



WISCONSIN LEGISLATIVE REFERENCE BUREAU

MEMORANDUM

TO: Legislative Council Study Committee on Shared School District Services

FROM: Richard Loeza, legislative analyst

DATE: September 7, 2022

SUBJECT: Origins of Cooperative Educational Service Agencies

Per your request, this memo provides context for the creation of cooperative educational service agencies (CESAs) by [Chapter 565](#), Laws of 1963. The memo begins by discussing the predecessor to CESAs, the office of the county superintendent. Then, the memo reviews the problems that arose with the county superintendent's office. Finally, the memo reviews the legislative proposals to replace county superintendents that resulted in the creation of CESAs.

Overview of the County Superintendency

[Chapter 179](#), Laws of 1861, created the office of the county superintendent of schools in every county of the state. County superintendents were elected to two-year terms. Their funding and pay were set by county boards of supervisors (subject to statutory minimums).¹ At the time, a county superintendent's duties, among others, included examining and licensing teachers, visiting and inspecting schools, organizing a teacher's school, and monitoring building health and ventilation.² By the 1960s, the county superintendent's duties were as follows:³

1. To provide educational leadership
2. To visit the schools under the county superintendent's administration whenever necessary
3. To inquire into matters relating to the course of study, records, modes of instruction, textbooks, and discipline of the schools
4. To keep informed about new techniques and procedures of instruction
5. To advise school boards and teachers as to their powers and duties
6. To make reports and investigations requested by the state superintendent
7. To certify to joint district clerks the full valuations of the various parts of a joint school district⁴

¹ [Ch. 179](#), Laws of 1861, section 9.

² [Ch. 179](#), Laws of 1861, section 7.

³ Wis. Stat. § [39.10](#), Laws of 1961.

⁴ Wis. Stat. § [40.35 \(8\)](#), Laws of 1961.

8. To perform services that city school districts and other districts not under the supervision of the county superintendent may request on a contract basis.
9. To direct the school board to make any alterations and repairs which are necessary to the health, comfort, or progress of pupils and to abate any nuisance upon the school premises (provided the abatement can be done for \$50 or less)
10. To report annually to the county board the condition of schools under the county superintendent's supervision
11. To name each rural schoolhouse in the county superintendent's district

Problems with the County Superintendency

Leading up to the creation of CESAs in 1963, the state grappled with several problems in the county superintendent system, including inadequately prepared and qualified superintendents, insufficient employee staffing, and funding problems.

Inadequately prepared and skilled county superintendents were cited as a major criticism of the office through the 1950s.⁵ The first effort to reform county superintendency targeted these inadequate superintendents. In 1892, the legislature considered abolishing the office of county superintendents, to be replaced by state inspectors of schools.⁶ Instead, in 1895, the legislature passed a bill requiring county superintendents to have at least eight months of teaching experience and a teacher's license.⁷ The legislature's aim was to require county superintendents to be more qualified for the job, and therefore more effective. That initiative was described as a failure by State Superintendent C.P. Cary in 1908.⁸

Another concern with the office was staffing. The statutes provided county superintendents with one state-funded supervising teacher (two in counties with more than 120 teachers). Funding for additional employees and supervising teachers had to be paid by the counties, who often would not outlay enough for what county superintendents and local school boards felt was needed.⁹

A final problem was the diminished jurisdiction of county superintendencies. Funding for county superintendents was largely provided by property taxes from the area they oversaw.¹⁰ However, from the outset, city school districts were able to opt-out of the jurisdiction of a county superintendent.¹¹ Later, city school districts were removed from the jurisdiction of a county superintendent entirely.¹² Districts that taught elementary and high school grades and employed their own superintendent were also exempt from the county superintendent's authority.¹³

⁵ Russell T. Gregg and George E. Watson, *The County Superintendency in Wisconsin: A Study of the Intermediate Unit of Educational Administration With Particular Reference to Wisconsin Pt. 1*, [213](#).

⁶ *The County Superintendency in Wisconsin Pt. 1*, [205](#).

⁷ [Ch. 333](#), Laws of 1895.

⁸ *The County Superintendency in Wisconsin Pt. 1*, [205](#).

⁹ § [39.20](#), Laws of 1961; *The County Superintendency in Wisconsin Pt. 1*, [213](#).

¹⁰ *The County Superintendency in Wisconsin Pt. 2*, [285](#).

¹¹ [Ch. 179](#), Laws of 1861, section 11.

¹² *The County Superintendency in Wisconsin Pt. 2*, [289](#).

¹³ § [39.06 \(4\) \(a\)](#), Laws of 1961.

Exemption from the jurisdiction of a county superintendent also meant the exempted territory was not required to bear any “part of the expenses connected with the office of county superintendent of schools.”¹⁴ So, as school district consolidation accelerated in the 1950s and ’60s and more districts offered complete K–12 educations, the jurisdictions of some county superintendents diminished to the point that their office oversaw few pupils and had a diminished tax base.¹⁵ Moreover, the enrollment within the jurisdiction of a county superintendent was often insufficient to efficiently provide the special services that local districts might seek from the county, such as “special classes and instructional centers for mentally handicapped children.”¹⁶ If a district had only a few students who qualified for a service, it was not cost-effective to provide special staff or facilities for them.

In 1951, the legislature made several changes to try and increase the usefulness and effectiveness of county superintendents, including providing a higher minimum salary,¹⁷ increasing the minimum qualifications,¹⁸ and, most importantly, allowing counties to create joint superintendencies.¹⁹ From 1951 to 1963, 25 counties formed joint superintendencies to mitigate the problems of scale and diminishing jurisdiction.²⁰ However, the underlying problems of staffing and funding shortages, reduced jurisdictions, and poor professionalism persisted. By the late 1950s, many elected county superintendents were not completing their terms. From the 1957 spring election to 1961, 25 of the approximately 60 county superintendents had resigned.²¹

Fixing the County Superintendency

A 1955-57 study sponsored by the Department of Public Instruction, the UW-Madison School of Education, and Wisconsin Association of County Superintendents explored recommendations for an “intermediate” unit of education between local governments and the state, focused on Wisconsin and the county superintendency.²² The study concluded that while an intermediate unit was needed, the county superintendency as it existed was inadequate to the job.²³ The study recommended that the intermediate unit should provide educational leadership and assist local districts with ten types of services: “pupil personnel services, instruction and curriculum services, staff personnel services, general administrative services, business and finance services,

¹⁴ § [39.06 \(4\) \(a\)](#), Laws of 1961.

¹⁵ *The County Superintendency in Wisconsin Pt. 2*, [209](#).

¹⁶ “A Staff Memorandum to the Advisory Committee on the Office of the County Superintendent of Schools,” M-61-12, Legislative Council, July 1960, in *Wisconsin Legislative Council and Council Committees* (1959-61 V. 3), 22; and § [41.01 \(1\)](#), Laws of 1961.

¹⁷ [Ch. 691](#), Laws of 1951.

¹⁸ [Ch. 334](#), Laws of 1951.

¹⁹ [Ch. 695](#), Laws of 1951.

²⁰ Minutes of the Wisconsin Legislative Council Education Committee, July 20, 1962, in *Wisconsin Legislative Council and Council Committees* (1961–63 V. 1), 13.

²¹ *Report of the Wisconsin Legislative Council*, 1961 Vol. 2 (January 1961), 57; Minutes of the Wisconsin Legislative Council Education Committee, July 20, 1962, in *Wisconsin Legislative Council and Council Committees*, (1961–63 V. 1), 8.

²² *The County Superintendency in Wisconsin Pt. 2*, [304](#).

²³ *The County Superintendency in Wisconsin Pt. 2*, [304](#).

specialized educational services, adult education services, public relations and liaison services, health services, and research and statistical services.”²⁴ In addition, the intermediate unit should “encompass an area large enough to include a sufficiently large school enrollment to ... provide efficiently all necessary educational services.”²⁵ The study also recommended that the intermediate school district have its own elected school board, who could certify its own tax levy, giving it independence from the county board.²⁶ This intermediate district would also need funding beyond property taxes, including increased state aid based on “educational need and financial ability rather than being allocated for one specific function (the supervising teacher program).”²⁷ The study also suggested that contractual agreements should be a source of substantial revenue.²⁸

The recommendations were incorporated into 1957 Senate Bill 615.²⁹ That bill would have replaced county superintendents’ offices with “intermediate school districts,” made up of local school districts.³⁰ The configuration of local districts into intermediate ones would be based on the recommendations of a state commission. These intermediate school districts would have similar functions to the county superintendents, but would have the ability to levy property taxes themselves on the territory within their districts. SB 615 was taken up for revisions by the 1957–59 Legislative Council Interim Study Committee on Education. However, the bill’s proposals were contentious and, without consensus, the committee chose not to recommend the revised bill for consideration by the legislature.³¹

The 1959 legislature considered legislation to reinforce the county superintendencies. One bill directed 20 percent of state aid for education to the counties but was vetoed.³² Another law was enacted that allowed the state superintendent to determine the feasibility of joining adjacent counties under a single county superintendent, reducing the barriers to consolidation.³³ However, there was growing consensus that the county superintendent needed to be significantly overhauled or replaced, and this legislation was considered a temporary remedy.³⁴ The plan was to permanently solve the issue in 1962 after concurrent and ongoing school district consolidation efforts had “stabilized.”³⁵

²⁴ *The County Superintendency in Wisconsin Pt. 2*, [305](#).

²⁵ *The County Superintendency in Wisconsin Pt. 2*, [307](#). This number was estimated to be at least 10,000 pupils (page [309](#)).

²⁶ *The County Superintendency in Wisconsin Pt. 2*, [308](#).

²⁷ *The County Superintendency in Wisconsin Pt. 2*, [301–302](#).

²⁸ *The County Superintendency in Wisconsin Pt. 2*, [302](#).

²⁹ “A Staff Memorandum to the Advisory Committee on the Office of the County Superintendent of Schools,” M-61-12, Legislative Council, July 1960, in *Wisconsin Legislative Council and Council Committees (1959–61 V. 3)*, 1.

³⁰ 1957 Senate Bill 615, Section 16.

³¹ Minutes of the Wisconsin Legislative Council Education Committee, March 27, 1958, in *Wisconsin Legislative Council and Council Committees (1957–59 V. 2)*, 10.

³² 1959 Senate Bill 427.

³³ [Ch. 279](#), Laws of 1959.

³⁴ *Report of the Wisconsin Legislative Council*, 1961 Vol. 2 (January 1961), 58.

³⁵ *Id.*

A second committee created by the state superintendent met in 1962 to again consider changes to the county superintendent system. Their product, LRL 64, proposed to create cooperative educational service agencies (CESAs), which, unlike intermediate school districts, would have few required duties and would instead focus on cooperatively providing services to school districts under discrete agreements.³⁶ Like SB 615, LRL 64 would create a state-level board to delineate the CESAs' duties and issue a plan for the initial CESAs' boundaries. The initial version of the bill maintained the county superintendency, although the bill provided for an office's dissolution either by the county board or automatically when it had no jurisdiction. In the original draft, CESAs were operated by an executive committee made up of one member of each constituent district's school board. The second draft of the bill replaced the executive committee with the Board of Control, which was capped at 11 members.³⁷ The second draft also explicitly forbade the Board of Control from levying taxes (the first draft didn't mention the board's ability to levy taxes at all).

In a 1962 presentation to the Legislative Council Committee on Education, the first assistant state superintendent noted that LRL 64 was expected to result in 25 to 30 CESAs, and that they would allow small districts to contract for special services that they were otherwise too small to obtain.³⁸ The assistant state superintendent also noted that the state superintendent's committee had considered establishing regional offices of DPI instead of CESAs. However, "the [state superintendent's] committee rejected this idea on the grounds that the needs of local school districts can best be met through an intermediate level of administration which is closely oriented to the local communities."³⁹

LRL 64 was introduced as 1963 Assembly Bill 254, and enacted as Chapter 565, Laws of 1963.

If you have any questions or require additional information, please feel free to call me at 608-504-5890 or email me at richard.loeza@legis.wisconsin.gov.

³⁶ LRL 64, 1st draft, from drafting file for Ch. 565, Laws of 1963, Wis. Legis. Reference Bureau, Madison, Wis.

³⁷ LRL 64, 2nd draft, from drafting file for Ch. 565, Laws of 1963, Wis. Legis. Reference Bureau, Madison, Wis.

³⁸ Minutes of the Wisconsin Legislative Council Education Committee, October 10, 1962, 15, in *Wisconsin Legislative Council and Council Committees*, 1961-63 V. 1.

³⁹ *Id.*, 15.