California Legislature became more specific in reference to a school district. "An Act to Establish, Support, and Regulate Common Schools, and to Repeal Former Acts Concerning the Same", approved May 3, 1855, provided that "unless otherwise determined and established by the proper authorities, each city and each town or township in this state shall constitute one school district".² This Act also provided for the formation of new school districts by petition to the County Board of Supervisors.³

¹George C. Mann and Ernest E. Certel, "Study of Local School Units in California". (A Summary of the State Report on the Local Unit For School Administration in California). Los Angeles: Western Lithograph Co., 1937, p.6.

²Statutes of California, 1855, Chapter CLXXXV, Section 20, p. 235.

³Ibid., Chapter CLXXXV, Section 21, p. 235.

The establishment of school districts created the problem of interdistrict attendance of school pupils. Although the problem was thus created by statute in 1855, it was not recognized by statute, as a problem, until 1860. The recognition of the problem of interdistrict attendance was indicated by the passage of "An Act Amendatory of, and Supplementary to, 'An Act to Establish, Support, and Regulate Common Schools, and to Repeal Former Acts Concerning the Same . . . ' ", which was approved April 28, 1860, and which provided as follows:

The Trustees of two contiguous districts in the same county or in adjoining counties, shall have the right to establish and support, out of the funds belonging to their respective districts, a public school, open to the children of both districts. A school thus established, shall be governed by a joint board, composed of the trustees of the combining districts.⁴

This early approach toward the formation of union school districts indicated that problems relative to pupil attendance, maintenance, costs, et cetera, existed in California schools and were known to the Legislature as early as 1860.

The first attempt to solve the problem of interdistrict attendance of pupils in California schools came in the year, 1863. In this year the California Legislature

⁴Statutes of California, 1860, Chapter CCCXXIX Section 14, p. 326.

passed an Act giving Boards of Trustees the power:

. . . to make arrangements with the Trustees of any adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school.⁵

This law of 1863 on interdistrict attendance of school pupils remained status quo during the 1865-66⁶ and 1869-70⁷ Sessions of the California Legislature.

The California Legislature adopted the Political Code of the State of California on March 12, 1872.⁸ This Code contained the same interdistrict attendance law as was found in the Statutes of 1863.⁹

The State Legislature of 1877-78 amended the section of law dealing with interdistrict school attendance to read as follows:

. . . to make arrangements with the Trustees of any adjoining district for the attendance of any such children in the school of either district as may be best

⁵Statutes of California, 1863, Chapter CLIX, Section 31, Sub-Division Second, p. 202.

⁶Ibid., 1865-66, Chapter CCCXLII, Section 52, Sub-Division Second, p. 397.

⁷Ibid., 1869-70, Chapter DLVI, Section 52, Sub-Division Second, p. 838.

⁸Creed Haymond, John C. Burch, and John H. McKune, (Commissioners To Revise the Laws), The Political Code of The State of California. Sacramento: T. A. Springer, State Printer, 1872, Vol. 1, p. 1.

⁹Ibid., (Article VII, Section 1617, Sub-Division Fifteenth), Vol. I, p. 252.

accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school; and in case the Trustees fail to agree, the parents of such children may appeal to the County Superintendent, whose decision shall be final. (Underscored text was added by State Legislature of 1877-78).¹⁰

This change in the interdistrict attendance law was significant. The addition, providing for a referee in case of a dispute, indicated that problems incident to interdistrict attendance of pupils in the public schools of California were causing concern very early in the history of the California system of school districts.

In 1903, definite power was granted to Boards of School Trustees or City Boards of Education to admit adults and children not residing in the school district, whenever good reasons existed therefor.¹¹ This Act was an addition to the laws relating to school attendance agreements as historically developed in this chapter thus far.

Actually, there was no change in the law from 1877 to 1911. In the latter year, the California Legislature rewrote the law on interdistrict attendance of school pupils. The Act of 1911 read:

¹⁰ California, Amendments to the Codes, 1877-78, Chapter DLXII, Section 1617, Sub-Division Fifteenth, p. 29.

¹¹ California, Statutes and Amendments to the Codes, 1903, Chapter LXXVII, Section 1662, p. 86.

. . . to permit children from other districts to attend the schools of their districts only upon the consent of the trustees of the district in which such children reside; provided, that should the trustees of the district in which children, whose parents or guardians desire them to attend in other districts, reside, refuse to grant their consent, the parents or guardians of such children may appeal to the county superintendent and his decision shall be final.¹²

In 1929 Vierling Kersey, State Superintendent of Public Instruction, said: "California has taken a step forward in recognizing the dignity of education by giving it a Code devoted entirely to school matters."¹³ The newly adopted School Code became effective August 14, 1929.

This first School Code provided the following, relative to interdistrict attendance of pupils:

Boards of trustees and city boards of education shall have power, and it shall be their duty to permit, children from other districts to attend the schools of their district. Should they refuse to grant such permission, the parents or guardians of the children may appeal to the county superintendent of schools and his decision shall be final and binding on both boards of trustees.¹⁴

This section of law was amended in 1933 to read as follows:

¹² Ibid., 1911, Chapter 703, Section 1617, Subdivision Fifteenth, p. 1365.

¹³ Vierling Kersey, (State Superintendent of Public Instruction), School Code of California. Sacramento: State Printing Office, 1929, preface.

¹⁴ Ibid., Article III, Section 3.174, p. 127.

Boards of trustees and city boards of education shall have power to permit children from other districts to attend the schools of their district. No pupil shall attend school in a district other than that in which he resides without first obtaining the consent of the county superintendent of schools having jurisdiction over the district in which such pupil resides.¹⁵
(Underscored text was added by Statutes of 1933).

This amendment, making the consent of the county superintendent of schools having jurisdiction over the district of residence mandatory, was intended to safeguard the interest of the district of residence. In the case of *McClerkin v. San Mateo School District*, September 26, 1935,¹⁶ it was affirmed that Section 2.20 and 2.21 of this School Code had no necessary implied relationship to Section 3.174.

Julia McClerkin lived in Baywood, a part of the San Mateo School District, but attended the elementary school of Hillsborough School District. The trustees of Hillsborough consented to this attendance, but San Mateo did not. Action was brought against San Mateo School District, Hillsborough School District, and the County Superintendent for a declaration of rights and duties of all parties concerned with the child's attendance.

¹⁵Statutes of California, 1933, p. 577.

¹⁶*McClerkin v. San Mateo School District*, 4 Cal. (2d) 363.

Among other decisions of the Court, it was ruled that Section 2.20 and 2.21 of the School Code, dealing with contracts for services between schools, had no necessary implied relationship to Section 3.174, as quoted above, and that interdistrict attendance of school pupils under this Section was not on a contractual basis.

The McClerkin case answered two questions: first, whether the consent of the trustees of San Mateo School District was a requirement before the children residing in that district could attend a school in another district, and, secondly, whether the school district of attendance could receive and retain moneys payable out of the State school fund based upon the attendance of such non-resident pupils.¹⁷

The Court decided that under the existing Statutes of 1935, the consent of the trustees of the district of residence was not a requirement, and that the district of attendance could receive and retain moneys paid from the State school fund on account of the attendance of non-resident pupils.

The Court's decision in the McClerkin case caused so much concern by governing boards of trustees in all

¹⁷Loc. cit.

parts of the State that the fifty-second session of the California Legislature, 1937, passed Senate Bill No. 560¹⁸ in an attempt to clarify all past legislation referring to interdistrict attendance of school pupils. A detailed history of Senate Bill No. 560 will give a complete picture of the interdistrict attendance school law as enacted following the McClerkin decision.

The stewardship of educational legislation in the fifty-second California Senate was entrusted to the Committee on Education and Labor. The most active member of this Committee was Senator John Phillips (R), 37th District (Riverside County), Banning, California. During the 1937 session of the Legislature, Senator Phillips introduced eight Senate bills referring to education. Senate Bill No. 560 was among the bills introduced by Senator Phillips and was enacted into law along with the other seven.¹⁹

Table I shows the composition of the Senate Committee which approved this law.

¹⁸ Joseph A. Beek and James G. Smyth (Compilers), Final Calendar of Legislative Business. Sacramento: State Printing Office, 1937, p. 220.

¹⁹ Ibid., p. 42.

TABLE I

SENATE COMMITTEE ON EDUCATION, 1937*

NAME	PARTY	COUNTY REPRESENTED
Tickle, Ed. H.	Republican Democratic (Chairman)	Monterey
Biggar, Geo. H.	Republican	Mendocino - Lake
Deuel, Chas. H.	Democratic	Butte
Garrison, J. C.	Democratic	Stanislaus
Hayes, Ray W.	Republican	Fresno
Jespersion, Chris.	Republican Democratic	San Luis Obispo
Knowland, Wm. F.	Republican	Alameda
Phillips, John	Republican	Riverside
Slater, Herbert	Republican	Sonoma

*The data for this Table have been taken from Joseph A. Beek and James C. Smyth (Compilers), Final Calendar of Legislative Business. Sacramento: State Printing Office, 1937, p. 7.

Senate Bill No. 560 was an "Act to repeal an Act entitled: 'An Act relating to the Attendance of pupils attending school in a district other than the district in which they reside, approved April 6, 1929.'"²⁰

Senate Bill No. 560 repealed Sections 2.21, 3.174, 3.301, 3.302, 3.303, 3.304, 3.305, 3.306, 3.307, 3.308, 3.309, 3.415, and 3.416 of the School Code and re-enacted Sections 2.21 and 3.301. It also added a new section to be numbered 2.22. All of these Sections related to the attendance of pupils residing in one district upon the schools of another district. An analysis of the School Code sections repealed by Senate Bill No. 560 clearly indicated that the interdistrict attendance problem needed clarification. School Code Section No. 3.301, re-enacted by Senate Bill No. 560, appertained to the attendance of non-resident pupils in high schools; hence it has not been considered in this paper.

Section 2.21 of the School Code, State of California, 1937, as added by Statutes of 1937, Chapter 612, pages 1708, follows:

²⁰ Ibid., p. 220.

The governing board of any school district may, in its discretion, admit to the schools or classes maintained in such district any pupils who reside in another school district which maintains schools or classes of the grade level which such pupils desire to attend, whenever an agreement is entered into between said governing board and the governing board of said district of residence stipulating the terms upon which such interdistrict attendance shall be permitted, or, in the event that such agreement can not be affected, whenever the county superintendent of schools having jurisdiction over said district of residence gives written authorization permitting such interdistrict attendance on such terms as may be agreed upon by the county superintendent of schools and the governing board of the district of proposed attendance.

Pupils admitted under the provisions of this section may be admitted provisionally for a period of not to exceed two school months, pending decision by the governing boards of the school districts concerned, or by the county superintendent of schools, relative to their permanent admittance. (Repealed²¹ and added by Statutes, 1937, Chapter 612, pp. 1717).

This law gave the arrangements and agreements for interdistrict attendance of pupils in the public schools of California a contractual status in that both districts, as parties, had to agree and stipulate terms relative to the interdistrict attendance of pupils. It gave a definite answer to the question raised in the McClerkin case,²² namely, whether the consent of the trustees of the district of residence was necessary for the attendance of

²¹ State of California, School Code, 1937, Sacramento: State Printing Office, 1937, pp. 30-31.

²² Supra.

pupils in another district. The 1937 Act definitely made this consent a requirement of such attendance.

The second question raised by the McClerkin case, namely, whether the school district of attendance could receive and retain moneys payable out of the State School Fund based upon the attendance of non-resident pupils, was definitely answered in Senate Bill No. 560, by the addition of Section 2.22 to the School Code. This Section read:

The average daily attendance of all pupils, excepting pupils attending the seventh and eighth grades of a Junior High School, who reside in one school district and attend school in another district shall be credited to the district attended for apportionment purposes. (Added by Statutes, 1937, Chapter 612, pp. 1708).²³

Table II shows the entire calendar and progress of the significant Senate Bill No. 560.

²³State of California, op. cit., p. 31.

TABLE II

LEGISLATIVE CALENDAR, SENATE BILL NO. 560, 1937

STEP	DATE	DISPOSITION
1.	Jan. 21, 1937	Read first time. To printer.
2.	March 1, 1937	From printer. Sent to Committee.
3.	March 19, 1937	From Committee with recommendation: <u>Do</u> pass as amended.
4.	March 22, 1937	Read second time. Amended. Sent to printer for engrossment, and third reading.
5.	March 24, 1937	Reported correctly engrossed.
6.	March 25, 1937	Read the third time, passed, and title approved. Sent to the Assembly.
7.	March 26, 1937	In Assembly. Read first time and referred to the Committee on Education.
8.	April 23, 1937	Read second time in Assembly. Amended and sent to printer.
9.	April 26, 1937	From printer.
10.	April 28, 1937	Re-referred to Assembly Committee on Education.

(This Table continued on next page)

TABLE II (Concluded)

LEGISLATIVE CALENDAR, SENATE BILL NO. 560, 1937*

STEP	DATE	DISPOSITION
11	May 4, 1937	Referred from Committee with recommendation: <u>Do pass.</u>
12	May 25, 1937	Read third time, passed the Assembly with title approved. Sent to Senate. In Senate and ordered to unfinished business file.
13	May 26, 1937	Senate concurred in Assembly amendment. To enrollment.
14	May 28, 1937	Reported correctly enrolled and sent to Governor.
15	June 29, 1937	Approved by Governor. Made a part of Chapter 612, <u>Statutes and Amendments to the Codes, California, 1937, pp. 1707-1708.</u>

*The data for this Table have been taken from Joseph A. Beek and James G. Smyth (Compilers), Final Calendar of Legislative Business. Sacramento: State Printing Office, 1937, p. 220.

The county superintendents of California were successful in securing an amendment to Section 2.21, State of California, School Code, in 1939. This amendment relieved the county superintendent of his duty to reach an agreement with the proposed district of attendance, and made it the duty of the county board of education having jurisdiction over the district of residence to effect an agreement with the district of proposed attendance. This Section, as amended in 1939, read:

. . . or, in the event that such agreement can not be effected, whenever the county board of education having jurisdiction over said district of residence gives written authorization permitting such interdistrict attendance on such terms as may be agreed upon by the county board of education and the governing board of the district of proposed attendance.²⁴

The Amendment to the second paragraph read:

. . . pending decision by the governing boards of the school districts concerned, or by the county board of education, relative to their permanent attendance.²⁵ (*Italics in these quotations have been added for the purposes of this study.*)

On April 7, 1943, the Education Code, State of California, was adopted. This new Code repealed and replaced the California School Code. Section 2.21 of the School Code became Section 1503 of the Education Code, and Section

²⁴ California, Statutes and Amendments to the Codes, 1939, Chapter 831, Section 1, p. 2411.

²⁵ Loc. cit.

2.22 of the School Code became Section 1504 of the Education Code. These two Sections were enacted without major change from their 1939 status.²⁶

In 1945, three sections were added to the Education Code relative to interdistrict attendance of school pupils, namely: 1503.1, 1503.2, and 1503.3.²⁷

Section 1503.1 made it permissible for county boards of education of two counties to agree upon the interdistrict attendance of school pupils residing in one county and attending in another.²⁸

Section 1503.2 set the maximum amount to be paid by the governing board of the district of residence. The district of attendance, under this Section, was forbidden to collect any amount in excess of the actual cost to the district for the education of such pupil, less State and Federal funds apportioned or allocated to the district on account of the attendance of the pupil.²⁹

²⁶ James H. Deering (Editor), Education Code of the State of California, 1943. San Francisco: Bancroft-Whitney Company, 1944, p. 40.

²⁷ James H. Deering (Editor), Supplement to Education Code of the State of California. San Francisco: Bancroft-Whitney Company, 1949, pp. 31-32.

²⁸ California, Statutes and Amendments to the Codes, 1945, Chapter 462, Section 1, p. 960.

²⁹ Loc. cit.

Section 1503.3 made it permissible for three-fourths of the electors residing in an elementary school district to petition the governing board of the district to contract with another district for the education of all elementary school pupils residing in the petitioning district. The approval of all the members of the county board of education was required to make such a contract legal.³⁰ This Section, as approved in the 1945 Statutes, carried a time or duration clause, which was erased by Statutory Amendment in 1947.³¹

These three Sections, as described above, were in force at the time of this study.

In 1947, the California Legislature amended Section 1503 to read:

The governing board of any school district may admit to the schools or classes maintained in the district any pupils who reside in another school district which maintains schools or classes of the grade levels which the pupils desire to attend, whenever an agreement is entered into between the governing board and the governing board of the district of residence stipulating the terms upon which the interdistrict attendance shall be permitted. In the event the governing board of either district neglects or refuses to enter into such agreement within 30 days after the person having the custody of any pupil has requested the board so to do, such person may appeal to the county board of education having

³⁰ California, Statutes and Amendments to the Codes, 1945, Chapter 749, Section 1, p. 1434.

³¹ Ibid., 1947, Chapter 76, Section 1, p. 1863.

jurisdiction over the district of residence which shall, within 30 days after the filing of such appeal, determine whether the pupil should be permitted to attend in the district in which he desires to attend and for what period of time. If the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the pupil shall be admitted to school in said district without delay and the governing board of the district shall pay to the district of attendance at the close of each school year in which the pupil attends in the district of attendance the actual cost to the district of attendance of the education of such pupil, less all state and federal funds apportioned to the district of attendance on account of the attendance of the pupil.

A pupil may be admitted provisionally to the schools of a district other than that in which he resides by the governing board of such district for a period of not exceeding two school months, pending decision by the governing boards of the school districts concerned, or by the county board of education relative to his admittance.

The provisions of this section do not apply to the attendance of pupils in the seventh and eighth grades of a junior high school.³²

Section 1503, Education Code, as given here, was in full force and effect during the time of this study, 1950.

Sections 1503.4 and 1503.5 were added to the Education Code, State of California, by the Statutes of 1949 and represent the latest legislation relative to interdistrict attendance of elementary school pupils in the public schools of California.

³²Op. cit., 1947, Chapter 217, Section 1, p. 783.

Section 1503.4 made it permissible for governing boards to admit kindergarten children residing in a district not maintaining kindergarten under the terms and conditions of interdistrict attendance agreements.³³

Section 1503.5 made it mandatory that the county superintendent of schools having jurisdiction over the district of residence pay any amounts due the district of attendance under terms of an interdistrict attendance agreement, provided the district of residence refused to pay the amounts due. The county superintendent, paying the claim, would draw a requisition against the funds of the district of residence.³⁴

Table III summarizes this chapter, showing the chronological development of Division 2, Chapter 3, Section 1503, of the California Education Code.

³³ California, Statutes and Amendments to the Codes, 1949, Chapter 517, Section 1, p. 925.

³⁴ Ibid., 1949, Chapter 518, Section 1, p. 925.

TABLE III

THE CHRONOLOGICAL DEVELOPMENT OF DIVISION 2, CHAPTER 3,
SECTION 1503, CALIFORNIA EDUCATION CODE

DATE	DEVELOPMENT
1849	First reference was made to a school district in California. (<u>California State Constitution</u> , 1849, Article IX, Section 3)
1855	California Legislature defined a school district. (<u>Statutes of California</u> , 1855, Chapter CLXXXV, Section 20, p. 235)
1860	First legislative act allowing the formation of union school districts. (<u>Statutes of California</u> , 1860, Chapter CCCXXIX, Section 14, p. 326)
1863	First legislative act relating to interdistrict attendance of school pupils. (<u>Statutes of California</u> , 1863, Chapter CLIX, Section 31, Sub-Division Second, p. 202)
1865- 1866	No change in the interdistrict attendance school law. (<u>Statutes of California</u> , 1865-66, Chapter CCCXLII, Section 52, Sub-Division Second, p. 397)
1869- 1870	No change in the interdistrict attendance school law. (<u>Statutes of California</u> , 1869-70, Chapter DLVI, Section 52, Sub-Division Second, p. 838)

(This Table continued on next page)

TABLE III (Continued)

THE CHRONOLOGICAL DEVELOPMENT OF DIVISION 2, CHAPTER 3,
SECTION 1503, CALIFORNIA EDUCATION CODE

DATE	DEVELOPMENT
1872	Interdistrict attendance school law made a part of the <u>Political Code</u> of California without change. (<u>The Political Code of the State of California</u> , Vol. I, Article VII, Section 1617, Sub-Division Fifteenth, p. 252)
1877- 1878	Interdistrict attendance school law amended, making the county superintendent a referee in case of dispute between districts. (<u>California, Amendments to the Codes, 1877-78, Chapter DLXII, Section 1617, Sub-Division Fifteenth, p. 29</u>)
1911	Interdistrict attendance school law revised. Consent of district of residence made necessary. (<u>California, Statutes and Amendments to the Codes, 1911, Chapter 703, Section 1617, Sub-Division Fifteenth, p. 1365</u>)
1929	Interdistrict attendance school law revised. Made a part of the <u>School Code</u> of California. The consent of the district of residence was dropped from the law. (<u>School Code of California, 1929, Article III, Section 3.174, p. 127</u>)
1933	Interdistrict attendance school law amended, making the consent of the county superintendent of schools having jurisdiction over the district of residence mandatory. (<u>Statutes of California, 1933, p. 577</u>)

(This Table continued on next page)

TABLE III (Continued)

THE CHRONOLOGICAL DEVELOPMENT OF DIVISION 2, CHAPTER 3,
SECTION 1503, CALIFORNIA EDUCATION CODE

DATE	DEVELOPMENT
1936	Interdistrict attendance school law interpreted by the California Supreme Court. (McClarkin v. San Mateo School District, 4 Cal., 2d, 363)
1937	Interdistrict attendance school law repealed and added anew. (<u>Statutes of California, 1937, Chapter 612, pp. 1707-1708, and State of California School Code, 1937, pp. 30-31</u>)
1939	Interdistrict attendance school law amended, making the county board of education the referee in lieu of the county superintendent of schools. (<u>California, Statutes and Amendments to the Codes, 1939, Chapter 831, Section 1, p. 2411</u>)
1943	<u>Education Code</u> adopted, replacing the <u>School Code</u> . Interdistrict attendance law enacted, without change, as Section 1503. (J. H. Deering (Editor), <u>Education Code of the State of California, 1943, Section 1503, p. 40</u>)
1945	Three sections added to <u>Education Code</u> on interdistrict attendance, namely: 1503.1, 1503.2, and 1503.3. (J. H. Deering (Editor), <u>1949 Supplement to Education Code of the State of California, pp. 31-32</u>)

(This Table continued on next page)

TABLE III (Concluded)

THE CHRONOLOGICAL DEVELOPMENT OF DIVISION 2, CHAPTER 3,
SECTION 1503, CALIFORNIA EDUCATION CODE

DATE	DEVELOPMENT
1947	Interdistrict attendance law, <u>Education Code</u> Section 1503, Amended. (<u>California, Statutes and Amendments to the Codes</u> , 1947, Chapter 217, Section 1, p. 783)
1949	Sections 1503.4, and 1503.5, <u>Education Code</u> , California, relative to interdistrict attendance added. (<u>California, Statutes and Amendments to the Codes</u> , 1949, Chapters 517 and 518, Sections 1, p. 925)
1950	Sections 1503, 1503.1, 1503.2, 1503.3, 1503.4, and 1503.5, <u>Education Code</u> , California, all relating to interdistrict attendance of school pupils, in full force and effect. (J. H. Deering (Editor), <u>1949 Supplement to Education Code of the State of California</u> , pp. 31-32)

CHAPTER III

LEGAL INTERPRETATION AND BASES FOR INTERDISTRICT ATTENDANCE AGREEMENTS

The public school system of California is a creature of the law. Four types of law govern this system, namely: constitutional law, statutory law, the rules and orders of educational officers and governing boards which have the force of law, and the body of legal precedent. These four types of law comprise the legal bases for interdistrict attendance agreements between school districts in California.

The only effective way to interpret constitutional and statutory law is through the interpretations of the courts. For this reason, the discussions in the present chapter were documented with court decisions and other opinions of learned men in the law.

Education and the United States Constitution. The Constitution of the United States does not mention any form of education. A search of the debates of the Constitutional Convention revealed that only once was anything relating to education brought before that body. Even then it was but a question, answered by the chairman, and related to the power under the Constitution to establish a national university at the seat of government. The chair ruled that

the new government would have such power under the proposed United States Constitution.¹

Regardless of this omission of education in the Constitution under the "general welfare clause", found in the Preamble to the Federal Constitution, the American people seem determined that all youth, regardless of race, creed, or economic status, shall be entitled to the advantages of education. Under this "general welfare clause", the people are dedicated to a belief in an enlightened public, an educated and a free people. Suppression, slavery, and mass ignorance have no premise in the Constitution, whereas education does.

Even though education was not mentioned specifically in the Federal Constitution, the American people have almost always regarded education and the acquisition of knowledge as matters of supreme importance which should be diligently promoted. The Ordinance of 1787 declared: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."²

¹Ellwood P. Cubberley, Public Education in the United States. San Francisco: Houghton Mifflin Company, 1934, p. 84.

²Meyer v. State of Nebraska, Supreme Court of the United States, 1923, 262 U. S. 390.

By the Tenth Amendment to the Federal Constitution, ratified in 1791, which provided that "powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people", the control of schools and education passed, as one of the unmentioned powers thus reserved, to the people of the different states to handle in any manner which they saw fit. This power has remained with the states throughout the Nation's history. The Federal Government has continually encouraged education without usurping the power delegated by the Tenth Amendment.

The philosophy of the Tenth Amendment to the Federal Constitution has been supported by court interpretations appertaining to the right to attend school as a fundamental privilege. "The privilege of receiving an education at the expense of the state is not one belonging to those upon whom it is conferred as citizens of the United States."³ The Federal Constitution does not provide for any general system of education to be conducted and controlled by the national Government. If the privilege of attending school is to be maintained, it must be supported by the state since education is distinctly a state affair.⁴

³Piper v. Big Pine School District. 193 Cal. 664.

⁴23 Cal. Jur. 141.

States comprising the Federal Union have, without exception, established public school systems free to all who become eligible to attend. This has been done under the authority contained in the Tenth Amendment and with a sincere desire to "promote the general welfare."

Education and the Constitution of California. With only these broad constitutional implications relating to education, the framers of the first California Constitution set about the task of establishing a system of free schools.

The first Constitutional Convention for California consisted of forty-eight delegates who met in Colton Hall in Monterey, Saturday, September 1, 1849. These delegates deliberated until October 10, when the final product of their efforts, the first Constitution of the State of California, was adopted. That Constitution was ratified by the people of the State on November 13, 1849, and proclaimed on December 20, the same year.⁵ The Constitution of 1849 was the basic law of California for thirty years.

In 1876 the Legislature submitted to the people a proposition calling for a convention to frame a new constitution. On June 19, 1878, the people of the State

⁵Fredric P. Woellner, How We Govern. Sacramento: California State Printing Office, 1927, p. 66.

elected 152 delegates to the Second Constitutional Convention, who met in the Assembly Chamber of the State Capitol at Sacramento on Saturday, September 28, 1878. The Convention adjourned March 3, 1879. The Constitution that was framed by this Convention was ratified by the people, May 7, 1879.⁶ The present California Constitution is five times the length of the first one. It contained, by 1927, over forty thousand words. Only Oklahoma and Alabama have longer state constitutions.⁷ There seems to be an ever-present tendency toward lengthening the California Constitution, and Article IX appertaining to education, is no exception to this trend.

The intent of the people of California regarding education was made clear in the California State Constitution, Article IX, Section 1, 1849, which read:

A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.⁸

Article IX, Section 4, California Constitution, 1879, established a perpetual State School Fund. The interest to

⁶ Ibid., p. 71.

⁷ Ibid., p. 72.

⁸ California Laws and Statutes, Education Code, Sacramento: State Printing Office, 1949, p. 768.

accrue from this State School Fund, together with all the rents of the unsold public lands plus statutory appropriations, was mandated to the support of common schools throughout California by this same Section of the Constitution.⁹

Article IX, Section 6, California Constitution, as amended November 5, 1946, provides a minimum amount to be appropriated in each fiscal year by the Legislature for the support of the California public school system.¹⁰

Acting under the reserved powers granted by the Tenth Amendment to the United States Constitution, California has specified in her Constitution that the "Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district."¹¹

The Supreme Court of California ruled that the Constitution of the State established a public school system to be maintained for the benefit of the youth of the State

⁹ Ibid., p. 769.

¹⁰ infra.

¹¹ Constitution of California, Article IX, Section 5, May 7, 1879.

who were entitled under the laws, to be educated at the public expense.

Upon the constitutionality of school attendance, it has been ruled by the courts that education is distinctly a state affair.¹³ The right to be admitted to a public school is a valuable right which may be enforced in an appropriate proceeding; it is a privilege granted by the State Constitution, and is a legal right as much as is a vested right in property.¹⁴

It is California's plan that the public school system shall be open to all persons residing in the State who otherwise qualify as to age, et cetera. This plan further contemplates, as to schools maintained by local districts, that all eligible persons residing in a district shall be entitled to attend the schools. In order to carry out the intent of the California Constitution, statutory provision has been made for pupils residing in one district to attend a school located in another.¹⁵

The courts have not insisted that school residence be determined by the residence of the parents where to do so would unreasonably deprive a child of school privileges.

¹³23 Cal. Jur. 141.

¹⁴Miller v. Dailey, 136 Cal. 212.

¹⁵A. G. O., NS 5634; 4 Ops. Cal. Atty. Gen. 181.

Thus, where it plainly appears that a child's residence in a school district is primarily for the purpose of having a home and not merely for the purpose of enjoying the school privileges of the district, he will be considered as having residence in the district, even though his parents do not.¹⁶ Court decisions in California, as well as Attorney General's Opinions, have not always been consistent, however.

The history of educational legislation in California shows that the provisions of Article IX, the educational article of the California Constitution, have never been regarded as limitations by implication on the general power of the Legislature to pass laws upon the subject of education. This article discloses a well-considered purpose on the part of those who framed it, to bring about the establishment and maintenance of a comprehensive system of public education, consisting of a general public free school system and a system of higher education. Upon this premise, the courts will not interfere with the exercise of the discretion vested in the governing board of a school district to enter into a contract with another district for an interchange of pupils unless such action is unreasonable or tainted with fraud, corruption, or bad faith, and the

¹⁶Fangman v. Moyers, (Colo.) 8 Pacific (2d) 762, and A. G. O., NS 2322, Ops. Cal. Atty. Gen., May 9, 1940.

terms of the contract agreed upon are presumed to be reasonable and fair in the absence of proof to the contrary.¹⁷

Supported by the Constitution, by precedent, and by court decisions and prior-existing statutes, the California Legislature has enacted statutory laws for the sole purpose of carrying out the people's intent, as expressed in Article IX of the California State Constitution relative to education.

Statutory law. The California Legislature passed the first statutory law relating to the interdistrict attendance of school pupils in 1863, as has been discussed in Chapter II.¹⁸ This legislative act has remained a part of California statutory law since its first inception. It has been changed many times, in title as well as content. In 1950, it was in force as Sections 1502 to 1505, inclusive, Education Code, State of California, 1949.¹⁹

These statutory provisions have been interpreted from time to time through the eyes of the courts, and a search of the opinions of learned men in the law has up-

¹⁷ Butler v. Compton Junior College District of Los Angeles County, 1947, 77 Cal. App. (2d) 719.

¹⁸ Statutes of California, 1863, Chapter CLIX, Section 31, Sub-Division Second, p. 202.

¹⁹ Supra.

held the right of the law-making body to enact laws relating to school attendance. An excellent example of the interpretation of statutes relating to school attendance was found in the case of Bissell v. Davidson, Supreme Court of Connecticut.²⁰ The Court, in discussing the matter of who could or could not attend the Connecticut schools, ruled that the question was solely one for the Legislature, and not for the courts. It was further stated that such privileges as school attendance:

. . . are to be enjoyed upon such reasonable conditions and restrictions as the law making power, within constitutional limits, may see fit to impose; and, within these limits, the question, what terms and restrictions will best subserve the end sought in the establishment and maintenance of the public schools, is a question solely for the legislature and not for the courts.²¹

The courts of California have ruled consistently that the Legislature has full power to enact laws relating to interdistrict attendance of school pupils.²² A search of court decisions and precedents in California courts indicated that all sections of the California School Code

²⁰ 29 L. R. A. 251.

²¹ Harry Raymond Trusler, Essentials of School Law, Milwaukee, Wisconsin: The Bruce Publishing Company, 1927, p. 43.

²² Wood v. County of Calaveras, December 26, 1912, 164 Cal. 398.

relating to interdistrict school attendance agreements²³ were constitutional.

Rules and regulations of governing boards of education and school trustees. According to school laws, the board of education, or of school trustees, is the legal authority representing the state. It is an artificial body created by a general or specific law to maintain a system of public education in a certain territory. "A school board is a body politic and corporate. It is purely a creature of the statute. Its power may be enlarged, diminished, modified, or revoked by the legislature."²⁴

In California, the governing board of any school district has been granted the power to agree upon the interdistrict attendance of school pupils.²⁵

Governing boards, when entering into agreements relative to interdistrict attendance of school pupils are acting

²³Fillmore Union High School District v. Cobb, December 30, 1935, 5 Cal. (2d) 26.

²⁴Chris A. DeYoung, Introduction to American Public Education, New York: McGraw-Hill Book Company, Inc., 1942, p. 102.

²⁵State of California, Education Code, 1949 (Division 2, Sections 1503 to 1503.5, inclusive, pp. 51-53). Sacramento: State Printing Office, 1949.

under powers delegated to them by the legislature and their performance in this matter has been upheld by the courts.²⁶

"To prescribe and enforce rules not inconsistent with law or with those prescribed by the state board of education, for their own government, and for the government of the schools under their jurisdiction . . ."²⁷ has been interpreted by the courts as clearly stating the intent of the constitutional law and of the statutes.

California state method of school fund apportionment. The California State School Fund was first established by the California Constitution of 1849, and was enacted with greater clarity by the Constitution of 1879;²⁸ but the legal basis for apportionment of the State School Fund is found in the California Constitution, as amended November 5, 1946, and in Assembly Bill No. 65, enacted by the 1950 First Extraordinary Session of the California Legislature, April 15, 1950.²⁹

²⁶Ops. Cal. Atty. Gen., No. NS 697, November 6,

²⁷21 McK. Dig. 51 (6), "Schools"; 23 Cal. Jur. 91-93; 12 A. L. R. 235; and Ops. Cal. Atty. Gen. NS 3853, October 27, 1941.

²⁸Woellner, loc. cit.

²⁹California Teachers' Association, Research Bulletin, San Francisco: California Teachers' Association, May 5, 1950, pp. 1-9.

The California Constitution, as amended November 5, 1946, provides the following:

1. That the State School Fund shall consist of an amount not less than \$120.00 per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools, and technical schools in the public school system during the next preceding fiscal year. It is mandatory upon the Legislature to add such other means from the revenues of the State as are necessary if the interest, land rentals, et cetera, accrued from the Permanent School Fund fall short of the required \$120.00 per pupil in average daily attendance during the next preceding fiscal year.

2. That the entire State School Fund shall be apportioned in each fiscal year.

3. That the minimum amounts apportioned to each school district shall be not less than \$90.00 per pupil in average daily attendance during the next preceding fiscal year, nor less than \$2,400.00 to any school district.³⁰

4. That out of the revenues of the State, there shall first be set apart the moneys to be applied by the State to the support of the public school system, before

³⁰ California State Constitution, Article IX, Section 6, as amended November 5, 1946.

the payment of other State obligations. This constitutes, in reality, a first lien upon the State's revenues by the public school system.³¹

Principal provisions of the State School Fund Apportionment Law. The statutory laws governing the financial support of the California school system are found in Sections 7000 to 7151, inclusive, and in Sections 7201 to 7239, inclusive, of the California Education Code, as amended by the Acts of the 1950 First Extraordinary Session of the California Legislature, April 15, 1950.³²

To discuss all of the statutory provisions separately would not be within the scope of this study. However, because of the effect of interdistrict agreements upon school funds and the integral complexity of the present system of school accounting and apportionments, it was felt that a rather complete understanding of the Apportionment Law was vital to an understanding of interdistrict attendance problems.

That the California Interdistrict Attendance School Laws (Sections 1502 to 1505, inclusive, of the Education

³¹ Ibid., Article XIII, Section 15, as amended November 5, 1946.

³² California, Statutes and Amendments to the Codes, 1950, Chapters 6 and 74.

Code) do affect monetary allotments to school districts from the State School Fund has been supported by the courts. It has been ruled that a school district has a valuable interest in the attendance of pupils residing within it.

. . . The Constitution of the State of California has mandated the establishment of the system of primary and secondary schools; the financial support of such schools is to a great extent provided from county and state funds on the basis of average daily attendance. It must necessarily follow then that the school district of residence has valuable interest in the attendance of pupils residing in it.³³

The following is a summary of the principal provisions of the Apportionment Law as it affects the study of interdistrict attendance agreements:

1. A fund of \$3.00 times all the a. d. a. in grades kindergarten through fourteenth in the entire State is set aside for county services. This fund is called the County School Service Fund.³⁴

2. Transportation aid is determined by \$2.00 times the a. d. a. (grades K through fourteenth), plus an addi-

³³ Iaton Joint Union High School District v. Armstead, March 28, 1933, 130 Cal. App. 628.

³⁴ California, Statutes and Amendments to the Codes, 1950, Chapter 74, pp. 544-5.

tional authorized apportionment. The total transportation aid for the entire State cannot exceed \$4,700,000.00 in 1950-51.³⁵

3. Approximately \$1.25 times the total a. d. a. in grades kindergarten through eighth, was placed (1950-51) in the County Service Fund for county supervision.³⁶

4. An amount equal to \$2,400.00 per county was taken from the State School Fund for the partial payment of the county superintendents' salaries.³⁷

5. Eighty-five per cent of the State apportionment to each school district must be used for salaries of certificated personnel, exclusive of State money apportioned for transportation.³⁸

6. A surplus factor is applied to that part of the apportionment in excess of \$90.00 per a. d. a. in elementary schools.³⁹

³⁵Loc. cit.

³⁶Loc. cit.

³⁷Loc. cit.

³⁸Loc. cit.

³⁹Loc. cit.

7. Apportionments to small elementary districts (under 85 a. d. a.) was, for 1950-51, the foundation program, reduced by .0045 times ninety per cent of assessed valuation; or \$160.00 times a. d. a., reduced by .0070 times ninety per cent of assessed valuation; or basic aid, whichever amount was largest.⁴⁰ The basic aid was \$2,400.00 for schools of one to twenty-six a. d. a., or \$90.00 per a. d. a. for twenty-seven or more.⁴¹

Small elementary school districts have a special apportionment formula. This formula is presented as Table IV.

⁴⁰ Ralph R. Boyden, Unpublished School Accounts and Records. Sacramento: Bureau of School Accounts and Records, December 20, 1950. (Single sheets).

⁴¹ Loc. cit.

TABLE IV

APPORTIONMENT FORMULAE FOR SMALL ELEMENTARY
DISTRICTS (UNDER 85 A. D. A.)

A. D. A.	FOUNDATION PROGRAM
1 - 16	\$3,300.00
17 - 25	3,300.00, plus \$55.00 per a. d. a. above 16.
26 - 37	6,300.00
38 - 50	6,300.00, plus \$105.00 per a. d. a. above 37.
51 - 62	9,300.00
63 - 75	9,300.00, plus \$150.00 per a. d. a. above 62
76 - 84	12,450.00
85 - and over	(\$148.00 times a. d. a.)

8. Elementary district apportionments, for districts of eighty-five a. d. a. and over, were figured according to the following formula, the amount apportioned being the largest of the three computations: (a) \$148.00 x a. d. a., reduced by .0045 x 90% of assessed valuation; (b) \$160.00 x a. d. a., reduced by .0070 x 90% of assessed valuation; (c) \$90.00 x a. d. a.⁴²

Formula "a" was applied to districts having between \$5,250.00 and \$14,320.00 assessed valuation per pupil in average daily attendance. Formula "b" was applied to districts having less than \$5,250.00 assessed valuation per pupil in average daily attendance. Formula "c" was applied to districts having \$14,321.00 assessed valuation per pupil in average daily attendance or larger.

9. Equalization aid is the difference between the computations of "a", or "b", and "c", above. State equalization aid equals the foundation program, minus (basic State aid plus district aid). There was applied, for this fiscal year, a surplus factor of 1.09718402.⁴³

⁴² Loc. cit.

⁴³ Loc. cit.

10. Special formulae are provided for transportation aid and for State aid for excess growth. These formulae provide a sliding scale by which the burden of responsibility is borne by the district and by the State.

All of the above factors, as well as some which have not been mentioned, figure into the monetary problems of each district, or at least of each district to which the specific formulae are applicable. Interdistrict attendance agreements affect, and are affected by these computations.

A master formula used for calculating State aid at the elementary level is presented as Table V.

TABLE V

FORMULA FOR COMPUTING STATE AID, ELEMENTARY LEVEL

A. Basic State Aid (Small schools have special formulas. See Table IV)		
a. d. a. x \$90.00	\$	_____
Cost of Foundation Program		
a. d. a. x Foundation Program for proper district level . . .	\$	_____
Less 90% assessed valuation x the mandatory tax for this Foundation Program		
	\$	_____
B. Remainder.		
a. d. a. x Alternate Foundation Program for the proper district level	\$	_____
Less 90% of assessed valuation x the mandatory tax for this Foundation Program.		
	\$	_____
C. Remainder.		
	\$	_____
D. Choice of best aid formula (A., B., or C., whichever is largest).		
	\$	_____
E. Add or subtract surplus or deficit factor applied to Equalization Aid.		
B. or C. <u>minus</u> A	\$	_____
Add or subtract factor	\$	_____
	\$	_____

(This Table continued on next page)

TABLE V (Concluded)

FORMULA FOR COMPUTING STATE AID, ELEMENTARY LEVEL

F.	Add excess cost apportionment for any physically handicapped a. d. a.	\$ _____
G.	Add transportation aid.	\$ _____
H.	TOTAL STATE AID (excluding aid for excess growth).	\$ _____

*This formula prepared from California, Statutes
and Amendments to the Codes, 1950, Chapter 74, pp. 544-55,
by Tennant C. McDaniel, County Superintendent of Solano
County and revised by Harold Youngblood.

CHAPTER IV

FINANCIAL AND EDUCATIONAL IMPLICATIONS

I. INTRODUCTION: COLUMNAR TABULATIONS

The raw data relative to interdistrict attendance agreements in Calaveras, Merced, and Solano counties have been tabulated on columnar charts and made a part of this chapter. These charts appear as Tables VI, VII, and VIII, respectively. These data were found to be the bases for certain financial and educational implications resulting from interdistrict attendance agreement laws.

School districts, in each county, are listed by name. In the case of union and unified districts, the sub-districts are listed (after indentation) under the legal district name.¹

Column 1: The actual average daily attendance earned by each district and/or sub-district during the fiscal year, 1949-50.²

Column 2: The assessed valuation (taxable wealth) for the fiscal year, 1949-50, of each school district

¹State of California, Education Code (Chapter 9, Article 3, Section 2861, p. 88, and Chapter 14, Article 7, Sections 4711-12, p. 142). Sacramento: State Printing Office, 1949.

²Ibid., Chapter 14, Article 2, Sec. 6911, p. 229.

and/or sub-district, as determined by the Tax Assessors' rolls in each county studied (dollars only). This assessed valuation is a one hundred per cent figure and should not be confused with the ninety per cent figure used for tax purposes.³

Column 3: The amounts in this column represent the assessed valuation (taxable wealth) per pupil in average daily attendance in each school district. The assessed valuation, as given in Column 2, divided by the average daily attendance, as given in Column 1, produce the amounts found in Column 3.⁴

Column 4: The tax rate on each one hundred dollars (\$100.00) of the assessed valuation (Column 2) for each district.⁵

Column 5: The apportionment of the State School Fund, 1950-51, for each school district in Calaveras, Merced, and Solano counties. The amounts set up in this column were estimated and do not include any federal funds, state vocational education funds, state school building

³ Ibid., Chapter 15, Article 9, Section 7081, p. 240.

⁴ Ibid., Chapter 15, Article 10, Section 7091, amended by Statutes, 1950, Chapter 74.

⁵ Ibid., Chapter 15, Article 10, Section 7095, amended by Statutes, 1950, Chapter 74.

aid, or any apportionment for growth, as enacted April 15, 1950, by the California Legislature.⁶

Columns 6 and 7: One pupil, represented by an interdistrict attendance agreement, does not produce one whole unit of average daily attendance. California statutes do not require the taking of a school census. The California State Department of Education requires only two enrollment reports during each fiscal year: the first, on October 31, and the second, on March 31. In the absence of a yearly school census, only an approximate percentage of yield per pupil could be computed.

This computation was made by using the following formula: Total state elementary (K - 8) a. d. a. earned during 1949-50, divided by the state elementary (K - 8) average enrollment during 1949-50 equals per cent of approximate a. d. a. produced by one pupil in attendance. For the year 1949-50, the application of this formula produced the following results: 1,203,342 (a. d. a. 1949-50) divided by 1,227,742 (average enrollment 1949-50)

⁶ Ibid., Chapter 15, all applicable Articles and Sections, amended by Statutes, 1950, Chapter 74, pp. 544-55.

equalled 98.012 (plus) per cent.⁷

The entries made in Columns 6 and 7 represent the estimated average daily attendance gained or lost by inter-district attendance agreements. The percentage (98.012) was applied to the total pupils involved in each attendance agreement and this a. d. a. entered in the appropriate column.

Column 8: The effect upon the average daily attendance of each district resulting from interdistrict attendance agreements (Column 1 less Column 6, or plus Column 7, equals Column 8).

Column 9: The apportionment for each district was estimated, using the average daily attendance computation in Column 8 as the basis. Identical formulae for determining apportionments were used in Columns 5 and 9.⁸

Column 10: The actual loss or gain to each district in State Apportionment was obtained by securing the dif-

⁷ California State Department of Education, Bureau of Educational Research (Henry W. Magnuson, Chief) Sacramento: Single Sheet Reports, mimeographed, January 2, 1951, and California State Department of Education, California Schools 21:3 and 21:6, March and June, 1950, p. 7 and p. 184.

⁸ State of California, op. cit., Chapter 15, all applicable Articles and Sections, amended by Statutes, 1950, Chapter 74, pp. 544-55.

ference between Columns 5 and 9. This column is significant in that it shows advantages and disadvantages to both district and State under the specific interdistrict agreements tabulated.

NAME OF DISTRICT	Column 1 Actual A. D. A. 1949--1950 Kinder. - 8th	Column 2 A. V. for 1949-50 (In Dollars)
Calaveras County		
Altaville	85	\$ 848,795.00
Avery	92	2,860,595.00
Burson	15	139,350.00
Camanche	17	108,135.00
Campo Seco	12	120,380.00
Copperopolis	46	1,331,860.00
Douglas Flat	17	189,535.00
Eldorado Union	31	348,950.00
Banner	6	
Cave City	25	
Esmeralda	6	48,825.00
Evergreen	10	196,840.00
Jenny Lind	10	476,970.00
Milton	4	410,025.00
Mokelumne Hill	60	541,650.00
Mosquito Gulch	25	105,780.00
Mother Lode Union 7-1-1949	180	1,377,750.00
Angels	163	
Carson Hill	14	
Robinson Ferry	3	
Murphys	67	666,855.00
Paloma	14	249,185.00
Railroad Flat	60	615,080.00
San Andreas	239	1,770,180.00
Sheep Ranch	22	177,045.00
Vallecito	43	294,225.00
Valley Springs	77	1,000,885.00
Wallace Joint Union	19	296,825.00
West Point Union	229	1,871,330.00
Lincoln	57	
West Point	172	
Columbia - Tuolumne County		
Hollota - San Joaquin County		
Ione - Amador County		
TOTALS	1,380	\$17,284,480.00

FINANCIAL IMPLICATIONS CONCERNING INTERDISTRICT ATTENDANCE AGREEMENTS IN CALAVERAS COUNTY

[illegible]

Column 7 A.D.A. Loss By Interdis. Agrmts. 1949--1950	Column 8 Resident A.D.A. Before Interdis- trict Agreements	Column 9 Estimated Appor- tionment Based on Resident A.D.A.	Column 10 Apportionment Loss or Gain Through Interd. Agreements
Agreements	85	\$ 11,578.03	No Change
	91	9,399.99	+ \$ 148.00
Agreements	15	2,768.25	No Change
	13	2,906.94	+ 60.36
7	19	3,046.21	- 193.66
Agreements	46	4,140.00	No Change
Agreements	17	2,605.59	No Change
Agreements	31	7,163.39	No Change
Agreements	6	3,170.51	No Change
Agreements	10	2,512.79	No Change
3	13	2,400.00	No Change
Agreements	4	2,400.00	No Change
	58	7,125.18	+ 146.96
3	28	3,460.53	No Change
	171	24,651.64	+ 1,799.21
1	68	7,513.03	- 35.58
Agreements	14	2,400.00	No Change
Agreements	60	6,945.86	No Change
	238	28,547.48	+ 1,742.09
Agreements	22	2,962.82	No Change
9	49	6,387.97	- 468.00
	70	7,045.49	+ 2,077.87
Agreements	19	2,400.00	No Change
	228	31,022.39	+ 721.13
3			
4			
30	1,375	\$184,554.09	+ \$5,998.38

NAME OF DISTRICT Merced County	Column 1 Actual A. D. A. 1949--1950 Kinder. - 8th	Column 2 A. V. for 1949-50 (In Dollars)
Ballise	108	\$1,252,015.00
Canal	57	1,012,570.00
Charleston	135	2,087,880.00
Clay	78	1,345,570.00
Cressey	68	712,840.00
Delhi	465	1,184,750.00
Des Palos	922	4,235,770.00
Des Palos Town Joint Union	78	1,047,175.00
El Nido	125	1,262,010.00
Gustine Union	415	4,277,185.00
Gustine	392	
Occidental	23	
Hilmar Unified 7-1-1950	719	4,146,460.00
Elim Union	383	1,613,125.00
Hilmar	36	
North Elim	134	
South Elim	213	
Fairview	60	536,400.00
Merguin Union	199	1,556,655.00
Jefferson	52	
San Joaquin	79	
Stevenson	68	
Prairie Flower	A.D.A. credited to Stanislaus County	
Riverside	77	440,280.00
Hopeton	52	927,660.00
Johnson Joint Union	135	583,650.00
Jordan	57	484,810.00
Le Grand Union 7-1-1950	236	2,126,270.00
Le Grand	201	1,538,380.00
Savanas	35	587,890.00
Livingston Union	583	3,185,120.00
Arena 7-1-1950	74	633,375.00
Livingston	(See Livingston Union)	
Whitmer	(See Livingston Union)	
Los Banos Union	923	8,107,280.00
Center	(See Los Banos Union)	
Los Banos	(See Los Banos Union)	
Sunset	(See Los Banos Union)	

TABLE VII

FINANCIAL IMPLICATIONS CONCERNING INTERDISTRICT
ATTENDANCE AGREEMENTS IN MERCED COUNTY

Column 3 AV/ADA Col. 2 ÷ Col. 1 (In Dollars)	Column 4 Tax Rate 1949--1950 (In Cents)	Column 5 Total State Appor- tionment-1950-1951 (Estimated)	Column 6 ADA Gain By Inter- dis. Agreements 1949--1950
\$11,593.00	\$1.00	\$ 12,951.18	No
17,782.00	.80	7,240.25	No
15,465.00	.80	13,881.11	No
17,251.00	.80	8,808.80	No
10,498.00	1.10	8,633.04	1
2,548.00	.90	73,863.02	No
4,594.00	.90	139,638.33	No
13,425.00	.48	8,324.48	No
10,026.00	1.25	13,596.72	13
10,306.00	.92	47,040.85	2
5,767.00 (See Unified)	.93	109,202.01 57,115.32	16
(See Unified)	.69	7,295.47	
(See Unified)	.80	31,361.19	11
Portion (See Unified)	.80	2,400.00 11,030.03	No 1
17,839.00	.66	5,626.35	No
4,325.00	.80	18,484.04	No
8,505.00	1.30	9,204.24	No
9,002.00 (See Union)	.90	24,958.82	2
(See Union)	.80	4,871.47	No
5,964.00	.83	81,853.24	9
(See Union)	.76	9,697.58	No
8,783.00	.90	108,018.27	No

Column 7 A.D.A. Loss By Interdis. Agrmts 1949-1950	Column 8 Resident A.D.A. Before Interdis- trict Agreements	Column 9 Estimated Appor- tionment Based On Resident A.D.A.	Column 10 Apportionment Loss or Gain Through Interd. Agreements
Agreements	108	\$ 12,951.18	No Change
Agreements	57	7,240.25	No Change
Agreements	135	12,881.11	No Change
2	80	8,988.80	-\$ 180.00
24	91	12,024.20	- 3,391.16
Agreements	465	73,863.02	No Change
Agreements	922	139,638.33	No Change
Agreements	78	8,324.48	No Change
	112	11,603.34	+ 1,993.38
	413	46,752.11	+ 288.74
	706	103,308.97	+ 5,893.04
6	373		
	63		
	194		
Agreements			
	76		
Agreements	52	5,626.85	No Change
Agreements	135	18,484.04	No Change
Agreements	57	9,204.24	No Change
	236	29,830.29	No Change
2	201	(See Union)	No Change
Agreements	35	(See Union)	No Change
18	586	82,376.36	- 523.12
Agreements	74	9,697.58	No Change
Agreements	923	108,018.27	No Change

[illegible]

FINANCIAL IMPLICATIONS CONCERNING INTERDISTRICT
ATTENDANCE AGREEMENTS IN MERCED COUNTY

Column 3 AT/ADA Col. 2 - Col. 1 (In Dollars)	Column 4 Tax Rate 1949--1950 (In Cents)	Column 5 Total State Appor- tionment-1950-1951 (Estimated)	Column 6 ADA Gain By Inter- dis. Agreements 1949--1950
9,132.18.00 (See Union)	.80	\$ 17,752.40	9
(See Union)	.80	6,335.92	No
(See Union)			
5,440.00 (See Merced City)	.80	7,158.53	No
(See Merced City)	.88	373,576.41	6
36,686.00	.80	2,400.00	1
4,521.00	.85	109,989.20	5
22,467.00	.80	9,938.82	
3,727.00	.80	58,788.81	
19,552.00	.80	7,010.25	2
22,502.00	.63	5,040.00	No
6,405.00	.72	5,925.51	No
21,978.00	.78	7,983.04	4
10,730.00	.80	11,823.22	No
8,430.00	.89	64,462.36	22
2,432.00	1.30	56,763.53	50
		5,207.24	No
6,961.00		51,456,049.54	154

Column 7 A.D.A. Loss By Interdis. Agrmts 1949--1950	Column 8 Resident A.D.A. Before Interdis- trict Agreements	Column 9 Estimated Appor- tionment Based on Resident A.D.A.	Column 10 Apportionment Loss or Gain Through Interd. Agreements
2	127	\$ 16,123.31	+ \$ 1,622.09
Agreements	38	6,335.92	No Change
Agreements	61	7,158.53	No Change
28	2,771	377,241.66	- 3,665.25
	18	2,400.00	No Change
29	797	114,087.57	- 4,098.37
13	95	11,608.82	- 1,670.00
2	405	59,175.32	- 386.51
4	54	6,993.61	+ 16.64
Agreements	56	5,040.00	No Change
Agreements	42	5,925.51	No Change
	76	7,623.04	+ 360.00
Agreements	92	11,823.22	No Change
22	491	64,462.36	No Change
1	318	48,637.04	+ 8,126.49
Agreements	19	5,207.24	No Change
156	10,690	\$1,451,656.57	+ \$ 4,392.97

NAME OF DISTRICT Solano County	Column 1 Actual A. D. A. 1949--1950 Kinder. - 8th	Column 2 A. V. for 1949-50 (In Dollars)
Alowen Union	13	\$ 1,926,675.00
Allendale	13	
Owen	0	
Benicia Unified	1115	3,779,170.00
Browns Valley	15	269,515.00
Center	13	601,035.00
Collinsville	12	641,800.00
Cooper	12	304,545.00
Crystal Union 7-1-1950	373	3,845,265.00
Crescent Island	0	1,125,130.00
Crystal	171	1,758,280.00
Union	202	961,855.00
Dixon Unified	513	10,307,700.00
Dixon	419	6,173,390.00
Grant	24	634,825.00
Liberty	13	450,455.00
Maine Prairie	7	1,189,135.00
Silveyville	19	532,790.00
Tremont	31	1,327,105.00
Dover	18	382,305.00
Elmira	40	1,106,645.00
Fairfield	517	2,262,815.00
Falls	15	319,865.00
Gomer	18	605,985.00
Green Valley Union	166	2,220,630.00
Green Valley	69	
Rockville	97	
Oakdale	18	142,235.00
Olive	28	270,665.00
Peaceful Glen	7	188,600.00
Pleasant Valley	17	184,310.00
Rio Vista	380	19,196,775.00
Ryer Island	55	1,918,885.00
Suisun	46	824,760.00
Tolenas	82	303,080.00
Vaca Valley Union	762	3,649,975.00
Alamo	31	
Lagoon	36	
Milzner	13	
Pena	11	

Column 7 A.D.A. Loss By Interdist. Agmts. 1949-1950	Column 8 Resident A.D.A. Before Interdis- trict Agreements	Column 9 Estimated Appor- tionment Based on Resident A.D.A.	Column 10 Apportionment Loss or Gain Through Interd. Agreements
97	110	\$ 9,900.00	-\$ 7,500.00
Agreements	1115	162,491.23	No Change
5	20	2,400.00	No Change
8	21	2,400.00	No Change
3	15	2,400.00	No Change
4	16	2,400.00	No Change
4	320	38,087.75	+ 7,838.80
Union)	118	(See Union)	
12	202	(See Union)	
	524	62,912.72	- 990.00
36	52	8,465.34	- 5,382.38
1	41	3,690.00	- 90.00
11	514	68,201.51	+ 2,394.42
Agreements	15	2,400.00	No Change
10	25	2,400.00	No Change
6	172	19,446.93	- 684.75
2	20	2,949.38	- 73.25
Agreements	28	2,520.00	No Change
Agreements	7	2,549.40	No Change
Agreements	17	2,628.81	No Change
	360	32,800.00	+ 1,800.00
4	59	5,310.00	- 360.00
3	48	4,320.00	- 180.00
5	81	11,262.46	+ 323.50
2	648	91,885.59	+ 17,441.66
credited to Vacaville sub-district.)			

NAME OF DISTRICT Solano County	Column 1 Actual A. D. A. 1949--1950 Kinder. - 8th	Column 2 A. V. for 1949-50 (In Dollars)
Vaca Valley Union (Continued)		
Vacaville	671	
Vallejo City Unified	8,683	\$ 26,346,230.00
Willow Springs	21	1,602,690.00
Wolfskill	55	870,925.00
County School Service Fund	19	
Rio Vista Special Class	6	(See Rio
TOTALS	13,013	\$ 84,073,080.00

FINANCIAL IMPLICATIONS CONCERNING INTERDISTRICT ATTENDANCE AGREEMENTS IN SOLANO COUNTY

[illegible]

II. INTERPRETATION OF DATA

The raw data for this study, presented in Tables VI, VII, and VIII, consisted principally of average daily attendance accreditations to each district. Special emphasis was placed upon the source of the average daily attendance and the State moneys allocated to each district on account of such average daily attendance. Included were the assessed valuations, both total and per a. d. a. for each district studied. The total average daily attendance earned, 1949-50, for all districts (eighty) studied was 25,081; total State allocation of funds on account of such attendance, 1950-51, was exactly \$3,518,866.82; total assessed valuation 1949-50, was \$175,760,955.00, or \$7,007.73 per a. d. a.

The elementary schools in Calaveras, Merced, and Solano Counties combined, were allocated an approximated sum of \$3,583,666.82 from the State School Fund for the fiscal year, 1950-51. Of this total allocated, \$97,186.78 was granted because of interdistrict attendance of school pupils. This was an average of \$32,395.59 per county. If

these data were applied to California's fifty-eight counties, the total financial impact resulting from inter-district attendance, 1949-50, would be \$1,878,944.22. Expressed in percentage figures, interdistrict attendance agreements, 1949-50, accounted for 2.7 of all State moneys accruing to the elementary schools in Calaveras, Merced, and Solano counties from the 1950-51 State School Fund. If these data were applied to California's fifty-eight counties this would be 1.3 per cent of the total State elementary school apportionment, 1950-51, on account of interdistrict attendance.

The elementary schools in Calaveras, Merced, and Solano counties combined, earned a total average daily attendance of 25,081 for the fiscal year, 1949-50. Of this total, 613 were involved in interdistrict attendance agreements. This was an average of 206.5 per county. If these data were applied to California's fifty-eight counties, the total average daily attendance involved in interdistrict attendance agreements at elementary level, would be 11,977. Expressed in percentage figures, 2.44 of the total elementary a. d. a. earned by Calaveras, Merced, and Solano counties, 1949-50, was involved in interdistrict attendance. If these data were applied to California's fifty-eight counties, .99 per cent of the total elementary

a. d. a., 1949-50, would be involved in interdistrict attendance.

The inferences made by applying these data contained in Tables VI, VII, and VIII to California's fifty-eight counties, were for purposes of summary and interpretation. A disputation contending that the three counties studied were typical of California's fifty-eight, was deemed to be of doubtful validity.

Financial implications. School districts received a major portion of their moneys upon the basis of average daily attendance.⁹ It follows, then, that school districts were affected financially by the interdistrict attendance of pupils. Table IX shows the amounts and extent of the added financial burden for the year 1950-51, for the three counties of this study.

⁹Supra.

TABLE IX

SUMMARY OF INTERDISTRICT AGREEMENTS BY COUNTY

COUNTY	NUMBER OF PUPILS ATTENDING, 1949-50	STATE APPORTION- MENT GAIN
Calaveras	30	\$ 5,998.38
Merced	159	4,392.97
Solano	437	86,795.43
TOTAL	626	\$97,186.78

NOTE: These data come from a summary of Tables VI, VII, and VIII, which were taken from the School Records of Calaveras, Merced, and Solano counties, Office of County Superintendent, San Andreas, Merced, and Fairfield, California, respectively, Attendance Contracts, 1950.

Considering the three counties in Table IX as one entity, the 626 pupils attending school under interdistrict attendance agreements have cost the State of California \$97,186.78 in additional subventions. This is an average of \$155.25 per pupil agreement.

These additional subventions, as shown in Table IX, were caused by:

1. State subsidies given to small school districts. This fact was substantiated by data from all three counties studied, especially Calaveras County. Calaveras County had twenty-four active school districts, ranging in a. d. a. from four to 239.¹⁰ Merced County had a total of thirty active districts, with eighteen comparable in size to those in Calaveras County.¹¹ Solano County had a total of twenty-six active districts, with nineteen comparable in size to those in Calaveras County.¹² Under the California plan of school apportionments, the small school district continues its identity for State apportionment

¹⁰ Henry W. Magnuson, Bureau of Educational Research, State Department of Education, Mimeographed Reports, Sacramento: January 2, 1951.

¹¹ Loc. cit.

¹² Loc. cit.

purposes regardless of its administrative or attendance area organization. Because of this plan, the small school apportionments did affect the disbursement of state moneys to many of the districts studied. The actual effect was included in the summary amounts entered in Column 10 of Tables VI, VII, and VIII of this study.

An example of this first cause for the additional subventions (State subsidies given to small districts) was found in the elementary school districts comprising the Vacaville Union High School District, Solano County. This district is comprised of six elementary school districts and one union elementary school district. The six small elementary schools entered into interdistrict attendance agreements, separately, with the union elementary district to have the latter educate 116 pupils residing in the various small school districts. These pupils were schooled by the large district during the 1949-50 term.

This year, 1950-51, the State paid the bonuses guaranteed by law to the six small schools (\$16,225.53), plus an additional amount of equalization aid for the 116 pupils attending the large union elementary school (\$17,441.66).¹³

¹³ Office of the Solano County Superintendent of Schools, School Records (1949-50) (Interdistrict Attendance Agreements). Fairfield, California: December 18, 1950.

Similar examples, with less financial impact, were found in the elementary districts comprising the Gustine Union High School District, Merced County, and in the elementary districts comprising the Bret Harte Union and Calaveras Joint Union High School Districts, Calaveras County.¹⁴

2. The existence, in the counties studied, of school districts with great wealth, such as power plants, etcetera, which elect to have their resident school pupils educated by adjoining districts under interdistrict attendance agreements rather than to bear their share of the expense incident to such education.

An example of this second fact was found in the Alowen Union Elementary School District, Solano County. This district had an assessed valuation, 1949-50, of \$1,926,675.00. This was \$17,515.23 assessed valuation per resident a. d. a. Yet, in order to escape the cost of educating its resident school youth, ninety-nine pupils were sent to the Vaca Valley Union Elementary School District (with less than \$5,000.00 A. V. per resident a. d. a.) by interdistrict attendance agreement.

¹⁴Offices of the Merced and Calaveras County Superintendents of Schools, School Records (1949-50 Interdistrict Attendance Agreements). Merced and San Andreas, California, October 11, 1950, and November 3, 1950.

Although the Alowen District lost \$7,500.00 in Basic State Aid, it escaped a minimum tax of \$7,803.03 by use of inter-district attendance agreements. The State School Fund suffered a loss of approximately \$7,800.00 because, on account of the ninety-nine pupils educated for Alowen, the Vaca Valley Union School District received from the Fund approximately \$15,300.00.¹⁵

In this example, a wealthy school district has protected its taxpayers at the expense of the State, and a poor district has accepted pupils under interdistrict attendance agreements at the expense of the State.

3. The existence, in the counties studied, of districts that require equalization aid in order to provide a minimum educational program and accept pupils under inter-district attendance agreements at the expense of the State. This was found to be a financial implication regardless of the reason for interdistrict attendance of the pupils.

The example of the Vaca Valley Union Elementary School District, Solano County, has been presented. Other exemplary districts are as follows: (a) Comanche, Mokelumne Hill, Mother Lode Union, San Andreas, Valley Springs, and West Point, for Calaveras County; (b) El Nido, Gustine

¹⁵Supra., Table VIII, Applicable Columns.

Union, Hilmar Unified, McSwain Union, Romero, and Winton, for Merced County; and (c) Crystal Union, Fairfield, Tolenas, Vallejo City Unified, and Wolfskill, for Solano County.

4. The existence, in the counties studied, of Boards of School Trustees who refused to permit inter-district attendance agreements. These Boards of School Trustees were sustained in their refusals by County Boards of Education. It was significant that the sustaining County Boards were composed of professional educators. It is possible for small schools to avoid being suspended or lapsed¹⁶ by refusals to permit interdistrict attendance agreements.

In Calaveras County, 1949-50, there were four pupils refused interdistrict attendance agreements.¹⁷ Two of these pupils resided in Douglas Flat District and two in Esmeralda District. If valid reasons had not existed for such refusals, Esmeralda District would have been suspended for 1950-51, thus saving the State \$3,170.51. See Column 9, Table VI.

¹⁶ State of California, Education Code, 1949, Chapter 7, Article 8, Section 2581, p. 80.

¹⁷ Calaveras County Board of Education, Charles F. Schwoerer (ex officio secretary), Minutes and Proceedings, September 19, 1949, San Andreas, California.

In Merced County, 1949-50, six pupils were refused interdistrict attendance agreements in Elim Union and Fairview Districts.¹⁸ These districts became a part of the Hilmar Unified School District on July 1, 1950; hence the minor financial gains or losses, incident to these refusals, no longer existed.

In Solano County, 1949-50, seven pupils were refused interdistrict attendance agreements. One refusal was in the Elmira District, two were in the Browns' Valley District, and four were in the Peaceful Glen District.¹⁹ If valid reasons had not existed and the four pupils residing in the Peaceful Glen District had been granted an interdistrict attendance agreement, the district would have been suspended for 1950-51. This would have been a saving to the State of \$2,549.40. See Column 9, Table VIII.

In connection with these data supporting the fourth cause of State subventions resulting from interdistrict attendance agreements, the policies of County Boards of Education were studied.

¹⁸ Merced County Board of Education, (Miss) Agnes Buttle (ex officio secretary), Minutes and Proceedings, January 15, 1949, Merced, California.

¹⁹ Solano County Board of Education, T. C. McDaniel, (ex officio secretary), Minutes and Proceedings, October 27, 1949, Fairfield, California.

Mr. Charles F. Schwoerer, County Superintendent of Schools, Calaveras County, dictated the following statement in connection with this study:

The policy adopted by the Calaveras County Board of Education where two boards of trustees cannot agree upon the terms of an interdistrict attendance is that the board will consider only the welfare of the children concerned.

In other words, if the board, after considering all the evidence, feels it better for a child to attend a school in a district other than the one where he resides, the board will so render its decision. If they feel that it would be for the best interest of the child to remain in his own district, the decisions will be rendered accordingly.²⁰

The policy of Merced County is stated as follows:

A special meeting of the Board of Education was called by the secretary to consider policy on interdistrict attendance problems which will come before the Board of Education.

Present: Mrs. Minerva Scandrett, President; Miss Louise Norvell; Mrs. Nell Morton; and Miss Agnes Buttle.

The following procedure was adopted: When a problem is presented, a hearing date will be set. Both sides (will be) notified and invited to appear if they so desire. A recommendation from the Supervisor of Child Welfare and Attendance, and Miss Buttle, County Superintendent, may be presented. A decision will be made, and a copy of the decision, with reasons, will be sent to the parties concerned.²¹

²⁰ Charles F. Schwoerer, County Superintendent of Schools, Calaveras County. Dictated, October 30, 1950.

²¹ Merced County Board of Education, op. cit., October 10, 1946.

Investigation did not reveal any set policy by the Solano County Board of Education regarding interdistrict attendance problems.

To illustrate how local boards of trustees governing small school districts feel about permitting pupils to attend school in other districts, a letter concerning the Elmira District case,²² Solano County, was made a part of this paper as Figure 1.

²²Supra.

Elmira, California,
September 26, 1949.

Mr. T. C. Coleman, Supt. and Principal
Dixon High School,
Dixon, California.

Dear Mr. Coleman:

Your communication of September 12th was received and has been considered by the Elmira Board.

In explanation of their decision not to grant permission to pupils of this district to attend schools outside the district, let me tell you what happened.

Last year the A. D. A. of the children who were given permission to attend Vacaville School (because the Vacaville bus came about a half mile in one case and a mile in the other from their homes) would have placed our district in a bracket where we would have received \$800.00 more State money. As it was, we lost that amount and had to raise district taxes as a result. The Board decided not to grant permission to any one this year. They feel that they cannot sign this agreement as they have refused to sign others.

Yours very truly,

(Signed)

Cora F. Black, Secretary
Elmira School Board,
Elmira, California.

FIGURE 1

REFUSAL OF INTERDISTRICT ATTENDANCE AGREEMENT
BY THE ELMIRA BOARD OF SCHOOL TRUSTEES

The Elmira refusal was considered by the Board of School Trustees solely upon a monetary basis. Reasoning such as this appeared fallacious in the light of educational needs of children.

The State apportionment loss of \$800.00, as claimed in the Elmira letter, is not necessarily a fact. Data compiled for the pilot study did not support this statement.²³

5. The existence, in the counties studied, of small school districts which expended comparatively large sums of State and local money per a. d. a. each school year. Table X shows the California State cost per elementary school pupil, excluding capital outlay, for the four preceding fiscal years. These data may be compared with those in Table XI, which show the estimated expenditures of representative districts in the three counties studied for the fiscal year, 1950-51.

²³Supra.

TABLE X

STATE COST PER ELEMENTARY PUPIL

ITEM	AMOUNT
1946-47 Cost per Elementary Pupil	\$135.08
1947-48 Cost per Elementary Pupil	168.44
1948-49 Cost per Elementary Pupil	186.65
1949-50 Cost per Elementary Pupil	191.21

NOTE: Taken from California Department of Education, Bureau of Educational Research (Henry W. Magnuson, Chief), Costs Study. Sacramento: State Department of Education, 1950. (Mimeographed sheets, unpublished work).

TABLE XI
REPRESENTATIVE SMALL DISTRICT COSTS

COUNTY	DISTRICT	COST PER A. D. A.
Calaveras	Campo Seco	\$316.05
	Douglas Flat	210.52
	Esmeralda	561.37
Merced	Jordan	\$241.00
	Merced Falls	289.50
	Canal	238.00
Solano	Center	\$371.00
	Peaceful Glen	473.00
	Gomer	270.00

NOTE: Taken from Approved District Budgets, 1950-51, Calaveras, Merced, and Solano Offices of County Superintendent of Schools, 1950.

When the amounts shown in Table XI were compared with State averages for per pupil cost as given in Table X, they were found to be too high. Cost studies of the California State Department of Education²⁴ substantiated the existence of small school districts which expended comparatively large sums of money per a. d. a. each fiscal year.

6. The absence, in the body of the actual contract for interdistrict attendance of pupils, of any provisions calling for the district of residence to pay to the district of attendance the actual cost of educating pupils less all Federal and State funds accruing on account of such attendance.²⁵

In Calaveras County only one provision was added to Form No. J-90, California State Department of Education (State form for use as a contract between two school districts entering into an interdistrict attendance agreement). This was found in the contract between Vallecito District, Calaveras County, and Columbia District, Tuolumne County.

²⁴California State Department of Education, Bureau of Educational Research (Henry W. Magnuson, Chief), Costs Study. Sacramento: State Department of Education, 1950. (Mimeographed sheets, unpublished work).

²⁵State of California, Education Code, 1949, Chapter 3, Article 1, Section 1503.2, p. 52.

Columbia was the district of residence and agreed to provide transportation for the three pupils attending Vallecito District. No monetary consideration was mentioned. This added provision was executed in good faith by the Columbia District.²⁶

In Merced County, three Forms No. J-90 contained additional provisions. (a) Mariposa Unified School District, Mariposa County, agreed to pay the actual cost of educating one child in the Merced Falls District, Merced County, less Federal and State apportionments allocated to Merced Falls on account of the pupil's a. d. a. No warrant had been drawn in payment of these amounts on October 11, 1950. (b) Prairie Flower Joint School District, Merced County, agreed to pay the Elim Union District \$25.00 per pupil for two pupils residing in Prairie Flower and attending school in Elim. This warrant had been drawn and the terms of the contract fulfilled by both parties on October 11, 1950.²⁷

²⁶ Calaveras County, School Records (Interdistrict Attendance Agreements, 1949-50), San Andreas, California, 1949-50.

²⁷ Merced County, School Records (Interdistrict Attendance Agreements, 1949-50), Merced, California, 1949-50.

In Solano County only one contract specified terms in addition to those found on Form J-90. The American Canyon Elementary School District, Napa County, agreed to pay the Vallejo Unified School District a sum of money sufficient to cover the actual cost to the Vallejo District of educating 204 pupils residing in the American Canyon District, less all Federal and State funds appropriated to the Vallejo District on account of the attendance of the pupils. No warrant had been drawn against the American Canyon District funds in favor of Vallejo District on November 25, 1950.²⁸

Districts that are poor, overcrowded, and understaffed err financially by accepting pupils under inter-district attendance agreement without a clause in the contract calling for the district of residence to foot the actual cost of educating such pupils, less all Federal and State funds allocated on account of their attendance. The State does not pay the full cost of educating pupils. The local district, at least theoretically, pays a share of the cost. For the fiscal year 1948-49, in California, the revenue receipts for current school purposes were \$422,742,511.40 (all levels of instruction). Local tax

²⁸ Solano County, School Records (Interdistrict Attendance Agreements, 1949-50), Fairfield, California, 1950.

sources yielded exactly \$234,709,215.99 of this total.²⁹

Educational Implications. The educational implications resulting from interdistrict attendance agreements were found to be so closely related to the financial aspects of the problem, that a re-statement of the six points already discussed under financial implications was deemed the best approach.

For Calaveras, Merced and Solano Counties, an additional subvention of \$155.25 per pupil agreement was noted. In other words, interdistrict attendance in the three counties studied cost California an additional \$97,186.78. Some causes for this additional State subvention resulting from interdistrict attendance of pupils were discussed under financial implications. A re-statement of these causes follows:

1. State subsidies given to small school districts.
2. The existence, in the counties studied, of school districts with great wealth, which elect to have their resident school pupils educated by other districts under interdistrict attendance agreements, rather than to bear the expense.

²⁹ California State Department of Education, Bureau of School Accounts, Financial Data for the Fiscal Year, 1948-49. Sacramento: State Department of Education, December 1, 1950.

3. The existence, in the counties studied, of districts that require equalization aid in order to provide a minimum educational program.

4. The existence, in the counties studied, of Boards of Trustees who refused to permit interdistrict attendance for reasons which appeared to be fallacious.

5. The existence, in the counties studied, of small districts that expended too much per pupil without evidence of educational value being received in proportion to such expenditures.

6. The absence, in the body of the actual contract for attendance, of any provisions calling for the district of residence to bear a part of the actual expense incident to educating pupils named in the contract.

Equality of educational opportunities for all of our youth has come to be the great educational concensus. This basic principle of equality must come if we are to inherit vast advances toward a new democracy in which all men are free and all men work to make their contribution to the good of society.³⁰

The interdistrict attendance agreement law was first enacted to help children in their attempt to attend school.

³⁰ Harold Rugg, Foundations for American Education. New York: World Book Company, 1947, p. 9.

In 1863, equality of educational opportunity in California meant, simply, school attendance. A review of the critical literature treating this period in California's educational system, substantiates this statement. However, for the purposes of this study, a review of current educational literature dealing with the subject of equality of educational opportunity in California was made and the concept of equality which existed in regard to California schools during the period 1853-1880, was found to have expired. From the literature it was found that schools, both in physical structure and curricular content, have developed great individual differences, thus eliminating the educational concept which existed at the time interdistrict attendance was offered as a method of equalizing educational opportunity.

That the interdistrict attendance agreement law, as administered in California, actually contributes to a furtherance of inequalities of educational opportunities, was supported by this study. To make a physical and curricular survey of the schools in Calaveras, Merced, and Solano Counties was not a part of this study, and such a survey was not made. However, while studying the interdistrict attendance problem, an attempt was made to ascertain some facts about the educational program of the schools involved in interdistrict attendance agreements.

Methods used to obtain these facts were as follows:

(1) Examination and/or review of curriculum practices being used; (2) Personal conversation with supervisors of instruction, and teachers; (3) Experience gained from two years of personal school supervision in Solano County, California, (1947-49).

Some educational deficiencies noted were:

1. The educational preparation of the seventh and eighth grade pupils in the elementary schools with one or two teachers, compared unfavorably with similar pupils in the larger districts.³¹ Many of the advantages of the larger districts could not be provided economically in the smaller ones.

2. Pupils in small schools (one, two, or three teachers) were taught by teachers who had too many classes and class preparations to do full justice to pupils' needs, either socially or academically.

3. Well trained teachers were harder to secure and more difficult to retain in the smallest schools studied.³²

³¹C. A. Sesma, Testing Practices in the Armijo Union High School District. Berkeley, California: University of California, October 22, 1948, p. 6 (unpublished work).

³²Myron Moskowitz, Emergency and Provisionally Credentialed Elementary School Teachers in California. Berkeley, California: University of California, 1950 (unpublished doctoral dissertation; abstract).

4. Pupils in the smaller schools received a bare minimum of specialized educational services as compared to those received by pupils attending the larger schools. Curricula items such as counseling, health services, special subject instruction, vocational training, and remedial work were appallingly lacking in the small schools visited during this study.

State subsidies given to small school districts have fostered the four points just discussed. The refusals of boards of trustees to grant interdistrict attendance agreements because of their reluctance to lose this State subsidy were discussed under financial implications.³³ In the case of Peaceful Glen District, Solano County, four pupils were refused permission to attend a larger elementary school (a. d. a., 1949-50, 762) having an educational program comparable with present-day educational concensus.

Peaceful Glen Elementary School maintained an a. d. a. of seven, 1949-50. One teacher (emergency credentialed) taught grades one to eight (grade four did not have an enrollment). The building was erected in 1893 from wooden timbers. No sanitary facilities were available other than over-ground toilets. Drinking water was transported from Vacaville, California, eight miles away.

³³
Supra.

The Board of Trustees, Peaceful Glen School District, Solano County, refused permission for four pupils to attend the Vaca Valley Union Elementary School, Vacaville, California.³⁴

The wealth so essentially necessary to a well-planned educational program was found unevenly distributed in the counties studied. Calaveras County, with twenty-four elementary districts, had a total assessed valuation, 1949-50, of \$17,284,480.00, or \$12,525.00 per a. d. a. Mosquito Gulch District had \$4,231.00 assessed valuation per a. d. a. 1949-50, while Milton District had \$102,506.00 assessed valuation per a. d. a. 1949-50.³⁵

If poor districts accept pupils by interdistrict attendance agreement, it cuts the number of tax dollars available per a. d. a. for an adequate educational program.

Examples of this were found in all three counties. In Calaveras County, Camanche and Mother Lode Union Districts were examples. In Merced County, Hilmar Unified and Livingston Union were examples. In Solano County, Fairfield and Vaca Valley Union were examples.

³⁴Solano County School Records, loc. cit., 1949-50.

³⁵California State Department of Education, Bureau of School Accounts (Ralph Boyden, Chief), loc. cit.

These districts assess taxes to help pay for the education of those eligible to attend school. The amount raised by local tax was determined prior to the acceptance of pupils through interdistrict attendance agreement; hence there was a decrease in the amount of money available per child for educational purposes. See Tables VI, VII, and VIII.

Interdistrict attendance of school pupils in districts that are overcrowded and understaffed help to weaken the educational program of such districts.

Examples of this principle were noted in Solano County: namely, in Fairfield, Crystal Union, and Vaca Valley Union Districts. These districts were situated near large military installations and were found to have a shortage of classrooms, yet were accepting pupils from other districts under interdistrict attendance agreements.

The classic example of districts that required a great amount of equalization aid in order to provide a well-planned and sound educational program was found in the case of the Vallejo City Unified District. The equalization aid for Vallejo District, as estimated for 1950-51, was \$484,767.45. Yet, this district, 1949-50, accepted 204 pupils to educate under the terms of interdistrict attendance agreements. Vallejo was another district located

within a military area, very poor (\$3,034.00 average per a. d. a.), overcrowded and understaffed.³⁶

It was noted that Merced County had fewer educational implications of an unfavorable sort resulting from interdistrict attendance agreements than did the other two counties studied. Although Merced County had the greatest number of school districts, it had fewer schools with an a. d. a. of less than fifty. Table XII shows School District Status as of July 1, 1950, for the three counties studied.

³⁶Ibid.

TABLE XII

SCHOOL DISTRICT STATUS, JULY 1, 1950

NAME OF COUNTY	TOTAL ACTIVE DISTRICTS	NUMBER OF DIS- TRICTS WITH LESS THAN 50 A.D.A.	NUMBER OF DIS- TRICTS WITH OVER 50 A.D.A.
Calaveras	24	14	10
Merced	30	3	27
Solano	26	16	10
TOTALS	80	33	47

Throughout this study, it continued to be apparent that the administration of the interdistrict attendance agreement law was taking up an undue amount of administrative time in most cases. In Merced County alone, more than thirty hours were spent considering interdistrict attendance problems during the Fall months of 1949.³⁷

It was noted that supervisors of instruction often were called upon to help solve these distinctly administrative problems in all three counties. This involves just one further educational implication in that the time used was at the expense of curriculum planning and other educational matters. There was also a financial implication to be found in the cost of the time consumed on a matter which could be solved best by general law.

³⁷Merced County Board of Education, Minutes and Proceedings, 1949-50. Merced, California, 1950.

CHAPTER V

SUMMARY AND CONCLUSIONS

I. SUMMARY

By way of summary, a statement will be presented on each point raised by the original statement of the problem in Chapter I.

Financial implications. The interdistrict attendance agreements between elementary school districts in Calaveras, Merced, and Solano Counties caused financial dislocations. Eighty elementary school districts (including fifty-five sub-districts) were studied and State School apportionments to forty-one such districts were directly affected by interdistrict attendance. This did not include the districts that refused interdistrict agreements to resident pupils (two of which escaped suspension). State school apportionments were increased in twenty-one districts, and decreased in twenty districts on account of interdistrict attendance agreements.

Educational implications. The interdistrict attendance agreements between elementary school districts in Calaveras, Merced, and Solano Counties caused educational dislocations. Educational programs and/or equality of educational opportunities require the expenditures of

money. It followed, then, as a conclusion incident to this study, that the school districts affected financially by interdistrict attendance, were affected educationally as well. Measured by any valid yardstick, all schools must be financially, physically, and morally adequate if they are to provide equal educational opportunities for all youth. Refusals by boards of school trustees to permit resident pupils to attend other schools were noted in this study, and in some instances, these refusals were legal instruments used to perpetuate small schools with weak educational programs. Some schools accepted pupils to educate under interdistrict attendance agreements at the expense of the educational program already in operation for resident pupils. Schools in this category were enrolled to capacity and were understaffed prior to the acceptance of outside pupils.

The intent of the law. The interdistrict attendance agreement law was passed for the sole purpose of enabling children resident in one school district to attend school in another district when to do so would be for the best interest of the children's total welfare. The Act of May 3, 1855, relating to the creation of school districts, paved the way for the establishment of frontier school districts in California, and set the machinery in motion that soon brought about inequality of educational opportunity; namely,

the inability of many children to attend school. For example, a large frontier school district often established its school on a site which was inaccessible to many pupils resident in the vast area. Politicians, wealthy landowners, and others influenced the establishment of many schools without regard to sparsely populated areas, long distances to travel, natural barriers, etcetera, as factors relative to attendance.

It was soon evident that many children were unable to attend the district school. Instead of correcting the existing inequality of educational opportunity by reorganizing the frontier districts, the interdistrict attendance agreement law was enacted by the California Legislature, 1863, as a panacea. The intent of this act, to provide equal educational opportunity, was clearly pointed up in the law itself. This first interdistrict attendance law was very simple, merely stating that boards of trustees were granted the power ". . . to make arrangements with the Trustees of any adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school."

In 1950, the interdistrict attendance law was intended, as in 1863, to be a medium for providing equal educational opportunities to youth unable to attend school in the district of their residence.

Departures from the intent of the law. Departures from the intent of the interdistrict attendance agreement law were noted in this study. Fraud, corruption, and malpractice in the administration of the law were not discovered in any of the counties investigated. It followed, then, that the departures from the intent of the law were present due to other factors, such as: (a) the over-subsidization of small and inefficient school districts by the State in terms of fiscal support; and, (b) the false pride exhibited by boards of school trustees and lay groups in their small, weak, and out-moded schools.

This study was reinforced by conclusions of other studies, namely, that the heavy State subsidies given to small school districts, with little or no regard for their local capacity to support an adequate school program, has been a major factor in the reluctance these districts have shown to abandon their schools as attendance centers. These departures from the intent of the law were found in the refusals of boards of trustees to permit pupils to attend schools outside the district of residence. It followed, also, that schools could use the interdistrict attendance

law to perpetuate their existence by accepting non-resident pupils, thus raising the average daily attendance above the minimum requirements (5 pupils in a. d. a.) necessary to escape suspension.

The organization and value of the raw data provided by this study. The raw data for this study consisted principally of average daily attendance accreditations to each district, with special emphasis upon the source of the average daily attendance, and the State moneys allocated to each district on account of such average daily attendance. These raw data were tabulated and made a part of this study, as Tables VI, VII, and VIII.

Equalizing educational opportunity in terms of fiscal support. This study indicated that educational opportunity, in terms of fiscal support, was impossible under statutory provisions governing the apportionment of the State School Fund in California. The interdistrict attendance agreement law was considered as one of the many statutory provisions governing the apportionment of the State School Fund for the purposes of this study, and was so considered by the State of California in its actual apportionments.

The matter of equalizing educational opportunities in California in terms of fiscal support, has been pointed up by the Findings and Recommendations of the Committee on School Districts, State of California. It was found by

the Commission that districts receiving the least State aid were relatively well-organized, so far as attendance centers and administrative units were concerned, compared to those receiving the most State aid. This study has brought out facts in accord with the Commission's findings.

II. CONCLUSIONS

The following points are to be considered as important conclusions reached as a result of this study:

1. That the assessed valuation or taxable wealth per pupil in average daily attendance was unevenly distributed among the eighty elementary school districts in Calaveras, Merced, and Solano Counties. Alowen Union District, Solano County, had an assessed valuation per a. d. a., 1949-50, of \$148,206.00, while Winton District, Merced County, had an assessed valuation per a. d. a., 1949-50, of \$2,432.00. These two districts represented the highest and the lowest, in terms of A. V. per a. d. a., for this study.

2. That there were too many pupils of elementary school age living in districts which did not maintain schools with educational programs adapted to the needs of these pupils. In Solano County, only seven of the twenty-six elementary school districts provided kindergarten instruction. Parents of kindergarten-age children were forced

to use the interdistrict attendance agreement law relating to the admission of kindergarten children from districts not maintaining a kindergarten, in order to provide education for their children. Some districts maintaining kindergarten did not accept pupils of this grade level under interdistrict attendance agreements. The lack of educational programs suited to the resident youth's needs was not limited to any one grade level. Such conditions were prevalent through all grade levels, kindergarten through eighth.

3. That the interdistrict attendance agreement law, as administered, did not help all children to attend a school adapted to their individual needs. Districts used the interdistrict attendance law to keep children resident in one district from attending school in other districts. The local boards of school trustees refused resident pupils permission to attend other schools because of fallacious reasons. These local boards were, in some cases, sustained in their decisions by county boards of education. It was significant that county boards were composed of professional educators.

4. That some districts studied were unwise to accept pupils under interdistrict attendance agreements. Some districts were very poor (requiring large amounts of equalization aid), overcrowded, and understaffed. Districts in

this category, which accepted pupils under interdistrict attendance agreements, cost the State a great deal more on account of such agreements. These same districts weakened their educational program by adding more pupils to an overcrowded and understaffed school. In terms of good educational programs, the monetary gain from the State on account of interdistrict attendance was very costly to these impoverished districts.

5. That small schools with a multi-graded system had many interdistrict attendance problems. These problems did not always result in an agreement for interdistrict attendance of a pupil although the pleas, both pro and con, were found in the public records consulted for this study. The interested persons were not always helpful in the attempts to settle the interdistrict problems. Here again, false pride and false reasoning were found to be major obstacles in the way of a settlement of the problems for the benefit of the school pupils concerned. Furthermore, of the eighty elementary school districts studied, a disproportionately large number of such districts were of the small, multi-graded type.

6. That too much time was being spent in the administration of the interdistrict attendance agreement law. Local boards of school trustees, local teachers, local

school administrators, county boards of education, staffs of the county superintendents of schools, and interested lay groups were found to be spending a great deal of time in attempting to solve problems arising from the interdistrict attendance law. Contracts for interdistrict attendance are operative for one year only, and the amount of time consumed in attempting to bring about equality of educational opportunity on such a temporary basis seemed unwise. A comparable amount of time spent on matters of curriculum and on the re-organization of attendance areas for schools in general, would be better spent than in the temporary solution of some specific problem dealing with only one school year of attendance and oftentimes limited to a single pupil.

7. That problems incident to the interdistrict attendance of school pupils had become so numerous in some areas that permanent measures had been initiated and passed to correct the existent conditions. Some of these measures were: (a) unification of school districts; (b) unionization of school districts; (c) annexation of school districts; and (d) suspension or lapsation of school districts. By these measures, attendance areas and administrative units of schools were strengthened and the need for an interdistrict attendance agreement law in their case virtually eliminated.

8. That permanent corrective action toward the elimination of the need for interdistrict attendance agreements was in a retarded state. It was true that some areas had made significant progress, but a generally retarded condition was definitely noted.

Table XIII shows the progress of district reorganization in the three counties comprising this study. It was concluded that school district reorganization has made progress during the past thirty years in these counties. However, this progress has not been sufficient to eliminate the need for an extensive use of interdistrict attendance agreements.

TABLE XIII

SCHOOL DISTRICT REORGANIZATION, 1919 to 1950

COUNTY	NUMBER OF SCHOOLS WITH ONE TEACHER*		NUMBER OF SCHOOLS WITH FIVE OR MORE*	
	1918-20	1950-51	1919-20	1950-51
Calaveras	37	12	1	13
Merced	38	1	8	36
Solano	40	13	4	20
TOTALS	115	35	13	79

*Includes High Schools

NOTE: The data for this Table are taken from H. C. Jones, et. al., Report of the Special Legislative Committee on Education. Sacramento: State Printing Office, 1920, pp. 34-5, and California State Department of Education, Bureau of School Accounts (Ralph Boyden, Chief), Unpublished Studies. Sacramento: State Department of Education, 1950, (Single sheets).

9. That Merced County had fewer educational dislocations and a smaller cost to the State resulting from interdistrict attendance agreements than did the other two counties studied. Although Merced County had the greatest number of active school districts, 1950-51, of all three counties, it had fewer districts with less than fifty pupils in average daily attendance. It was therefore concluded that geographical areas, such as counties having many small schools cost the State more money because of interdistrict attendance than do the areas that were organized into larger attendance-center groupings.

The following statement illustrates the above conclusion as regards Merced County's approach to the problem of interdistrict attendance:

. . . The Board attempted early to define its position and set up procedure for considering such cases (interdistrict attendance). Recognizing the problems were merely symptoms (*sic.*)--that adequate education often is not available to all the children in a district when parents request transfer--the Board attempted to promote action on the part of the district concerned to overcome the difficulties and assure the best education to all.

A majority of the cases concerned small schools, where a teacher had several grades to the room. During these years of teacher shortage, it was too often those schools' misfortune that only inexperienced and untrained teacher applicants would consider their positions. This often resulted in meetings with Board of Trustees following an analysis of the needs of all the children in that district. These meetings, plus the survey information, frequently indicated action towards district reorganization. In most of the cases, Boards of Trustees were assisted in conducting district-

wide meetings and action completed in unionization and annexation so that larger schools, transportation, and other facilities were possible. During the past four years, eleven districts have combined with others; in most cases the stimulation coming from an interdistrict attendance problem.

In conducting hearings the Board invited both the Board of residence and the family requesting permission, to present the arguments and opinions involved. A report of the Supervisor of Welfare and Attendance and the activities of the County Superintendent were given to the Board. The resulting action of the Board of Education has always been made in light of the needs of the child involved, and the needs of all children within the school district.

In several cases the parents of the child did not wish to assist in the total problems, but only to secure the permission from the Board. Frequently stormy sessions--in one district repeated for three years--caused no small disturbance to the Board, intent on a solution to the district problems, rather than that of a family or group of families. Delegates visited the individual Board members and in many cases were disagreeable in public as well as during Board meetings. Finally the area under discussion became unified, thereby erasing all district lines. The Board of Education experienced great relief--not only from pressure of hostile groups intent on their own desires, but in knowing the education level of all the children had been raised.

It is significant that the problems, pleas, and arguments given are not confined to any particular district or type of district other than the school where a full program of education such as one grade to a teacher, full vocational and industrial secondary courses, hot lunches, music, art, and adequate play supervision is not available.

One can conclude that while a parent wishes the best for his child, no provision of education can be accepted as adequate in California unless all children, regardless of place of residence, have these facilities available. This certainly requires continuous support and

activity on the part of the County Committee on School District Organization, Boards of Education, and local Boards of Trustees.¹

After comparing the above statement with the findings of this study, it was concluded that the procedures and practices of the school administration in Merced County, appertaining to problems of interdistrict attendance, were commendable and worthy of emulation.

A summary of the conclusions incident to this study was found in the following quotation:

The district unit is too small an area in which to provide modern educational facilities, and the difficulty of securing co-operative action by the trustees of a number of adjacent districts to form a larger and better school is a difficulty that is almost insuperable. Even with the best of intentions on the part of the local boards of school trustees, they carry on their work with so little unity of purpose and so little conception of the real meaning and importance of effective educational service, that the schools they oversee too often are limited in scope and outlook, poorly adapted to modern educational needs, poorly taught and still more poorly supervised, and far more costly than there is any reason for their being.

Experience everywhere has clearly demonstrated that the district system is expensive, inefficient, shortsighted, and unprogressive; that it leads to an unnecessary multiplication of small and inefficient schools, utterly unable to minister to the larger rural-life needs of the present; that under it country boys and girls do not have equivalent advantages with the boys and girls who live in the cities; and that it stands today as the most serious obstacle in the way

¹Lagnes Buttle, Board of Education Considers Inter-District Attendance Problems. (Solicited statement, Merced County Board of Education), Merced, California, November 16, 1950.

of a needed consolidation and improvement of our rural schools. With the growth of modern educational needs, the shrinkage of the rural families and the introduction of much machinery, and the coming (to California) of many people who need to be cared for in good schools . . . the old district form of school administration has broken down and can no longer provide schools suited to the needs of country children and the demands of modern life.²

The interdistrict attendance agreement law is a product of the district system, described above, and as such has not been able to solve the complex problems brought about by increased educational needs. It has not contributed as much to our educational well-being as its "intent and purpose" might seem to indicate that it would.

It was concluded that the fundamental solution of the interdistrict attendance problem was to be found in the field of district reorganization.

III. RECOMMENDATIONS

The recommendations resulting from this study of interdistrict attendance agreements in Calaveras, Merced, and Solano Counties are as follows:

1. It is recommended that the State of California be re-districted in order to establish better educational opportunities for all youth, and more economical and efficient

²Herbert C. Jones, et. al., Report of the Special Legislative Committee on Education. Sacramento: California State Printing Office, 1920, pp. 34-5.

school administration. This would minimize the use of the interdistrict attendance law. A thorough study of school district organization in California was made by the Commission on School Districts, State of California, 1945-49, and this study on interdistrict attendance has brought out facts in accord with the findings and recommendations made by the Commission. This first recommendation, then, is a restatement of similar recommendations made by the Commission on School Districts, 1945-49.

Everyone familiar with the variety of local school districts in California, has recognized the need for redistricting, but very little has been done to solve the problem. It is recommended that this redistricting be accomplished by lay and professional boards established for the express purpose of redistricting the State. This should be done without the requirement of a vote by individual districts.

2. It is recommended that Chapter 7, Article 8, Sections 2581 to 2593, Education Code, 1949, entitled "Suspension and Lapsation of Districts" be amended to make suspension mandatory when a district maintains an average daily attendance of less than twenty-five, and to make lapsation mandatory after one year instead of the present two years.³

³4 Ops. Atty. Gen. 54.

A necessity formula should be included in the amendment. This would remove many of the present over-subsidies granted to small school districts in California, remove the temptation to misuse the interdistrict attendance agreement law to maintain an a. d. a. of five; and, finally, it would hasten the formation of larger and stronger units of administration.

3. It is recommended that the average daily attendance earned under interdistrict attendance agreements be credited to the district of residence for apportionment purposes and that the payment of the total cost of educating such pupils be paid by the district of residence. This payment should be mandatory and/or automatic to the district of attendance. This recommendation would necessitate the amending of Section 1503 to 1505, inclusive, Education Code, 1949.

These changes would make interdistrict attendance an expense against the district as well as against the State.

4. It is recommended, finally, that further study be done in the areas of school finance as related to attendance. Financial "leaks" are present in the California school system. The interdistrict attendance drain upon the State School Fund may be only one of many such "leaks".

On December 10, 1950, there appeared an article in the San Francisco Examiner entitled, "Rural School Has One

Pupil. The text of this article follows:

Lincoln, Nebraska, December 10 (International News Service): A Nebraska school district is holding classes this year for a single pupil, according to State Superintendent Otto G. Ruff.

Ruff, who made the statement at a meeting of county school superintendents in Lincoln, did not identify the district, but said the school was maintained because of pressure from an "influential farmer".

He cited the case as an example of the difficulties involved in redistricting the State's schools.⁴

By changing the words "Lincoln, Nebraska" to "Sacramento, California", and "a single pupil" to "six or seven pupils", with a corresponding change in the names of the state superintendents in the two cases, this news item could well apply to California. It is, indeed, closely in line with the findings of this study, and excellently serves to illustrate a situation which could easily go from bad to worse unless further study and action is forthcoming.

Further research is needed, but above all, corrective action must come to alleviate the ills incident to the present interdistrict attendance problems.

⁴International News Service, The San Francisco (California) Examiner, December 10, 1950.

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APPENDIXES

APPENDIX A

LIST OF CASES DEALING WITH INTERDISTRICT SCHOOL ATTENDANCE

1. Bay View School District v. Linseott, 99 Cal. 25.
2. Bissell v. Davidson, (Conn.) 29 L. R. A., 251.
3. Board of Education v. Board of Education (1924), (Ill.)
145 N. E. 169.
4. Board of Education v. State (1930), (Ala.) 131 So.
239.
5. Butler v. Compton Junior College District, 77 Cal. Apl.
(2d) 719.
6. Chambers v. Everett (1921), (Iowa) 181 N. W. 867.
7. Dallas v. Love (1930), (Texas Civ. App.) 23 S. W. (2d)
431.
8. Dermitt v. Sergeant Bluff Consolidated Independent
School District, (Iowa) 261 N. W. 636.
9. Edwards v. State (1895), (Ind.) 42 N. E. 525.
10. Fangman, et al., v. Moyers, (Colo.) 8 Pac. (2d) 762.
11. Fillmore Union High School District v. Cobb, 5 Cal.
(2d) 26.
12. Gordon v. Bell (1921) S. C., 108 S. E. 186.
13. Laton Joint Union High School District v. Armstead, 130
Cal. Apl. 628.
14. Meyer v. State of Nebraska, 262 U. S. 390.
15. Miller v. Dailey, 136 Cal. 212.
16. Moles v. Daland, (Iowa) 264 N. W. 74.
17. McClerkin v. San Mateo School District, 4 Cal. (2d)
363.
18. Norton v. Lakeside Special School District (1910),
(Ark.) 133 S. W. 184.

19. Peak, et. al., v. Board of Education of Outhbert,
(Ga.) 170 S. E. 488.
20. Peterson v. School Board (1925), (Montana) 236 Pac.
670.
21. Piper v. Big Pine School District, 193 Cal. 664.
22. Rice v. McClellan, 202 Cal. 650.
23. Rysdam v. School District No. 67 of Union County,
(Ore.) 58 Pac. (2d) 614.
24. Saint Louis - San Francisco Railway Company v. Choctaw County Excise Board, (Okla.) 48 Pac. (2d) 312.
25. Sniper, et. al., v. Anderson, et. al., (Ga.) 175
S. E. 650.
26. State v. Hamilton (1891), (Miss.) 10 So. 57,
27. State ex. rel. Comstock v. Joint School District (1886)
(Wis.) 56 Am. Rep. 653.
28. State ex. rel. Cook v. Board of Education of Portsmouth City School District, (Ohio) 25 N. E. (2d) 317.
29. State ex. rel. Fourroux v. Directors of Public Schools
(1925), 3 La. App. 2.
30. State ex. rel. Herman v. County Court (1926), (Mo.) 277
S. W. 934.
31. State ex. rel. Johnson v. Cotton, et al., (S.D.) 289
N. W. 71.
32. Sunol School District v. Chipman, 138 Cal. 251.
33. Thompson v. School District (1872), 25 Mich. 483.
34. Wallingford v. Clarendon (1908), (Vermont) 69 Atl. 734.
35. Ward v. Flood, 48 Cal. 36.
36. Wellston Consolidated School District v. Matthews
(1924), (Okla.) 230 Pac. 739.

37. Wirth et. al., v. Board of Education for Jefferson County, et. al., (Ky.) 90 S. W. (2d) 62.
38. Wood v. County of Calaveras, 164 Cal. 398.

APPENDIX B

LIST OF CALIFORNIA ATTORNEY GENERALS' OPINIONS TREATING ON INTERDISTRICT SCHOOL ATTENDANCE AND SCHOOL RESIDENCE

1. Ops. Cal. Atty. Gen., No. 10049, Files.
2. Ops. Cal. Atty. Gen., No. 10166, Files.
3. Ops. Cal. Atty. Gen., No. 10206, Files.
4. Ops. Cal. Atty. Gen., No. 10576, Files.
5. Ops. Cal. Atty. Gen., No. 10793, Files.
6. Ops. Cal. Atty. Gen., No. 10957, Files.
7. Ops. Cal. Atty. Gen., No. NS 63, Files.
8. Ops. Cal. Atty. Gen., No. NS 63 A., Files.
9. Ops. Cal. Atty. Gen., No. NS 344, Files.
10. Ops. Cal. Atty. Gen., No. NS 530, Files.
11. Ops. Cal. Atty. Gen., No. NS 697, Files.
12. Ops. Cal. Atty. Gen., No. NS 1821, Files.
13. Ops. Cal. Atty. Gen., No. NS 1848, Files.
14. Ops. Cal. Atty. Gen., No. NS 2167, Files.
15. Ops. Cal. Atty. Gen., No. NS 2281, Files.
16. Ops. Cal. Atty. Gen., No. NS 2322, Files.
17. Ops. Cal. Atty. Gen., No. NS 2469, Files.
18. Ops. Cal. Atty. Gen., No. NS 2791, Files.
19. Ops. Cal. Atty. Gen., No. NS 2971, Files.
20. Ops. Cal. Atty. Gen., No. NS 3317, Files.

21. Ops. Cal. Atty. Gen., No. NS 3853, Files.
22. Ops. Cal. Atty. Gen., No. NS 3921, Files.
23. Ops. Cal. Atty. Gen., No. NS 4355, Files.
24. Ops. Cal. Atty. Gen., No. NS 4743, 1:146.
25. Ops. Cal. Atty. Gen., No. NS 4978, 1:635.
26. Ops. Cal. Atty. Gen., No. NS 5083, 2:188.
27. Ops. Cal. Atty. Gen., No. NS 5208, 2:417.
28. Ops. Cal. Atty. Gen., No. NS 5593, 4:54.
29. Ops. Cal. Atty. Gen., No. NS 5470, 4:69.
30. Ops. Cal. Atty. Gen., No. NS 5634, 4:181.
31. Ops. Cal. Atty. Gen., No. NS 5735, 5:24.
32. Ops. Cal. Atty. Gen., No. 45 - 151, 6:21.
33. Ops. Cal. Atty. Gen., No. 47 - 229, 10:221.
34. Ops. Cal. Atty. Gen., No. 47 - 252, 10:227.
35. Ops. Cal. Atty. Gen., No. 47 - 287, 10:267.

APPENDIX C

FACSIMILE OF STATE FORM J-90

Form No. J-90 was initiated by the California State Department of Education on August 27, 1937.¹ Although this form is no longer being printed and distributed by the State Department of Education, it is the principal form being used by the counties studied. A facsimile of Form J-90 follows:

Form No. J-90 Education Code Section 1503
California State Dept. of Education
INTER-DISTRICT ATTENDANCE AGREEMENT

_____, California
_____, 19____

The governing boards of the _____ district
of _____ County, hereby agree to permit the
within named pupils, while residing in the first named dis-
trict, to attend _____ School in the
second named district during the school year ending, June
30, 19____.

NOTE: The average daily attendance of all pupils who reside
in one school district and attend school in another
school district upon permit shall be credited to the
district attended for apportionment purposes.

Names of Pupils - Name and Address of Parents or Guardians

SIGNED:

Members of governing board of
District
Residence

Members of governing board of
District
Non-residence

¹S. H. Swift (Semi-Senior Accountant, Bureau of
School Accounts and Records), "State Department of Educa-
tion Forms", State Department of Education, 1950, Files.

APPENDIX D

EXTRACTS FROM THE EDUCATION CODE OF CALIFORNIA, 1949

The following extracts from the Education Code represent those sections dealing most directly with the problems of interdistrict attendance:

1502. One school district may perform school services for another school district, and receive pay from the other school district for the performance of the school service, whenever a contract approved by the county superintendent of schools covering the performance of and the payment for school service has been entered into by and between the governing boards of the school districts concerned. Nothing contained in this section shall be construed to authorize the establishment of separate schools for pupils for any reason other than those set forth in this code.

1503. The governing board of any school district may admit to the schools or classes maintained in the district any pupils who reside in another school district which maintains schools or classes of the grade levels which the pupils desire to attend, whenever an agreement is entered into between the governing board and the governing board of the district of residence stipulating the terms upon which the interdistrict attendance shall be permitted. In the event the governing board of either district neglects or refuses to enter into such an agreement within 30 days after the person having the custody of any pupil has requested the board to do so, such person may appeal to the county board of education having jurisdiction over the district of residence which shall, within 30 days after the filing of such appeal, determine whether the pupil should be permitted to attend in the district in which he desires to attend and for what period of time. If the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the pupil shall be admitted to school in said district without delay and the governing board of the district of residence shall pay to the district of attendance at the close of each school year in which the pupil attends in the district of attendance the actual cost to the district of attendance of the education of such pupil, less

all State and Federal funds apportioned to the district of attendance on account of the attendance of the pupil.

A pupil may be admitted provisionally to the schools of a district other than that in which he resides by the governing board of such district for a period of not exceeding two school months, pending decision by the governing boards of the school districts concerned, or by the county board of education relative to his admittance.

The provisions of this section do not apply to the attendance of pupils in the seventh and eighth grades of a junior high school. (Amended by Stats. 1947, Ch. 217)

1503.1. Where the county boards of education of the two counties concerned agree that it is for the best educational and health interest of the child, a school located in one county shall admit to the schools or classes maintained by it any pupil who resides in a school district located in another county. (Added by Stats. 1945, Ch. 462)

1503.2. The governing board of the district in which a pupil resides shall not pay, or be required to pay, to another district in which such pupil may be lawfully attending under this article, any amount in excess of the actual cost to the district of attendance for the education of such pupil, less State and Federal funds apportioned or allocated to the district on account of the attendance of the pupil. (Added by Stats. 1945, Ch. 462)

1503.3. Whenever three-fourths of the electors residing in an elementary school district and having children attending in the schools of the district petition the governing board of the district to do so, the governing board of such district with the approval of all the members of the county board of education may provide for the education of all elementary school pupils in the district by another elementary school district subject to such terms and conditions as the governing boards of the two districts may agree upon. (Added by Stats. 1945, Ch. 749; amended by Stats. 1947, Ch. 776).

1503.4. The governing board of an elementary school district or unified school district may admit to the kindergartens maintained by the district children

eligible for admission to kindergarten classes who reside in an elementary school district or unified school district not maintaining a kindergarten whenever an agreement is entered into between the governing board of the district of attendance and the governing board of the district of residence stipulating the terms upon which the interdistrict attendance shall be permitted. (Added by Stats. 1949, Ch. 517).

1503.5. If the governing board of a school district in which pupils reside who are lawfully attending in another district fails or refuses to pay, when due, the amount required to be paid the district of attendance for the education of such pupils under any provision of this code, the county superintendent of schools having jurisdiction over the district of residence shall draw a requisition against the funds of the district of residence in favor of the district of attendance in payment of such amount and transmit the requisition to the governing board of the district of attendance. (Added by Stats. 1949, Ch. 518).

1504. The average daily attendance of all pupils, excepting pupils attending the seventh and eighth grades of a junior high school, who reside in one school district and attend school in another school district shall be credited to the district attended for apportionment purposes.

1505. The attendance of a pupil residing in a suspended elementary school district included within a union or joint union elementary school district and attending school in the union or joint union elementary school district, shall be credited to the elementary school district within the union or joint union elementary school district in which the school attended by the pupil is located.

NOTE: Quotations above are taken directly from the Education Code, State of California, 1949 edition, Sacramento, California, pp. 51-3.