

**REPORT OF THE  
SCHOOL DIVISION CRITERIA STUDY COMMISSION TO  
TO  
THE GOVERNOR  
AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**SENATE DOCUMENT NO. 2**

**COMMONWEALTH OF VIRGINIA  
DIVISION OF PURCHASES AND SUPPLY  
RICHMOND  
1979**

## **MEMBERS OF COMMISSION**

Hunter B. Andrews, Chairman  
Garry G. DeBruhl  
Alan A. Diamonstein  
Lewis P. Fickett, Jr.  
B. W. Frazier  
Ray L. Garland  
Frederick T. Gray  
Edward M. Holland  
Allix B. James  
W. L. Lemmon  
Paul W. Manns  
Thomas J. Michie, Jr.  
Ray E. Reid  
David F. Thornton  
Henry I. Willett

## **STAFF**

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**Report of the  
School Division Criteria Study Commission**

**To**

**The Governor and the General Assembly of Virginia**

**Richmond, Virginia**

**December, 1977**

To: Honorable John N. Dalton, Governor of Virginia

and

The General Assembly of Virginia

**INTRODUCTION**

The School Division Criteria Study Commission was established in 1971 to study and recommend conditions and criteria to govern the Board of Education in dividing the State into school divisions pursuant to § 5(a) of Article VIII of the Constitution of Virginia. Section 5(a) was added when the Constitution was amended in 1971 and reads as follows:

(a) Subject to such criteria and conditions as the General Assembly may prescribe, the Board shall 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, and shall periodically review the adequacy of existing school divisions for this purpose.

The Commission was continued in 1973, 1975 and in 1977 pursuant to Senate Joint Resolution No. 84:

**SENATE JOINT RESOLUTION NO. 84**

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

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 of [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 expense. 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 not to exceed 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.

Senator Hunter B. Andrews of Hampton continued as chairman of the Commission. Other members were Delegates Garry G. DeBruhl of Stuart, Alan A. Diamonstein of Newport News, Lewis P. Fickett, Jr., of Fredericksburg, Ray L. Garland of Roanoke, W. L. Lemmon of Marion, and Thomas J. Michie, Jr., of Charlottesville, Senators Frederick T. Gray of Chesterfield, Edward M. Holland of Arlington, and Paul W. Manns of Bowling Green, Mr. B. W. Frazier of Gate City, Dr. Allix B. James of Richmond, Mr. Ray E. Reid of Arlington, Dr. Henry I. Willett of Richmond and former Senator David F. Thornton of Salem.

### **RECOMMENDATIONS**

Pending the recommendations of this Commission, the Board of Education has been governed by § 22-30 of the Code of Virginia in dividing the State into school divisions:

§ 22-30. How division made.—Until the first day of the fourth month following adjournment of the session of the General Assembly to which is submitted the report of a legislative study recommending criteria and conditions to be prescribed by the General Assembly under § 5 (a) of Article VIII of the Constitution, the Board of Education, in dividing the Commonwealth into school divisions, shall be governed by the following criteria and conditions:

- (1) No school division shall be composed of more than one county or city;
- (2) No school division shall be composed of a county or city and any one of the following towns: Abingdon, Cape Charles, Colonial Beach, Fries, Poquoson, Saltville, or West Point.

Notwithstanding any of the above criteria and conditions, the Board of Education may, upon the request of the school boards of the counties, cities, and towns affected, concurred in by the governing bodies thereof, consolidate or otherwise alter school divisions.

There have been several developments in public education since the amendment of the Constitution of Virginia and of § 22-30 as quoted above in 1971. In the 1970-71 school year (prior to the amendments), the Commonwealth of Virginia had 96 county school divisions and 37 city school divisions, a total of 133. The current number is 141 with 95 counties, 41 cities and 5 towns.

Of these divisions the fall membership for the 1977-78 school year shows that four had less than 600 pupils in average daily membership, a total of eight had less than 1,000, and a total of 34 had less than 2,000. Virginia has now reached the point of declining enrollment in the public schools and several of these school divisions will decline in membership in the years ahead.

The 1976-77 Report on Public Education in Virginia reveals that the number of school divisions reporting deficiencies in the Standards of Quality were for the most part either the smaller school divisions and/or the smaller schools. It is often more difficult and impractical for smaller school divisions to provide programs adequate to meet the standards of quality and other programs required by law, such as special education programs for the handicapped and vocational education programs. Even larger school divisions may have difficulty providing these programs.

Possible solutions to this problem include consolidation of school divisions and regionalization of programs. There are encouraging signs that the existing school divisions recognize the need for regional cooperation. For example, during the past five years nine regional vocational, industrial and technical schools have either been opened or are under construction. One additional regional center is in the planning stage. Thirty-four school divisions are involved in these cooperative programs. Recognition should also be given to the fact that these centers will offer many opportunities for the education of the handicapped. Several counties and cities are now cooperating to provide the needed

services to the handicapped. The Department of Education is awarding a planning grant to the Norfolk area as a pilot project. This particular center will provide services to several school divisions.

Because of the importance attached by localities to preserving their school divisions intact, the expansion of cooperative regional programs among the school divisions and the pressures to cooperate or consolidate voluntarily in order to provide required programs, the Commission does not believe that Board of Education authority to coerce consolidation is necessary or desirable. The Commission recommends, therefore, that the conditions to altering school divisions be consent of the school boards and governing bodies concerned and absence of objection by the General Assembly.

The Commission also recommends several criteria to be considered by the Board of Education in determining appropriate school divisions. These criteria, conditions and the procedures to be followed are set forth in the bill appended to this report.

Respectfully submitted,\*

Hunter B. Andrews, Chairman

Garry G. DeBruhl

Alan A. Diamonstein

Lewis P. Fickett, Jr.

B. W. Frazier

Frederick T. Gray

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\*Senator Thornton took no part in the formulation of this report and Mr. Garland took no action on the report.

## APPENDIX

A BILL to amend the Code of Virginia by adding a section numbered 22-30.1 and to repeal § 22-30 of the Code of Virginia, the amended and repealed sections relating to how school divisions made.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22-30.1 as follows:

*§ 22-30.1. How school divisions made.—A. The Board of Education shall divide the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the standards of quality required by § 2 of Article VIII of the Constitution of Virginia, subject to the following conditions:*

*1. The school divisions as they exist on July one, nineteen hundred seventy-eight shall be and remain the school divisions of the State until further action of the Board of Education taken in accordance with the provisions of this section.*

*2. No school division shall be divided or consolidated without the consent of the school board thereof and the governing body of the county or city affected or, if a town comprises the school division, of the town.*

*3. No change shall be made in the composition of any school division if such change conflicts with any joint resolution expressing the sense of the General Assembly with respect thereto.*

*B. Notice of any change in the composition of a school division proposed by the Board of Education shall be given by the Superintendent of Public Instruction on or before January one of the year in which the composition of such school division is to be changed to the clerks of the school board and of the governing body involved and to each member of the General Assembly. If no joint resolution in conflict therewith is adopted by the General Assembly at the session next following such January one, the General Assembly shall be deemed to have acquiesced in such change.*

*C. Subject to the conditions set forth in subsection A., the Board of Education shall consider the following criteria in determining appropriate school divisions:*

*1. The school-age population of the school division proposed to be divided or consolidated.*

*2. The potential of the proposed school division to facilitate the offering of a comprehensive program for kindergarten through grade twelve at the level of the established standards of quality.*

*3. The potential of the proposed school division to promote efficiency in the use of school facilities and school personnel and economy in operation,*

*4. Anticipated increase or decrease in the number of children of school age in the proposed school division,*

*5. Geographical area and topographical features as they relate to existing or available transportation facilities designed to render reasonable access by pupils to existing or contemplated school facilities.*

*6. The ability of each existing school division to meet the standards of quality with its own resources and facilities or in cooperation with another school division or divisions if arrangements for such cooperation have been made.*

2. That § 22-30 of the Code of Virginia is repealed.

