The Fight for School Consolidation in Arkansas, 1946-1948

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FORCED CONSOLIDATION OF SCHOOL DISTRICTS has often been looked upon as the third rail of Arkansas politics: one approaches the subject with considerable caution so as to avoid political electrocution. This issue was again placed on the public agenda, at least indirectly, by an Arkansas Supreme Court decision in November 2002, which held that the state’s funding of public schools did not provide children with the “general, suitable, and efficient” educational system mandated by the Arkansas Constitution. Although the Lake View opinion did not require school consolidation, this method had been proposed in the past to help the state achieve a suitable and efficient system.¹ The Lake View decision’s broad scope seemed to require major changes in policy, utilizing a variety of innovative plans and techniques.

Gov. Mike Huckabee in a “state of the state” address to the Arkansas General Assembly on January 14, 2003, offered a bold plan to help satisfy the requirements of Lake View. Huckabee proposed that Arkansas school districts with less than 1,500 students merge with bigger districts. He especially stressed that larger high schools could offer a richer curriculum.² This proposal aroused great controversy, which remained at fever pitch for the next year. After heated discussions, many downward revisions of the threshold for consolidation, and frequent compromises that often unraveled, the General Assembly passed a bill that

¹Lake View School District No. 25 v. Huckabee, et al., 351 Ark. 31 (2002); Arkansas Constitution (1874), art. 14, sec. 1.

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required consolidation of districts with fewer than 350 students rather than 1,500. Under the measure, the number of school districts in the state was expected to drop from 310 to 254. A companion bill changed the state’s school funding formula and increased expenditures for public education.\(^3\)

While Huckabee’s effort accomplished limited consolidation, a similar attempt in 1966 had been completely annihilated. The trigger for consolidation proposed then was 400 students, and voters rejected the measure by a landslide vote of 115,452 (26.41 percent) in favor and 321,733 (73.59 percent) against.\(^4\) Orval Faubus, governor of Arkansas at the time, opposed the measure as did the two major gubernatorial candidates in that year’s general election, Jim Johnson and Winthrop Rockefeller. Despite endorsement by the Arkansas Gazette, the proposed consolidation legislation was even defeated in Pulaski County, where 61 percent of the voters opposed the measure.\(^5\)

Given the automatically hostile response to any attempt at consolidation in Arkansas, it might seem astonishing that the state’s voters in 1948 passed a comprehensive school consolidation act requiring the dissolution of all school districts with fewer than 350 students. Initiated Act 1 was approved in the absence of any court order and with virtually no newspaper advertising, the main method by which campaigns were conducted at that time. And it passed despite the defeat of a very similar proposal just two years earlier. What relevance, if any, does this episode hold for the present?

School consolidation had been proposed as early as the 1920s to help districts provide better educational opportunities. In the 1920s, public school education in Arkansas was in a deplorable state, with 5,000 school districts varying enormously in the quality of education they could provide. Gov. Thomas McRae in his inaugural address in 1923 said that the state faced an educational crisis in which only a “little over half of [Arkansas’s] children are in daily attendance, and the average school term is only one hundred and thirty-one days.”\(^6\) An even harsher indictment had come from a legislative study in 1921: “For thousands upon thousands of children, Arkansas provides absolutely no chance. To these children, to be born in Arkansas is a misfortune and an injustice from which they will

\(^3\)Arkansas Democrat-Gazette (Little Rock), August 15, 2004, 6A.


never recover and from which they will look back with bitterness when plunged, in adult life, into competition with children born in other states which are providing more liberally for their children.”

To help remedy these appalling conditions, the Arkansas Education Association (AEA) in 1921 formed an organization called the Forward Education Movement composed of teachers, school administrators, and lay people. The group sought a state equalization fund to aid poor school districts, more rural high schools, better educated teachers, and, significantly, consolidation of small school districts. This effort appealed to a middle-class constituency of bankers, lawyers, doctors, and businessmen who often were called “Business Progressives” for their belief that in order to grow, prosper, and attract industry, Arkansas needed better roads, better health, and better education, and even some taxation to bring these about.

This broad support for educational reform led to the passage of several key measures, including one permitting consolidation. Amendment 11 to the Arkansas Constitution, approved in 1926, increased the property tax that a school district could levy from twelve to eighteen mills. Act 28 of 1927 established a state equalization fund, administered by the state board of education, to aid poorer districts but only if certain standards in terms of length of the school term, teacher-student ratios, and salaries were met. Act 156 of 1927 empowered county boards of education to form new school districts within the county or change boundary lines of existing school districts so long as petitions requesting this were filed “by a majority of the qualified electors in the territory to be affected.” In 1929, passage of Act 149 allowed for the consolidation of a county’s schools districts into a single district as long as the voters in the county approved. These reforms resulted in the number of school districts in the state dropping from 4,711 in 1926-27 to 3,086 in 1932-33. The number of one-teacher schools for white pupils declined from 3,106 to 1,990.

10Arkansas Constitution, Amendment 11.
Unfortunately for the educational reformers, the Great Depression and the consequent precipitous decline in state and local school revenues halted further progress. The 1931 legislature slowed consolidation by passing an act that required that it could occur only upon approval by a majority in each district affected (as expressed in a vote or by petition), rather than by a majority of the combined population of both districts. In other words, either district could veto consolidation.

While World War II eventually brought America out of the Depression, it further crippled Arkansas’s inadequate school system. Public school teachers were unable to resist the financial lure of defense jobs or better paying positions in other states. Many male teachers were also subject to the draft. With the sharp drop in available teachers, many schools simply closed. An independent business group called the Arkansas Public Expenditure Council noted these deteriorating conditions and commissioned a thorough study of the state’s schools by two outside academic experts. They recommended, and the Expenditure Council endorsed, a reorganization plan that reduced the number of districts to eighty-four, one for each county and nine independent city districts (Little Rock, Fort Smith, Hot Springs, Pine Bluff, North Little Rock, El Dorado, Texarkana, Jonesboro, and Blytheville). The plan was designed to ensure that every child could attend a high school, which many small districts then lacked. But, like more recent consolidation advocates, the council also emphasized that the existence of so many small districts did not allow efficient school administration or equitable financing of an adequate educational system.

Though the Expenditure Council had maintained close contact during the study with the AEA and the State Department of Education, the AEA apparently thought the proposal too radical for the people to accept. According to Ralph Jones, state education commissioner, the Expenditure Council then asked the AEA to submit a counterproposal. The result was Initiated Act 1. Petitions were filed on July 4, 1946.

Initiated Act 1 would have dissolved all school districts that had less than 350 students as of November 4, 1946, and merged them in newly created districts, called the County Rural School Districts. The new districts would encompass all of a county’s dissolved districts. The county board of education would then appoint a board of five directors for the

new county school district who would serve until the next school election. At that time, a board would be selected by the voters of the new district. The county school supervisor would serve as the superintendent of the district.  

Once this was done, the county board of education was authorized to study its entire school program and decide whether communities would be better served by annexation of the new district or parts of it to an existing district in the county that had enrolled more than 350 students in the past. If the county board of education decided that annexation would be more effective and efficient, and the board of directors of the district that would absorb the new annexations agreed, annexation could occur. Annexation decisions could be appealed to the state board of education, but “the decision of the State Board on such appealed cases shall be final.” This last sentence, it turned out, created the greatest barrier to passage of the initiated act.

According to supporters, the initiated act was necessary because the state board of education lacked the authority to consolidate districts and consolidation had to take place because 100,000 of Arkansas’s 406,199 students lived in districts that had no high school at all and 76,000 more lived in districts whose high school was too small to receive accreditation. Without consolidation, 40 percent of Arkansas students were limited to not more than an eighth-grade education.

Since the average number of school districts per county in 1946 was twenty-five, economies were possible when districts merged. But this was not the main purpose of the proposal. Forrest Rozzell, field secretary of the Arkansas Education Association, declared “We favor reorganization not as an economy measure, primarily, but because we believe that it will promote better educational opportunities for more children.” The emphasis was on the high school and the educational advantages it brought rather than any savings derived from consolidation.

Concentrating on the idea that reducing school districts from 1,900 to about 400 would allow every child to secure a high school education,

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18Initiated Act No. 1 of 1946, Pamphlet Collection, Archives and Special Collections, Ottenheimer Library, University of Arkansas at Little Rock.
19Ibid., sec. 3.
backers of Initiated Act 1 tried to make their campaign as nonpartisan as possible. They did not seek endorsements from elected officials in the hope that consolidation would not become an issue in the primary elections. They obtained institutional endorsements, however, from the Arkansas Public Expenditure Council, Veterans of Foreign Wars, and the Arkansas Economic Council. The state Republican party supported consolidation of school districts “where practical,” but the platform of the state Democratic party remained silent on Act 1. The endorsement from the Arkansas Public Expenditure Council was especially welcome since it claimed to represent 6,000 to 7,000 business and professional people and could serve as a nucleus around which the old “business progressive” coalition could be reestablished, bringing together returning veterans who had instigated a “GI Revolt” in Arkansas politics, lawyers, doctors, businessmen, and other middle-class individuals interested in better schools. Both statewide newspapers, the Arkansas Gazette and the Arkansas Democrat supported Initiated Act 1, the Gazette endorsing it in front page editorials on nine separate occasions. The campaign itself was low-key by present standards. No advertisements appeared in newspapers, and television remained in its infancy. The Arkansas Education Association did distribute thousands of copies of a pamphlet headlined “A High School for Every Child,” which explained the act. Both sides used the “letters to the editor” columns to make their arguments.

Proponents of Act 1 stressed the need for greater access to high schools and the importance of bringing Arkansas into the modern educational era. E. D. York of Everton wrote that “the present backward, one-room school house with its eight grades and one underpaid teacher belongs to an era of 40 years ago and has no place in a modern world.” An untitled article in the Journal of Arkansas Education in September of 1946 explained again that Initiated Act 1 has one basic purpose: to give every child access to a free accredited high school.

Those opposed were unusually anxious about the right to appeal annexation decisions. They quoted the language of the act saying that the decision of the state board of education was final. Orville J. McInturff

23Arkansas Gazette, November 2, 1946, p. 1.
25Arkansas Gazette, September 12, 1946, p. 4, September 8, 1946, p. 4A.
26Ibid., October 20, 22, 25, 27, 29, 30, 1946, p. 1, November 1, 2, 3, 1946, p.1; Arkansas Democrat, November s, 1946, p. 4A, November 3, 1946, p.10B.
27Arkansas Gazette, October 13, 1946, “From the People” column, p. 4.
28Ibid., September 8, 1946, “From the People” column, p. 14B.
of Marshall wrote that, although Act 1 had some good points, he felt that the word “final” blocked any appeal to the Arkansas Supreme Court. In stronger language, Joe K. Imzey of Malvern thought the whole project a plot by power-hungry bureaucrats with no right of appeal except to the agency “which set the whole proposal in motion.” Less frequently, opponents cited the loss of local control of education and the feared closing of elementary as well as secondary schools.

But the right of appeal seems to have been the most potent issue raised by the opposition. The language of the act, saying that the state board of education’s decision on appealed annexation cases was final, lent credence to the argument that a school patron’s rights ended with the state board of education and not the courts. To counter this interpretation, Dr. Robert Leflar, dean of the University of Arkansas School of Law, said that Act 1 would not prevent appeals to the courts. He explained that the word “final” referred to the administrative ruling only and that such a ruling was necessary before an appeal could be taken from an administrative body, such as the board of education, to the courts. But once the board of education had decided, further appeal was always possible under the Arkansas Constitution. It seems unlikely that Leflar’s explanation had much impact on Act 1 since it came only four days before the election and concerned a point of law hard to explain to the voting public.

Despite the editorial efforts of the two statewide newspapers, passage of the measure fell short by a fraction. The margin of defeat was only 1,301 votes (67,209 for and 68,510 against) or less than one percent (50.47 percent to 49.52 percent). The Arkansas Democrat noted that the “vote was favorable in a majority of the larger counties in the state, but most of the smaller counties, especially those in north Arkansas, voted heavily against its adoption.”

Initiated Act 1 might also have been undermined by the presence on the 1946 ballot of three constitutional amendments, which may have distracted voters and hindered a clear choice on consolidation. They were all decided by very small margins.

The slim margin of defeat in 1946 set the stage for a second try in 1948. The repeal of the state ad valorem property tax by the legislature

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30 *Arkansas Gazette*, October 7, 1946, “From the People” column, p. 4.
31 Ibid., October 11, 1946, “From the People” column, p. 4.
33 *Journal of the Arkansas House of Representatives* 56 (1947), 27.
in 1947 also shaped the campaign.\textsuperscript{36} The state property tax at the time was six and one-half mills, with three mills, almost $2 million, being allocated to the public schools.\textsuperscript{37} Although some state taxes were raised to compensate for the revenue loss, a longstanding source of school revenue had disappeared.\textsuperscript{38} To help with the always erratic course of school financing, the AEA strongly supported a constitutional amendment (proposed Amendment 40), submitted by the Arkansas legislature, that removed the existing eighteen-mill limitation on the amount of money for schools that local school districts could raise. There would be no limit so long as the voters of the district approved any increase.

This amendment allowing school districts to levy any millage desired by their voters served as a companion measure to another school reorganization act, similar to the defeated 1946 measure. It was placed on the ballot again by citizens initiative since, as explained by Arch Ford, director of the state education department, “We never could have gotten the legislature to do it.”\textsuperscript{39} Ford’s remark probably referred to the influence wielded by small school superintendents over local legislators. Although some school consolidation had occurred since 1945, there were still about 1,600 districts in Arkansas. The AEA tightly linked the consolidation proposal and the unlimited school millage amendment, arguing that both were necessary to achieve a major breakthrough in Arkansas education.\textsuperscript{40} It was a rare opportunity.

Another constitutional amendment on the ballot in 1948, proposed Amendment 41, became part of the campaign. Placed on the ballot by petition, its chief sponsor was Gov. Ben Laney, who served as the Arkansas chair for the Dixiecrat party, which had broken with the national Democratic party over the latter’s support for federal civil rights legislation. Amendment 41 would have prohibited the state from enacting a property tax of any kind. This essentially repeated what the Arkansas legislature had done in 1947. Governor Laney said that a constitutional amendment was needed so that the legislature could not reinstate the state property tax at a later date.\textsuperscript{41}

Initiated Act 1 resembled the failed 1946 initiative in providing for the abolition of districts with fewer than 350 students. Its supporters

\begin{footnotes}
\item[37] Cannady, Arkansas Department of Education, 86; Arkansas Gazette, October 27, 1948, p. 1.
\item[38] Ibid., October 24, 1948, p. 20A.
\item[39] Blair, Arkansas Politics and Government, 256.
\item[40] Journal of the Arkansas Education Association 21 (May 1948): 17.
\item[41] Arkansas Gazette, July 1, 1948, p. 10.
\end{footnotes}
similarly stressed the need to afford every young Arkansan access to an accredited high school. But the AEA changed the act in several important ways, incorporating lessons learned from the earlier defeat. The most damaging portion of the 1946 proposal was language seemingly indicating that decisions of the state board of education on matters of annexation were final. The 1948 act made explicit that any annexation decision by the county board of education could be appealed to the courts. Another change provided that members of a new district’s school board would be chosen within ten days of the creation of the district rather than having an appointed board serve until the next annual school election. Still another modification directed the county board of education to “provide an accredited elementary school for every child as close to his home as possible.”42 Absent from the 1946 proposal, this provision sought to reassure people that not all small schools would be abolished. Instead, many would remain as part of a larger school district.43

These changes were designed to address fears that local control and community identity would be lost if the local school district was abolished. And, indeed, provisions scheduling board elections sooner, preserving elementary schools as close to a child’s home as possible, and guaranteeing appeal to the courts seemed to allay local concerns. Opposition to Initiated Act 1 was minimal. Less than ten days before the election, the Arkansas Democrat reported, “So far there has been no concentrated opposition to the act such as that two years ago when it lost by a narrow margin.”44 The AEA hoped to appeal again to lawyers, doctors, businessmen, bankers, and others who believed that better public education was necessary to move the state into the twentieth century.

As in 1946, both statewide newspapers supported school consolidation, with the Arkansas Democrat mentioning how the proposal had been changed to preserve most children’s right to attend an elementary school close to home and the Arkansas Gazette citing the high school guarantee and the elimination of abnormally small schools and the wasteful expenditure they caused.45 Sid McMath, winner of the 1948 gubernatorial Democratic primary, also backed the measure.46 The only

44Arkansas Democrat, October 24, 1948, p. 9B.
visible opposition came from some rural citizens fearful that children would have to travel too far for their education and dreading a possible economic decline and lost jobs when schools were closed. Governor Laney also told the press that he probably would vote against Act 1, although he did not explain why.\(^{47}\)

AEA sponsorship established a strong linkage between Initiated Act 1 (school consolidation) and proposed Amendment 40 (removal of millage limitations). Opponents of Amendment 40, such as Governor Laney and the *Arkansas Democrat*, emphasized that an unlimited millage would encourage people to evade the tax by giving low assessment evaluations, a problem already prevalent in Arkansas.\(^{48}\) Amendment 41’s prohibition of a state property tax also pitted the AEA against Laney, the AEA saying that an extreme fiscal emergency might necessitate the renewal of such a tax and that all legislative judgment and flexibility would be removed by passage of the amendment.\(^{49}\) Laney attacked the AEA for its stand, calling it a pressure group and selfish because enough revenue had been raised through the passage of other taxes to compensate the public schools for loss of the state property tax.\(^{50}\)

But the controversies surrounding Amendment 40 and Amendment 41 created hardly a ripple on the surface of public opinion. Voters appeared focused on the presidential battle in the state between supporters of the Dixiecrats’ Strom Thurmond and the regular Democrats’ nominee, incumbent Harry Truman. As in 1946, no newspaper advertising appeared supporting or opposing the consolidation measure. Letters to the editors mostly concerned the presidential campaign, and, while newspapers did not ignore the constitutional amendments and initiated acts, their attention was elsewhere. The AEA did distribute copies of Initiated Act 1 and Amendment 40, and its journal campaigned vigorously for adoption of both. One journal article suggested the slogan, “For Jimmy and Sue. Vote for two—Amendment 40 and Initiated Act No. 1.”\(^{51}\)

The results were a sweep for the AEA. Initiated Act 1 passed with over 60 percent voting in favor, garnering twice as many votes as the 1946 measure.\(^{52}\) Amendment 40 did even better, with 62 percent voting

\(^{48}\) Ibid., October 25, 1948, p. 6.
\(^{49}\) *Arkansas Gazette*, October 23, 1948, p. 12; *Arkansas Democrat*, October 19, 1948, p. 11.
\(^{50}\) *Arkansas Democrat*, October 22, 1948, p. 1.
\(^{51}\) “What Does Initiated Act No. 1 Do?” *Journal of the Arkansas Education Association* 22 (September 1948): 17.
\(^{52}\) Initiated Act No. 1 of 1948, 1414.
in the affirmative, while Amendment 41 was defeated by a better than two to one margin.\(^{53}\) Laney suffered a triple setback with the defeat of the Dixiecrats, the poor showing of Amendment 41, which he had sponsored and fought for, and the passage of Amendment 40, which he had opposed. State education commissioner Ralph Jones said that the passage of Initiated Act 1 and Amendment No. 40 pointed to “an era of educational advancement in this state that never has been known before.”\(^{54}\) Karr Shannon, a columnist for the *Arkansas Democrat*, told Arkansas teachers, “You asked for more than ever before, and got everything you asked for.”\(^{55}\)

Consolidation came quickly. The number of school districts dropped from 1,600 in 1948 to 423 in 1949, the year that Initiated Act 1 took effect.\(^{56}\) The average number of school districts per county dropped from twenty-five to six. In 1951, the Arkansas General Assembly passed Act 359, which authorized the Legislative Council to conduct a survey of the public school system in Arkansas and make appropriate recommendations.\(^{57}\) The council made its report the following year, finding that the reorganization brought about by Initiated Act 1 was “a remarkable achievement and one of which the state can well be proud.”\(^{58}\) It pointed out that the chief benefit of consolidation was that it made more types of educational services available, such as new secondary courses, adult education, and health services that had been difficult for small districts to provide. The report summary stated, “[I]t is now possible for all educable children in the state to attend school for 12 years. A high school is within reach of all children. This, in itself, is a notable achievement.”\(^{59}\)

The explanation for the landslide passage of Initiated Act No. 1 and its constitutional twin, Amendment 40, in 1948, can probably be found in a combination of factors. The coalition of “business progressive” groups held together. Returning servicemen brought enthusiasm and a reforming zeal of their own to all aspects of Arkansas government and politics, including education, and voters seemed to realize that the neglect of public education during the war years had to be remedied. Sponsors learned the lessons of the 1946 defeat well, and they fine-tuned the

\(^{53}\)“Proposed Constitutional Amendments, Initiatives and Referenda, 1938-2002.” Amendment 41 was defeated by a vote of 144,853 (67 percent) to 71,380 (33 percent).

\(^{54}\) *Arkansas Democrat*, November 3, 1948, p. 1.

\(^{55}\) Ibid., November 9, 1948, p. 8.


\(^{57}\) Acts of Arkansas (1951), Act 359, 857-858.


\(^{59}\) Ibid., 18.
1948 act before its introduction to avoid provisions that jeopardized passage. Most importantly, the new language clarified that decisions of boards of education could be appealed to the courts. Another factor was the continuing focus of the campaign on the improved educational benefits that consolidation would bring, specifically guaranteeing to every student access to an accredited high school, rather than concentrating on any fiscal savings that might materialize. Possibly, this last factor—the overriding importance of the educational benefit—will be the most pertinent when consolidation battles occur in the future.
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