

**REPORT OF THE
SCHOOL DIVISION CRITERIA STUDY COMMISSION**

**TO
THE GOVERNOR
And
THE GENERAL ASSEMBLY OF VIRGINIA**



Senate Document No. 17

**COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1977**

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THOMAS J. MICHIE, JR.

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DIVISION OF LEGISLATIVE SERVICES

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**REPORT OF THE
SCHOOL DIVISION CRITERIA STUDY COMMISSION**

Richmond, Virginia

December 10, 1976

TO: Honorable Mills E. Godwin, Jr., Governor of Virginia
and

The General Assembly of Virginia

INTRODUCTION

The School Division Criteria Study Commission was created in 1971 pursuant to Senate Joint Resolution No. 11. It was continued in 1973 (Senate Joint Resolution No. 76) and again in 1975 pursuant to Senate Joint Resolution No. 130, as follows:

SENATE JOINT RESOLUTION NO. 130

Continuing the School Division Criteria Study Commission;
allocating funds therefor.

WHEREAS, the task of the School Division Criteria Study Commission is to determine reasonable conditions and criteria which should be set by the General Assembly for use by the Board of Education in dividing the State into school divisions; and

WHEREAS, the criteria and conditions must be designed to promote the ability of school divisions to attain the prescribed standards of quality education and, until the ability or inability of the present school divisions to meet these standards and the characteristics of school divisions which can meet the standards are known and studied, reasonable conditions and criteria cannot be prescribed; and

WHEREAS, data on the performance of school divisions under the standards of quality is only now becoming available and time to acquire sufficient data as well as thoroughly study it is necessary, now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That the School division Criteria Study Commission is hereby continued. The Commission shall complete its study and recommend criteria and conditions for use by the Board of Education when it divides the State into school divisions which, in

accordance with the Constitution of Virginia, are "of such geographical area and school age population as will promote the realization of the prescribed standards of quality."

The continuing Commission shall consist of fifteen members to be appointed or reappointed as follows: five shall be appointed from the membership of the Education Committee of the House of Delegates by the Chairman thereof; five shall be appointed from the Education and Health Committee of the Senate by the Chairman thereof; and five members shall be appointed by the Governor from the State at large, two of whom shall be members of the Board of Education. Members of the Commission shall receive a per diem allowance of thirty-five dollars for each day and any part thereof devoted to their duties as members of the Commission, and in addition shall be paid for their necessary expenses for which, and for such secretarial and other assistance as the Commission may require, there is hereby allocated from the general appropriation to the General Assembly a sum sufficient, estimated at five thousand dollars. All agencies of the Commonwealth shall assist the Commission in its study. The Commission shall conclude its study and make its report to the Governor and the General Assembly no later than December one, nineteen hundred seventy-six.

Senator Hunter B. Andrews, of Hampton, continued as chairman of the Commission. Other members were Delegate Garry G. DeBruhl, of Stuart; Delegate Alan A. Diamonstein, of Newport News; Delegate Lewis P. Fickett, Jr., of Fredericksburg; B. W. Frazier, of Gate City; Delegate Ray L. Garland, of Roanoke; Senator Frederick T. Gray, of Chesterfield; Senator Edward M. Holland, of Arlington; Dr. Allix B. James, of Richmond; Delegate W. L. Lemmon, of Marion; Senator Pual W. Manns, of Bowling Green; Delegate Thomas J. Michie, Jr., of Charlottesville; Ray E. Reid, of Arlington, former Senator David F. Thornton, of Salem; and Dr. Henry I. Willett, of Richmond. Dr. W. E. Campbell, Superintendent of Public Instruction, and members of the staff of the Department of Education provided information and assistance to the Commission.

RECOMMENDATIONS

A.

Section 5 of Article VIII of the Constitution of Virginia authorizes the Board of Education "to divide the Commonwealth into school divisions of such geographical area and school age population as will promote the realization of the prescribed standards of quality" subject to such conditions and criteria as the General Assembly may prescribe. This Commission was created to develop recommendations for such conditions and criteria. The completion of the Commission's task has been delayed for several reasons. At first decisions of the United States Supreme Court in the areas of school finance and school merger were impending. And, in order to recommend conditions and criteria which would enhance the ability of school divisions to meet the standards of quality, data on the characteristics of school divisions which could not meet the

standards of quality is necessary but the development of this data requires time.

So far, most school divisions have been able to meet the standards of quality without consolidating and even without establishing cooperative efforts with neighboring school divisions. In fact, since July 1, 1970, nine new school divisions have been created. Section 22-30 of the Code of Virginia, which was enacted in 1971, provides, in essence, that pending the recommendations of this Commission, the criteria and conditions governing the Board of Education under Article VIII, § 5 are that no school division shall be composed of more than one county or city. Therefore, the Board of Education must automatically recognize a new city as a separate school division.

New standards of quality were, however, established for the 1976-78 biennium and the Commission does not believe this condition will continue under those standards. THEREFORE, THE COMMISSION RECOMMENDS THAT IT BE CONTINUED FOR ANOTHER YEAR. A resolution continuing the Commission is included as Appendix I.

B.

In the years ahead increased need for cooperation on the part of the school divisions to provide educational services will result from current or future mandates of federal and State law in addition to the standards of quality. Some of the areas of educational services for which there will be need for cooperative efforts follow:

- a. Education for the handicapped.
- b. Vocational, technical, and continuing education.
- c. Alternative education.
- d. Education for the gifted and the talented.
- e. Career counselling and job placement.
- f. The teaching internship program.

Cooperative efforts on the part of school divisions would do much to obviate any need for action by the Board of Education to eliminate or consolidate existing school divisions pursuant to its constitutional authority with regard to the standards of quality. Local school divisions should be urged to plan cooperatively as to how the required educational services can be handled in order to meet both the standards of quality and other State and federal requirements. THE COMMISSION RECOMMENDS THAT THE GENERAL ASSEMBLY ADOPT THE RESOLUTION TO THAT EFFECT INCLUDED AS APPENDIX II TO THIS REPORT.

Respectfully submitted,*

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Hunter B. Andrews, Chairman

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Garry G. DeBruhl

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Alan A. Diamonstein

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Lewis P. Fickett, Jr.

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B.W. Fraizer

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Ray L. Garland

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Frederick T. Gray

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Edward M. Holland

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Allix B. James

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W.L. Lemmon

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Thomas J. Michie, Jr.

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Ray E. Reid

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David F. Thornton

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Henry I. Willett

***Due to illness, Senator Paul W. Manns did not participate in the submission of this report.**

APPENDIX I

SENATE JOINT RESOLUTION NO. ...

Continuing the School Division Criteria Study Commission; allocating funds therefore.

WHEREAS, the School Division Criteria Study Commission was established to recommend to the General Assembly conditions and criteria to govern the Board of Education, pursuant to Article VIII, § 5 of the Constitution of Virginia, in dividing the State into school divisions of such area and population as will promote the realization of the standards of quality; and

WHEREAS, information on the ability or inability of the existing school divisions to meet the standards of quality is necessary to the Commission's study; and

WHEREAS, thus far most school divisions have been able to meet the standards of quality but may have some difficulty with the standards set for the 1976-78 biennium; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the School Division Criteria Study Commission is continued. The present members of the Commission shall continue to serve, provided that if any member resign or be unable to serve or if for any other reason a vacancy occurs, his successor shall be appointed in the same manner as the original appointment was made.

Members of the Commission shall receive thirty-five dollars in compensation for each day or part thereof spent in the performance of duties as Commission members and, in addition, shall be paid for their necessary expenses. for such compensation, expenses, and such assistance as the Commission may require, there is hereby allocated from the general appropriation to the General Assembly a sum sufficient estimated at five thousand dollars.

The Commission shall conclude its study and report to the Governor and the General Assembly not later than December one, nineteen hundred seventy-seven.

APPENDIX II

SENATE JOINT RESOLUTION NO. ...

WHEREAS, some local school divisions may not be able to meet current and future State and federal mandates with their own resources, especially in the areas of education for the handicapped and vocational, technical and continuing education; and

WHEREAS, school divisions which are unable to meet the standards of quality may be subject to elimination or consolidation; and

WHEREAS, cooperative efforts on the part of neighboring school divisions might enable the school divisions to meet State and federal mandates and obviate the necessity for eliminating or consolidating school divisions; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, that local school divisions are urged to begin cooperative planning and efforts to provide required educational services through such means as area or regional centers.