§ 1526. Enlarged city school districts. 1. The commissioner of education is hereby authorized and empowered to create enlarged city school districts by consolidation of city school districts of cities of less than one hundred twenty-five thousand inhabitants with such area or areas contiguous to such city school districts as, in his discretion, are suitable for the establishment of enlarged city school systems, and to fix, determine and define the boundaries of such enlarged districts as provided in this section.

2. The commissioner is hereby authorized and empowered to make and enter in his office orders laying out such area or areas contiguous to a city school district of a city of less than one hundred twenty-five thousand inhabitants, provided, however, that no school district which has an outstanding bonded indebtedness shall be divided by such order in such manner that only a part of such district is included in such an area.

3. Within ten days after the making and entry of an order pursuant to this section, the commissioner shall transmit a certified copy thereof to the board of education of the city school district and the clerk, or in the event there is no clerk, to the trustee or trustees of each school district wholly or partly included in such area or areas. Such clerk, trustee or trustees, as the case may be, shall, within five days after receipt of such order, post a copy thereof in five conspicuous places in such district.

4. No such area or areas laid out by order of the commissioner shall be consolidated with such city school district until a majority of the qualified voters of such area or areas have adopted a proposition to consolidate such area or areas with the city school district, as provided in this section, and until the board of education of the city school district has consented to such consolidation by resolution duly adopted and has transmitted a certified copy of such resolution to the commissioner.

5. When the order laying out such area or areas has been made and entered as provided in this section, a petition may be presented by

persons qualified to vote at school meetings, asking for the establishment of an enlarged city school district by the consolidation of such area or areas with the city school district. Such petition shall be signed by a number of qualified voters equal to at least ten per centum of the children in the area or areas according to the latest school census for the area or areas laid out by the commissioner. Such petition shall be filed with the commissioner and shall request that an election of the qualified voters within such area or areas be called for the purpose of determining whether or not such area or areas shall be consolidated with the city school district. If the commissioner is satisfied that the petition has been duly signed as provided in this section, he shall fix a time and place or places for an election of the qualified voters within each such area, which election shall be held not more than thirty days after the filing of such petition.

6. The commissioner of education shall divide the area into a school election district or districts. The area shall be so divided that if circumstances will permit, the school election district will be coterminous with one or more school districts, or parts or combinations thereof, and that, if practicable, there shall be a schoolhouse in each school election district. The commissioner shall describe each of such election districts. If there is no public schoolhouse in a school election district, the commissioner shall designate the place where the election in such district shall be had.

7. The commissioner shall cause notice of such election to be posted at least ten days before the election in three conspicuous places in each school district wholly or partly within such area. In addition to the posting of such notice a copy thereof shall be published at least seven days before the election in a daily or weekly newspaper published within the area or in a newspaper having general circulation therein. Such notice shall state the day of election and the hours the polls are to be open, shall describe the school election district or districts into which the area is divided, shall specify the schoolhouses or other places therein where such election will be held and where the ballots will be canvassed.

8. The election shall take place during at least four consecutive hours between the hours of seven o'clock in the forenoon and ten o'clock in the evening, as determined by the commissioner of education.

9. Any person qualified to vote in any school district wholly or partly within the area laid out by the commissioner and who resides within such area shall be qualified to vote at the election. Before each person casts his ballot he shall be required to sign a statement contained in a poll book provided for the purpose, declaring that he is a qualified voter within the area.

10. The commissioner of education shall appoint a board of canvass for the entire area. Such board shall organize by naming one of its members as chairman and shall, as soon as the ballot boxes and books containing the names of the voters have been delivered to the board of canvass in the place designated by the commissioner of education, count all the ballots. Prior to ascertaining the manner in which any voter has marked his ballot, the number of ballots from each school election district shall be counted separately without opening them and if the number does not correspond with the number of names contained in the poll book of such school election district, the board before canvassing the ballots, shall withdraw therefrom a number sufficient to make the number of ballots correspond with the number of names in the poll book. Thereafter, and before ascertaining the manner in which any voter has voted, the board of canvass shall cause the ballots cast at each school election district to be thoroughly intermingled with each other in a single ballot box large enough to contain the aggregate number of votes cast. A majority of the valid votes cast shall be necessary to adopt the resolution. Such board shall certify to the commissioner of education the total number of votes cast, the number of valid votes cast for the proposition to consolidate the area with the city school district, the number of valid votes cast against the proposition, the number of void ballots and the number of blank ballots. The board of canvass shall file a copy of such certificate with each superintendent of schools in whose jurisdiction such area is located and shall also file a copy thereof with the town clerk of each town in which any part of such area is located. The board of canvass shall seal the books and ballots

immediately upon completion of the certificate setting forth the result, and shall file such sealed books and ballots with the board of education of the city school district, which board of education shall retain and dispose of such books and ballots as provided by law. If an appeal is brought from the election, the ballots shall be available for the inspection of the commissioner of education.

11. The commissioner of education shall designate a member or members of the board of canvass to act as an election board for the conduct of the election in each school election district. The election board shall administer the challenges.

12. The board of canvass shall furnish poll books, ballots and locked ballot boxes for each school election district.

13. After the polls are closed, and after all persons within the polling place have voted, the election board shall forthwith proceed to deliver to the board of canvass at the place designated by the commissioner of education, the ballot box and the book containing the names of the voters. Any wilful violation of this paragraph shall be a misdemeanor.

14. Upon an appeal to the commissioner of education, substantial compliance with the procedures herein required shall be sufficient to meet the intent of this section.

15. If the proposition to consolidate such area with such city school district is adopted, the commissioner may by order consolidate such area or areas, and all school districts and parts of school districts included therein, with such city school district. Such order shall specify a date on which the same shall take effect, and the provisions of sections fifteen hundred fourteen, fifteen hundred seventeen and fifteen hundred eighteen shall be applicable to such consolidation. A copy of such order shall be filed with the clerk of each school district affected thereby.

16. If at any such election the proposition to consolidate shall not

be adopted, no such election shall again be called within one year after such original election. If no election shall be called to reconsider the question within two years after such original election or if at any such election called within two years after such original election the proposition shall again fail of adoption, the order of the commissioner laying out such area or areas shall be deemed null and void and of no further force and effect.

17. Unless the effective date of such order of consolidation shall coincide with the beginning of the fiscal year of the city school district, the board of education of the city school district upon the effective date of the order of consolidation, shall levy a tax upon the area so consolidated with the city school district, to defray the expenses of educating the pupils of such area from the effective date of the consolidation to the beginning of the next ensuing fiscal year of the city school district. For this purpose, the school tax rate used for the fiscal year of the city school district in progress on the effective date of such order shall be used, except that such rate shall be divided by twelve and multiplied by the number of months intervening between the effective date of such order and the beginning of the next ensuing fiscal year of the city school district. The tax list for this purpose shall be prepared and confirmed within thirty days after the effective date of such consolidation.

18. In any enlarged city school district created pursuant to this section, the proper equalization rate or rates shall be fixed and determined annually pursuant to the provisions of section thirty-five hundred five of this chapter.

19. The expense of posting and publishing of the notices and of furnishing the poll books, ballots and ballot boxes shall be borne equally by the several school districts wholly or partly included within such area, unless a consolidation order is made, in which event such expense shall become a charge upon the enlarged city school district.