

Secession

Alabamaⁱ

Some communities in Alabama may secede from their school district with local action. Communities never require state or voter approval in order to secede.

Cities with more than 5,000 residents may secede through action by the city.

Alaskaⁱⁱ

Communities in Alaska may secede from their school district with local action, approval by a state entity, and approval in a vote of the public.

Because school districts in Alaska are contiguous with municipalities, changes to municipal boundaries will change school district boundaries. Communities in Alaska may secede by reclassifying as a first class city or incorporation as a first class city or borough. Reclassification as a first class city requires a petition filed by voters or the city council, approval by the Local Boundary Commission, and voter approval in a referendum. Incorporation may occur through a voter petition, approval by the Local Boundary Commission, a state entity established by the state constitution, and voter approval in a referendum. Additionally, the Local Boundary Commission may submit a proposal for a boundary change to the state legislature and the boundary change will take effect if the legislature does not actively disapprove it.

In cases of school district secession, the area must meet certain population requirements. For more information, see “Minimum Requirements.”

Arizonaⁱⁱⁱ

Communities in Arizona may secede from their school district with local action, and typically approval by a state entity, and approval in a vote of the public.

Communities may secede with school board action or voter petition, approval by the State Board of Education, and voter approval in both the proposed district and the remaining territory in a referendum. Additionally, communities in territory that does not belong to a school district may form a school district through voter petition.

In cases of secession, the State Board must determine that the new school district meets certain population and funding requirements. For more information, see “Minimum Requirements.”

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Arkansas^{iv}

Communities in Arkansas may secede from their school district with local action, approval by a state entity, and approval in a vote of the public.

Communities may secede through voter petition or school board resolution, approval by the State Board of Education, and voter approval in the area to be detached.

In cases of school district secessions, the district must meet population requirements and for any boundary change, state entities must determine that the new school district meets certain diversity requirements. For more information, see “Minimum Requirements.”

California^v

Communities in California may secede from their school district with local action, approval in a vote of the public, and sometimes approval by a state entity.

Communities may secede with voter petition, school board action, or county committee action; approval by the State Board of Education, and voter approval in a referendum. The election area for the referendum will be determined by the State Board. However, school district secessions may be approved by only the county committee, without State Board approval, if all affected school boards and the county superintendent of schools approve.

In considering school district secessions, the county committee and the State Board will determine that the secession meets demographic and funding and equity requirements. For more information, see “Minimum Requirements.”

Colorado^{vi}

Communities in Colorado may secede from their school district with local action, approval by a state entity, and approval in a vote of the public.

Communities may secede through school board action or voter petition, approval by a local planning commission, a school district accountability committee, and the Commissioner of Education, and approval by a majority of voters in each affected school district in a referendum. If the plan requires an increase in the tax rate, voters must also approve the tax rate.

In cases of secession, the Commissioner of Education will consider funding and equity and educational factors. For more information, see “Considerations for Approval.”

Connecticut^{vii}

Some communities in Connecticut may secede from their school districts with local action, approval by a

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state entity, and approval in a vote of the public.

Cities and towns that are part of a regional school district may secede by withdrawing from the regional school district with action from the town legislative body, approval by a planning committee and the State Board of Education, and voter approval in each town.

Delaware^{viii}

Communities in Delaware may secede from their school districts with local action, approval by a state entity, and approval in a vote of the public.

School district secessions in Delaware must be initiated by the State Board of Education and must be approved by voters in each affected district in a referendum.

Florida

Florida state law does not describe a process for school district secession.

Georgia

Georgia state law does not describe a process for school district secession.

Hawaii

Hawaii state law does not describe a process for school district secession.

Idaho^{ix}

Communities in Idaho may secede from their school district with local action, approval by a state entity, and approval in a vote of the public.

School districts in Idaho may divide with action from the school board, approval by the State Board of Education, and voter approval in the district to be divided and in the smaller of the two districts created in a referendum.

Illinois

Illinois state law does not describe a process for school district secession.

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Indiana^x

School districts in Indiana may secede from their school district with local action, approval by a state entity, and approval in a vote of the public.

School districts may divide with action from the school board, approval by the State Board of Education, and voter approval, either through a petition signed by 55% of voters in the proposed district or by approval in an election.

In cases of school district secession, the State Board will consider funding and equity, and educational factors. For more information, see “Considerations for Approval.”

Iowa

Iowa state law does not describe a process for school district secession.

Kansas

Kansas state law does not describe a process for school district secession.

Kentucky

Kentucky state law does not describe a process for school district secession.

Louisiana

Louisiana state law does not describe a process for school district secession.

Maine^{xi}

Some communities in Maine may secede from their school district with local action, approval by a state entity, and approval in a vote of the public.

Municipalities that are part of a regional school district may secede by withdrawing from the regional district with a voter petition and voter approval at a referendum, approval by the Commissioner, and voter approval at a second referendum.

Maryland

Maryland state law does not describe a process for school district secession.

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Massachusetts^{xii}

Some communities in Massachusetts may secede from their school district with local action, and sometimes approval by a state entity or in a vote of the public, depending on the terms by which the school district was formed.

Towns that are part of a regional school district may secede from their school district by withdrawing from their regional school district. The exact process will vary depending on the terms by which the school district joined the regional school district. These terms may indicate that withdrawal requires the approval of the state Commissioner of Elementary and Secondary Education.

Michigan

Michigan state law does not describe a process for school district secession.

Minnesota

Minnesota state law does not describe a process for school district secession.

Mississippi^{xiii}

Communities in Mississippi may secede from their school districts with local action and approval by a state entity. Communities never require voter approval to secede.

Communities may secede if a majority of voters in the school district petition and the school board determines that doing so will not “seriously interfere with or impair” efficiency. All processes that involve the “reorganization, abolition or alteration” of a school district also requires approval by the State Board of Education.

Missouri^{xiv}

Communities in Missouri may secede from their school districts with local action, approval by a state entity, and approval in a vote of the public.

Communities may only secede if the county government adopts reorganization plans creating school districts from parts of existing school districts. This process also requires approval by the State Board of Education and majority voter approval in each affected school district.

In cases of school district secessions, the county will consider funding and equity and educational factors. For more information, see “Considerations for Approval.”

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Montana

Montana state law does not describe a process for school district secession.

Nebraska^{xv}

School districts in Nebraska may secede from their school district with local action, approval by a state entity, and sometimes approval in a vote of the public.

School districts may secede through either a petition process or a board process. The petition process requires a voter petition, approval by the State Committee for Reorganization of School Districts, and majority approval in a referendum. The board process requires school board action and approval by the State Committee, but not a referendum.

In cases of school district secessions, the State Committee will consider funding and equity and educational factors. For more information, see “Considerations for Approval.”

Nevada

Nevada state law does not describe a process for school district secession.

New Hampshire^{xvi}

Some communities in New Hampshire may secede from their school district with local action, approval by a state entity, and approval in a vote of the public.

Towns that have been part of a cooperative school district for ten years may secede by withdrawing from that cooperative school district. The process requires action by voters or the local school board at a town meeting, approval by the State Board of Education, approval by a planning commission, and voter approval in both the withdrawing district and in the cooperative district as a whole at a meeting.

In cases of school district secession, approving entities will consider population and funding and equity factors. For more information, see “Considerations for Approval.”

New Jersey^{xvii}

Communities in New Jersey may secede from their school district with local action, approval by a state entity, and approval in a vote of the public.

Municipalities that are part of a regional school district may secede by withdrawing from that regional school district, with approval by the State Commissioner of Education and voter approval in both the withdrawing district and in the entire district in a referendum. Communities may also secede by dividing

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a municipality, with approval by the Commissioner of Education, approval by the county superintendent, and voter approval in the proposed district in a referendum.

In cases of school district secession involving withdrawal from a regional school district, the Commissioner of Education must determine that the new school district meets certain population and funding requirements. For more information, see “Minimum Requirements.” In cases of school district secession involving division of a municipality, the Commissioner of Education will consider population, funding and equity, and educational factors. For more information, see “Considerations for Approval.”

New Mexico^{xviii}

Communities in New Mexico may secede from their school district with local action and approval by a state entity. Communities never require voter approval in order to secede. School district secession may also be initiated by a state entity.

Communities may secede from their school district with action from local voters, the local school board, or the State Superintendent of Education. Secession also requires the approval of the State Board of Education.

In cases of school district secession, the State Board must determine that the new school district meets certain population and grade level requirements. For more information, see “Minimum Requirements.”

New York^{xix}

Communities in New York may secede from their school district with local action and sometimes approval in a vote of the public. School districts never require state approval to secede.

Municipalities with at least 10,000 residents may secede if their secession leaves the remaining district with at least 1,000 students. In this case, secession requires majority-voter support or two-thirds support in the governing bodies of both the seceding municipality and the remaining area. Additionally, the superintendent of a supervisory school district may initiate secession. This process requires either approval of both a majority of trustees of the affected school boards and a majority of voters or approval of a majority of trustees of the affected school boards and two-thirds of the members of the local governing body of the municipality.

In cases of secession, the new school district must meet certain population and/or funding requirements. For more information, see “Minimum Requirements.” In some cases of secession initiated, the district superintendent will consider educational factors. For more information, see “Considerations for Approval.”

North Carolina

North Carolina state law does not describe a process for school district secession.

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North Dakota^{xx}

North Dakota state law does not describe a process for school district secession.

Ohio^{xxi}

Communities in Ohio may secede from their school district with approval by a state entity and sometimes local action and approval in a vote of the public.

The State Board may propose the creation of a new school district from part of a local school district. If voters petition, the secession must be approved by a majority in the proposed district.

Oklahoma

Oklahoma state law does not describe a process for school district secession.

Oregon

Oregon state law does not describe a process for school district secession.

Pennsylvania^{xxii}

Communities in Pennsylvania may secede from their school district with local action, typically approval by a state entity, and sometimes approval in a vote of the public.

Communities may secede by creating independent school districts or by incorporating as a new municipality. Although this is theoretically done for the purpose of transferring territory, there is no statutory time limit on how long the area may remain an independent school district. The process requires a petition from a majority of taxable inhabitants and approval by the State Superintendent of Education and the State Board of Education. Additionally, communities may secede when a majority of “freeholders” in a contiguous area in one or more townships petition the court of common pleas to incorporate a borough. Incorporation requires the approval of the court and the approval of voters in the area to be incorporated in a referendum. If the creation of a new municipality would create a school district with fewer than 5,000 residents, the proposal must also be approved by a state entity.

In cases of secession involving the creation of a new municipality, the new school district must meet certain population requirements, and the Council of Basic Education will consider educational factors in some cases of secession. For more information, see “Minimum Requirements” and “Considerations for Approval.”

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Rhode Island^{xxiii}

Some communities may secede from their school district with local action, and potentially approval by a state entity and/or in a vote of the public, depending on the terms by which the school district was formed.

City and towns may secede by withdrawing from the regional school district. The process will determine the terms outlined when the city or town joined the regional school district.

South Carolina^{xxiv}

Communities in South Carolina may secede from their school district with state or county action, and sometimes local action and approval in a vote of the public.

State law explicitly gives the General Assembly the power to divide school districts. Additionally, county boards of education may divide school districts with approval from the area's delegation to the state legislature or majority voter approval through a petition or through a combination of a petition and a referendum.

South Dakota^{xxv}

Communities in South Dakota may secede from their school district with local action, approval by a state entity, and approval in a vote of the public.

School districts may secede through school board action or voter petition, review by the Secretary of Education, and majority vote in each school district.

In cases of school district secession, the Secretary of Education will consider population, funding and equity, and educational factors. For more information, see "Considerations for Approval."

Tennessee^{xxvi}

Some communities in Tennessee may secede from their school district with local action and approval in a vote of the public. Communities never require state approval in order to secede.

School districts may secede by creating a new city school district through voter approval in a referendum in the seceding municipality. State approval is not required for any individual secession. However, the State Board of Education may establish standards for new school districts created through this process.

In cases of school district secession, the new school district must meet certain population, grade level, and funding requirements. For more information, see "Minimum Requirements."

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Texas^{xxvii}

Communities in Texas may secede from their school district with local action, and approval in a vote of the public. Communities never require state approval in order to secede.

School districts may secede with either school board action or voter petition, and majority voter approval in a referendum in both the territory to be detached and in the remaining territory.

In cases of secession, communities must meet certain population requirements. For more information, see “Minimum Requirements.”

Utah^{xxviii}

Communities in Utah may secede from their school district with local action and approval in a vote of the public. Communities never require state approval in order to secede.

School districts may secede from their school district with school board action or a voter petition, approval by the county legislative body, and voter approval in both the proposed district and the remaining district. Alternatively, cities of more than 50,000 people may secede with a vote of the city legislative body and voter approval. Any city, town, or county may enter into an interlocal agreement for the purpose of creating a new school district under this section, so long as the combined population is at least 50,000 and the proposal meets other criteria.

In cases of secession, communities must meet certain population requirements. For more information, see “Minimum Requirements.” Additionally, in some cases of secession, the county legislative body will consider funding and equity and educational factors. For more information, see “Considerations for Approval.”

Vermont^{xxix}

Some communities in Vermont may secede from their school district with local action, approval by a state entity, and approval in a vote of the public.

Cities and towns that are already part of a union school district may secede by withdrawing. Withdrawal requires the approval of voters at a meeting of the withdrawing district, approval by the State Board of Education, and voter approval in the withdrawing district and each of the other member districts in the union school district.

In cases of school district secession, the State Board will consider educational factors. For more information, see “Considerations for Approval.”

Virginia^{xxx}

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Communities in Virginia may secede from their school district with local action and approval by a state entity. Communities do not need approval in a vote of the public to secede, except in certain circumstances that are currently prohibited.

The State Board of Education may divide school districts with the consent of the school board and the governing body of the county, city, or town affected. Additionally, towns may form their own school district by becoming an “independent city.” Virginia has had a moratorium on the creation of new cities since 1987, which will remain in place until 2024. However, if this moratorium were lifted, towns in Virginia may become a city by holding a referendum within the town, passing an ordinance, and petitioning the circuit court. The issue will ultimately be heard by the state Supreme Court.

In cases of school district secession, the State Board will consider population, grade level, funding and equity, educational, and geographical factors. For more information, see “Considerations for Approval.”

Washington^{xxxI}

Washington state law does not describe a process for school district secession.

The Attorney General has advised that the state laws on school district reorganization do not “authorize or allow a section of a school district to break away from that school district and form a new and separate school district by itself.”

West Virginia

West Virginia state law does not describe a process for school district secession.

Wisconsin^{xxxii}

Communities in Wisconsin may secede from their school district with local action, approval in a vote of the public, and sometimes approval by a state entity.

A community may secede from their school district through either school board action or a petition by 20% of voters and voter approval in the area included in the proposed school district in a referendum. The proposal will be reviewed by the School District Boundary Appeal Board if the affected districts approve the secession and at least 10% of voters residing in the area not included in the proposed district petition, or if any of the affected school districts deny the reorganization, and at least 10% of voters in each district petitions. (The School District Boundary Appeal Board is a state entity, with members appointed by the State Superintendent of Public Instruction.)

In considering school district border changes, school boards and approving entities should consider demographic, finance and equity, educational, and geographical factors. For more information, see “Considerations for Approval.”

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Wyoming^{xxxiii}

Communities in Wyoming may secede from their school district with local action and approval by a state entity. Communities never require voter approval in order to secede.

Communities may secede from their school districts when voters in the seceding area petition the District Boundary Board. The District Boundary Board must then hold a hearing and submit a proposal to the State Board of Education for approval.

New school districts formed through secession must meet certain population and grade level requirements, and new districts formed through border changes must meet certain funding requirements. For more information, see “Minimum Requirements.” Additionally, in considering school district border changes, approving entities should consider funding and equity, and educational factors. For more information, see “Considerations for Approval.”

For a look at all states’ laws regarding school district borders and to learn more about the impact of these policies, visit edbuild.org/content/frontier.

Citations

ⁱ Ala. Code § 16-13-199 (Lexis Advance 2020).

ⁱⁱ Alaska Const. Art. X, § 12 (Lexis Advance 2020); Alaska Stat. § 29.04.040 (Lexis Advance 2020); Alaska Stat. § 29.05.011 (Lexis Advance 2020); Alaska Stat. § 29.05.031 (Lexis Advance 2020); Alaska Stat. § 29.05.060 (Lexis Advance 2020); Alaska Stat. § 29.05.100 (Lexis Advance 2020); Alaska Stat. § 29.05.110 (Lexis Advance 2020); Alaska Stat. § 29.05.115 (Lexis Advance 2020).

ⁱⁱⁱ Ariz. Rev. Stat. § 15-443 (Lexis Advance 2020); Ariz. Rev. Stat. § 15-458 (Lexis Advance 2020).

^{iv} Ark. Code Ann. § 6-13-1504 (Lexis Advance 2020).

^v Cal. Ed. Code § 35700 (Lexis Advance 2020); Cal. Ed. Code § 35706 (Lexis Advance 2020); Cal. Ed. Code § 35710 (Lexis Advance 2020); Cal. Ed. Code § 35720 (Lexis Advance 2020); Cal. Ed. Code § 35730.1 (Lexis Advance 2020); Cal. Ed. Code § 35732 (Lexis Advance 2020); Cal. Ed. Code § 35753 (Lexis Advance 2020); Cal. Ed. Code § 35756 (Lexis Advance 2020); Cal. Ed. Code § 35764 (Lexis Advance 2020).

^{vi} Colo. Rev. Stat. § 22-30-103 (Lexis Advance 2020); Colo. Rev. Stat. § 22-30-105 (Lexis Advance 2020); Colo. Rev. Stat. § 22-30-106 (Lexis Advance 2020); Colo. Rev. Stat. § 22-30-107 (Lexis Advance 2020); Colo. Rev. Stat. § 22-30-116 (Lexis Advance 2020); Colo. Rev. Stat. § 22-30-117 (Lexis Advance 2020).

^{vii} Conn. Gen. Stat. § 10-63a (Lexis Advance 2020), Conn. Gen. Stat. § 10-63b (Lexis Advance 2020), Conn. Gen. Stat. § 10-63c (Lexis Advance 2020).

^{viii} Del. Code Ann. tit. 14 § 1027 (Lexis Advance 2020).

^{ix} Idaho Code Ann. § 33-312 (Lexis Advance 2020).

^x Ind. Code Ann. § 20-23-4-1 (Lexis Advance 2020); Ind. Code Ann. § 20-23-4-11 (Lexis Advance 2020); Ind. Code Ann. § 20-23-4-20 (Lexis Advance 2020); Ind. Code Ann. § 20-23-4-38 (Lexis Advance 2020); Ind. Code Ann. § 20-23-4-120 (Lexis Advance 2020); Timothy Schultz, "School Corporation Reorganization Requests," Indiana State Board of Education, December 12, 2018.

^{xi} Me. Rev. Stat. Ann. tit. 20-A § 1466 (Lexis Advance 2020).

^{xii} Mass. Gen. Laws ch. 71 § 14B (Lexis Advance 2020); Code of Mass. Reg. tit. 603, ch. 41.03 (Lexis Advance 2020).

^{xiii} Miss. Code Ann. § 37-7-109 (Lexis Advance 2020); Miss. Code Ann. § 37-7-113 (Lexis Advance 2020).

^{xiv} Mo. Rev. Stat. § 162.073 (Lexis Advance 2020); Mo. Rev. Stat. § 162.152 (Lexis Advance 2020); Mo. Rev. Stat. § 162.171 (Lexis Advance 2020); Mo. Rev. Stat. § 162.181 (Lexis Advance 2020).

^{xv} Neb. Rev. Stat. Ann. § 79-413 (Lexis Advance 2020); Neb. Rev. Stat. Ann. § 79-415 (Lexis Advance 2020); Neb. Rev. Stat. Ann. § 79-418 (Lexis Advance 2020); Neb. Rev. Stat. Ann. § 79-441 (Lexis Advance 2020); Neb. Rev. Stat. Ann. § 79-447 (Lexis Advance 2020).

^{xvi} N.H. Rev. Stat. Ann. § 195:25 (Lexis Advance 2020); N.H. Rev. Stat. Ann. § 195:26 (Lexis Advance 2020); N.H. Rev. Stat. Ann. § 195:29 (Lexis Advance 2020).

^{xvii} NJ Stat. Ann. § 18A: 8-4 (Lexis Advance 2020); NJ Stat. Ann. § 18A: 8-12 (Lexis Advance 2020); NJ Stat. Ann. § 18A: 8-14 (Lexis Advance 2020); NJ Stat. Ann. § 18A: 13-69 (Lexis Advance 2020); NJ Stat. Ann. § 18A: 13-71 (Lexis Advance 2020); NJ Stat. Ann. § 18A: 13-72 (Lexis Advance 2020); NJ Stat. Ann. § 18A: 13-74 (Lexis Advance 2020).

^{xviii} N.M. Stat. Ann. § 22-4-2 (Lexis Advance 2020).

^{xix} NY CLS Educ § 1504 (Lexis Advance 2020); NY CLS Educ § 1505 (Lexis Advance 2020); NY CLS Educ § 2218 (Lexis Advance 2020).

^{xx} N.D. Cent. Code Ann. 15.1-12-01 (Lexis Advance 2020).

^{xxi} Ohio Rev. Code Ann. § 3311.26 (Lexis Advance 2020).

^{xxii} 24 Pa. Stat. Ann. §2-203 (Lexis Advance 2020); 24 Pa. Stat. Ann. §2-241.1 (Lexis Advance 2020); 8 Pa. Cons. Stat. § 201 (Lexis Advance 2020); 8 Pa. Cons. Stat. § 202 (Lexis Advance 2020); 8 Pa. Cons. Stat. § 202.1 (Lexis Advance 2020); 8 Pa. Cons. Stat. § 202.2 (Lexis Advance 2020).

^{xxiii} R.I. Gen. Laws Ann. § 16-3-7 (Lexis Advance 2020).

^{xxiv} S.C. Code Ann. § 59-17-20 (Lexis Advance 2020); S.C. Code Ann. § 59-17-40 (Lexis Advance 2020); S.C. Code Ann. § 59-17-50 (Lexis Advance 2020).

^{xxv} S.D. Codified Laws § 13-6-1 (Lexis Advance 2020); S.D. Codified Laws § 13-6-10 (Lexis Advance 2020); S.D. Codified Laws §13-6-13 (Lexis Advance 2020); S.D. Codified Laws § 13-6-17 (Lexis Advance 2020), S.D. Codified Laws § 13-6-18 (Lexis Advance 2020); S.D. Codified Laws § 13-6-41 (Lexis Advance 2020); S.D. Codified Laws § 13-6-47 (Lexis Advance 2020).

^{xxvi} Tenn. Code Ann. § 49-2-106 (Lexis Advance 2020).

^{xxvii} Tex. Educ. Code § 13.103 (Lexis Advance 2020); Tex. Educ. Code § 13.104 (Lexis Advance 2020).

^{xxviii} Utah Code Ann. § 53G-3-301 (Lexis Advance 2020); Utah Code Ann. § 53G-3-302 (Lexis Advance 2020).

^{xxix} Vt. Stat. Ann. tit. 16 § 721a (Lexis Advance 2020); Vt. Stat. Ann. tit.16 § 724 (Lexis Advance 2020).

^{xxx} Va. Code Ann. § 15.2-3201 (Lexis Advance 2020); Va. Code Ann. § 15.2-3800 (Lexis Advance 2020); Va. Code Ann. § 15.2-3800 (Lexis Advance 2020); Va. Code Ann. § 22.1-25 (Lexis Advance 2020).

^{xxxi} Terry Bergeson, Jennifer Priddy, and Gordon Beck, "Guide to Changing School District Boundaries," Office of Superintendent of Public Instruction, July 2008, <http://www.k12.wa.us/SchFacilities/pubdocs/GuidetoChangingSchDistBoundaries.pdf>

^{xxxii} Wis. Stat. Ann. § 15.375 (Lexis Advance 2020); Wis. Stat. Ann. § 117.105 (Lexis Advance 2020).

^{xxxiii} Wy. Stat. Ann. § 21-6-207 (Lexis Advance 2020); Wy. Stat. Ann. § 21-6-208 (Lexis Advance 2020); Wy. Stat. Ann. § 21-6-211 (Lexis Advance 2020); Wy. Stat. Ann. § 21-6-214 (Lexis Advance 2020).