

To: Senator Elena Parent
Chairwoman SR609 Senate Study Committee on Incorporation and Annexation

From: Laura Wheeler
Senior Research Associate, Center for State and Local Finance

RE: Implications of Municipal Annexation on School District Boundaries

Date: October 19, 2015

This memo is written in response to your inquiry concerning the effect of municipal annexations on school district boundaries in other states. Our research was limited to annexation activity in Alabama, South Carolina, Florida, Tennessee, North Carolina, and Kentucky. The question is only pertinent for states that allow municipal school districts. Several of our study states do not have municipal school districts, including North Carolina, Florida, and South Carolina. For the remaining states in our sample, we found two examples where school boundaries are largely consistent with municipal boundaries but also found an example where the boundaries may be independent of each other.

Alabama

Much like Georgia, school district expansions in Alabama typically follow the path of municipal annexations. While the processes are independent of one another and city school boards may not be aware that an annexation has occurred, city school boards generally try to extend service to students in annexed areas. For example, Hoover City, a major Birmingham suburb, has undertaken several annexations in the past several years. A 2015 annexation proposal was rejected by the Hoover City council due in part to concerns over the impact such annexation could have on the municipal schools.¹

Cities will often avoid annexing areas in which county school facilities are located. In cases where cities annex territory that includes county school buildings, cities and counties enter into agreements regarding the operation of the facilities. Because cities can also annex across county lines, informal intergovernmental agreements are often utilized to resolve city school district boundary issues, though there have been some high profile controversies.²

¹ Hoover annexation committee rejects 13.5 acres slated for 10 homes near Russet Woods.
http://www.al.com/news/birmingham/index.ssf/2015/03/hoover_annexation_committee_re.html

² Madison City Schools want Limestone County Funds. <http://whnt.com/2013/08/23/madison-city-schools-want-limestone-county-funds/>

Tennessee

In Tennessee, the annexation and school district boundary expansion processes are not separate. Municipal annexations require the expansion of city school districts. In addition to county schools, Tennessee has a third classification of “special school districts,” which are unaffected by municipal annexation and can set their boundaries independent of their associated municipality. Tennessee state law also provides a structure through which county and municipal school districts can collaborate in administering joint school districts that could alleviate the pressure on officials to secure education accommodations for students living in newly annexed areas.³ In areas where there are both county and municipal school districts, a joint unification educational planning commission can be formed to oversee the service of all students living in the area, including those affected by annexation.

Kentucky

Municipal annexation and school district expansion are fully independent processes in Kentucky. Because these processes are separate, citizens living in county areas, for example, may seek inclusion in a city school district without seeking inclusion in the city itself (or vice versa). For a school district to expand, either 75 percent of the registered voters or property owners in the proposed area adjacent to the previous border must sign a petition.⁴ Alternatively, school boards may enter into agreements amongst themselves to transfer school attendance zones and capital infrastructure. Additionally, Kentucky state law outlines separate processes for school district territorial expansion that takes the general approach of merging school districts.⁵ These provisions also extend to situations involving independent school districts within a county school district area.⁶

³ Tennessee State Code. <http://law.justia.com/codes/tennessee/2014/title-49/chapter-2/part-12/section-49-2-1201>

⁴ Tennessee State Code. <http://www.lrc.ky.gov/Statutes/statute.aspx?id=3665>

⁵ Tennessee State Code. <http://www.lrc.ky.gov/statutes/statute.aspx?id=3660>

⁶ Tennessee State Code. <http://www.lrc.ky.gov/statutes/statute.aspx?id=3661>