| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
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# Agenda Item: F

## Date: January 28, 2021

### Title: Final Review of the *Joint Proposal for the Consolidation of the Alleghany County and Covington City School Divisions*

#### Presenter: Dr. Leslie Sale, Director of Policy

#### Email: Leslie.Sale@doe.virginia.gov Phone: (804)371-0558

## Purpose of Presentation:

Action required by state or federal law or regulation.

Executive Summary:

Section 22.1-25 of the *Code of Virginia* sets out how local school divisions are made in the Commonwealth as well as the Board of Education’s role in the process. As part of its authority, the Board can consider the division or consolidation of existing local school divisions and in doing so, shall evaluate certain criteria related to the appropriateness of the division or consolidation. Additionally, a local school board or boards may submit a proposal to the Board for the division or consolidation of its division or divisions. Such proposals must also detail criteria related to the appropriateness of the proposed action as well as specifics of the division or consolidation plan, including timelines, the opportunity for cost savings, governance structures, and public support, in addition to other particulars.

Consistent with the process for consolidation set out in § 22.1-25, the Alleghany County School Board and the Covington City School Board, by way of their Joint Committee on School Consolidation (JCSC) have submitted their *Joint Proposal for the Consolidation of the Alleghany County and Covington City School Divisions* (or *Joint Proposal*) requesting that the Board of Education consider the consolidation of their two local school divisions. The proposal, as attached, addresses each of the statutory criteria and requirements enumerated in § 22.1-25 and also provides context for the decision to pursue consolidation.

The *Joint Proposal* was heard for first review at the Board’s November 19, 2020, business meeting. Since that meeting, representatives from the JCSC have worked to update the local school boards’ and localities’ resolutions of support, several of which require a technical amendment, and have engaged their legislative delegation to make changes to the City of Covington charter. The JCSC requests that the Board of Education formally dissolve the Alleghany County School Board and the Covington City School Board to establish a single, consolidated school division.

Minutes from the Board of Education’s December 11, 1981 business meeting indicate that the last school division consolidation (Alleghany County and Clifton Forge) was formalized by the Board of Education through resolution. Consistent with this precedent, attached is a resolution that would state the Board’s approval for the dissolution of the Alleghany County School Board and City of Covington School Board to establish a single, consolidate school division.

## Action Requested:

Final review: Action requested at this meeting.

## Superintendent’s Recommendation:

## The Superintendent of Public Instruction recommends the Board of Education approve the *Joint Proposal for the Consolidation of the Alleghany County and Covington City School Divisions*.

## Rationale for Action: Per authority given to it in the Constitution of Virginia and Code of Virginia, Board action is required in order for formally dissolve the existing Alleghany County and Covington City school divisions and consolidate such dissolved divisions into a single school division. Without Board approval, the consolidation cannot be effectuated.

## Previous Review or Action:

Previous review and action. Specify date and action taken below:

**Date:** November 19, 202

**Action:** First Review

Background Information and Statutory Authority:

[Article VIII, § 5](https://law.lis.virginia.gov/constitution/article8/section5/) of the Constitution of Virginia establishes the powers and duties of the Board of Education among them being the responsibility to divide the Commonwealth into school divisions with geographical areas and school-age populations that are conducive to the realization of the prescribed standards of quality.

Article VIII, Section 5. Powers and duties of the Board of Education

The powers and duties of the Board of Education shall be 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 *Code of Virginia* expands on this authority in § [22.1-25](https://law.lis.virginia.gov/vacode/title22.1/chapter4/section22.1-25/) related to how school divisions are made. Based on the composition of school divisions as they existed in July 1, 1978, the Board may divide or consolidate a divisions or divisions in accordance with provisions of the section. The Board is required to evaluate certain enumerated variables in making such a change. A local school board or board(s) may also initiate the division or consolidation process through submission of a proposal which must also meet the predetermined criteria.

§ 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.

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

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

At its November 19, 2020 business meeting, members of the JCSC presented its *Joint Proposal*, highlighting the merits of consolidation for Alleghany County Schools and City of Covington Schools, notably the efficient use of existing resources, promotion of student opportunity, as well as maximizing the school board(s) ability to serve the students and the larger school communities. Per the *Joint Proposal*, if consolidation is approved by the Board of Education, the consolidation would take effect on July 1, 2022, with the merger of the student bodies to occur in advance of the 2023-2024 school year.

Since their presentation in November, the JCSC has worked to ensure that the consolidation plan can be implemented with fidelity upon approval. As of this report, the JCSC has worked to amend the local school boards’ and localities’ resolutions of support so that the language reflects that it is the Board, rather than the Department, with the authority to decide on consolidation. Alleghany County’s Board of Supervisors approved an amended resolution on January 5, 2021. The JCSC anticipates the local school boards Covington City Council will vote to amend their resolutions prior to the Board’s business meeting. The JCSC has also engaged their legislative delegation to ensure the City of Covington charter is revised via legislative action.

Minutes from the Board of Education’s December 11, 1981 business meeting indicate that the last school division consolidation (Alleghany County and Clifton Forge) was formalized by the Board of Education through resolution. Consistent with this precedent, attached is a resolution that would state the Board’s approval for the dissolution of the Alleghany County School Board and City of Covington School Board to establish a single, consolidate school division.

**Resolution for the Consolidation of the Alleghany County and Covington City School Divisions**

WHEREAS, Article VIII, § 5 of the *Constitution of Virginia* states that 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 prescribed standards of quality, and shall periodically review the adequacy of existing school divisions for this purpose; and

WHEREAS, § 22.1-25 of the *Code of Virginia* reaffirms the Board of Education’s role and authority in how school divisions are made; and

WHEREAS, § 22.1-25 of the *Code of Virginia* allows local school board or boards to submit a proposal to the Board of Education for the division or consolidation of its division or divisions; and

WHEREAS, § 22.1-25 of the *Code of Virginia* requires the submitting school boards to give notice to the public and conduct one or more public hearings prior to the submission of a consolidation proposal to the Board of Education; and

WHEREAS, public hearings were held for Alleghany constituents and school community members on September 9, 2020, and Covington City constituents and school community members on September 10, 2020; and

WHEREAS, § 22.1-25 of the *Code of Virginia* sets forth the criteriato be considered by the Board of Education in determining appropriate school divisions and requires local school boards submitting proposals for consolidation to include certain information and data as may be necessary to support their proposal; and

WHEREAS, the Board of Education has reviewed the information and data provided by the submitting school boards and has determined that the submission meets the statutory criteria and provides adequate information and data to support their proposal; and

WHEREAS, Alleghany County Schools and City of Covington Schools convened a Joint Committee on School Consolidation to deliberate the merits of a potential consolidation of their two school divisions; and

WHEREAS, the Joint Committee on School Consolidation determined that a consolidated school division would be better able to meet the standards of quality as well as maximize their ability to serve the students and the best interests of the larger community, than the existing school divisions could separately; and

WHEREAS, the Allegany County Board of Supervisors, Covington City Council, Allegany County School Board, and City of Covington School Board agreed with the Joint Committee on School Consolidation’s determination; and

WHEREAS, the Alleghany County Board of Supervisors voted to support the consolidation on September 9, 2020, by way of resolution, and adopted an amended resolution on January 5, 2021; and

WHEREAS, the Alleghany County School Board voted to support the consolidation on September 9, 2020, by way of resolution, and adopted an amended resolution on January 19, 2021; and

WHEREAS, the Covington City Council voted to support the consolidation on September 10, 2020, by way of resolution, and adopted an amended resolution on January 12, 2021; and

WHEREAS, the Covington School Board voted to support the consolidation on September 10, 2020, by way of resolution, and adopted an amended resolution on January 11, 2021 and

WHEREAS, the Joint Committee on School Consolidation presented its case for consolidation on November 19, 2020 and January 28, 2021 to the Board of Education, which has wholly considered the appropriateness of the action; and

WHEREAS, the Board of Education has determined that the consolidation of the Alleghany County School Division and the City of Covington School Division will best promote the realization of the standards of quality.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education that:

The Alleghany County School Division be dissolved effective July 1, 2022.

The City of Covington School Division be dissolved effective July 1, 2022.

A new, consolidated school division consisting of such dissolved school divisions be established on July 1, 2022.

Adopted in Richmond, Virginia, This Twenty Eighth Day of January 2021.

Timetable for Further Review/Action:
Virginia Department of Education staff will continue to be available to provide technical assistance in the implementation of the consolidation school division. There is no further action required by the Board after approval of the consolidation.

## Impact on Fiscal and Human Resources:

Any fiscal impact of consolidation would be primarily incurred at the local level. There will likely be a need for technical assistance from Virginia Department of Education staff in order to fully implement the consolidation.

**Attachment A**

**Resolution 2021-1**

**Resolution for the Consolidation of the Alleghany County and Covington City School Divisions**

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WHEREAS, § 22.1-25 of the *Code of Virginia* allows local school board or boards to submit a proposal to the Board of Education for the division or consolidation of its division or divisions; and

WHEREAS, § 22.1-25 of the *Code of Virginia* requires the submitting school boards to give notice to the public and conduct one or more public hearings prior to the submission of a consolidation proposal to the Board of Education; and

WHEREAS, public hearings were held for Alleghany constituents and school community members on September 9, 2020, and Covington City constituents and school community members on September 10, 2020; and

WHEREAS, § 22.1-25 of the *Code of Virginia* sets forth the criteriato be considered by the Board of Education in determining appropriate school divisions and requires local school boards submitting proposals for consolidation to include certain information and data as may be necessary to support their proposal; and

WHEREAS, the Board of Education has reviewed the information and data provided by the submitting school boards and has determined that the submission meets the statutory criteria and provides adequate information and data to support their proposal; and

WHEREAS, Alleghany County Schools and City of Covington Schools convened a Joint Committee on School Consolidation to deliberate the merits of a potential consolidation of their two school divisions; and

WHEREAS, the Joint Committee on School Consolidation determined that a consolidated school division would be better able to meet the standards of quality as well as maximize their ability to serve the students and the best interests of the larger community, than the existing school divisions could separately; and

WHEREAS, the Allegany County Board of Supervisors, Covington City Council, Allegany County School Board, and City of Covington School Board agreed with the Joint Committee on School Consolidation’s determination; and

WHEREAS, the Alleghany County Board of Supervisors voted to support the consolidation on September 9, 2020, by way of resolution, and adopted an amended resolution on January 5, 2021; and

WHEREAS, the Alleghany County School Board voted to support the consolidation on September 9, 2020, by way of resolution, and adopted an amended resolution on January 19, 2021; and

WHEREAS, the Covington City Council voted to support the consolidation on September 10, 2020, by way of resolution, and adopted an amended resolution on January 12, 2021; and

WHEREAS, the Covington School Board voted to support the consolidation on September 10, 2020, by way of resolution, and adopted an amended resolution on January 11, 2021; and

WHEREAS, the Joint Committee on School Consolidation presented its case for consolidation on November 19, 2020 and January 28, 2021 to the Board of Education, which has wholly considered the appropriateness of the action; and

WHEREAS, the Board of Education has determined that the consolidation of the Alleghany County School Division and the City of Covington School Division will best promote the realization of the standards of quality.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education that:

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