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HOUSE BILL NO. 2247

Offered January 13, 2021

Prefiled January 13, 2021

A BILL to amend and reenact § 22.1-25 of the Code of Virginia, relating to the Board of Education; school division boundaries; conditions and considerations.

Patrons—Aird, Bagby, Bourne, Guzman, Hayes, Kory, McQuinn and Price

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-25 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-25. 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 of Article VIII, Section 2 of the Constitution of Virginia, subject to the following conditions:

1. The school divisions as they exist on July 1, 1978, shall be and remain the school divisions of the Commonwealth until further action of the Board of Education taken in accordance with the provisions of this section except that when a town becomes an independent city, the town shall also become a school division.

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 council.

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 adopted at the session next following January 1 of the year in which the composition of such school division is to be changed.

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 1 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.

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 12 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.

7. *Equity in educational programs within and between school divisions.*

D. Consistent with the authority of the Board pursuant to Article VIII, Section 5 of the Constitution of Virginia to designate school divisions in the Commonwealth of such geographic size and school-age population as will best promote the realization of the standards of quality, local school boards may submit proposals for the consolidation of school divisions to the Board of Education. Prior to the submission of a consolidation proposal, the submitting school board shall give notice to the public and shall conduct one or more public hearings.

School divisions submitting proposals for consolidation shall include such information and data as may be necessary to support their proposal, including (i) the criteria set forth in subsection C; (ii) evidence of the cost savings to be realized by such consolidation; (iii) a plan for the transfer of title to school board property to the resulting combined school board governing the consolidated division; (iv) procedures and a schedule for the proposed consolidation, including completion of current division superintendent and school board member terms; (v) a plan for proportional school board representation

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59 of the localities comprising the new school division, including details regarding the appointment or
60 election processes currently ensuring such representation and other information as may be necessary to
61 evidence compliance with federal and state laws governing voting rights; and (vi) evidence of local
62 support for the proposed consolidation.

63 For five years following completion of such consolidation, the computation of the state and local
64 share for an educational program meeting the standards of quality for school divisions resulting from
65 consolidations approved pursuant to this subsection shall be the lower composite index of local
66 ability-to-pay of the applicant school divisions, as provided in the appropriation act.