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Regulatory  
Town Hall

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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department of Education
<b>Virginia Administrative Code (VAC) citation</b>	VAC -
<b>Regulation title</b>	Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions
<b>Action title</b>	Submission of proposals for the consolidation of school divisions. This is new regulation resulting from the enactment of Chapter 917, 2004 Acts of Assembly.
<b>Document preparation date</b>	October 15, 2004

This information is required for executive review ([www.townhall.state.va.us/dpbpages/apaintro.htm#execreview](http://www.townhall.state.va.us/dpbpages/apaintro.htm#execreview)) and the Virginia Registrar of Regulations ([legis.state.va.us/codecomm/register/regindex.htm](http://legis.state.va.us/codecomm/register/regindex.htm)), pursuant to the Virginia Administrative Process Act ([www.townhall.state.va.us/dpbpages/dpb\\_apa.htm](http://www.townhall.state.va.us/dpbpages/dpb_apa.htm)), Executive Orders 21 (2002) and 58 (1999) ([www.governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)), and the *Virginia Register Form, Style, and Procedure Manual* ([http://legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)).

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

Chapter 917, 2004 Acts of Assembly, directs the state Board of Education to promulgate regulations providing for a process where school divisions may submit proposal for consolidation. A new regulation must be promulgated to comply with the terms of Chapter 917.

### Legal basis

*Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Title 22.1-25, *Code of Virginia*, states that the state Board of Education shall promulgate regulations that provide for a process whereby school division may submit proposals for the consolidation of such school divisions. The mandate to promulgate regulations is the result of actions taken by the 2004 General Assembly, as reflected in Chapter 917, 2004 Acts of Assembly.

**Substance**

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the regulation is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

The proposed regulations must include a public notice and hearing process that would be conducted by the applicant school division.

Consolidation proposals must include the following information:

- The school-age population of the division proposed for consolidation.
- The potential of the proposed school division to offer a K-12 program at the levels of the established standards of quality.
- The potential of the proposed school division to promote efficiency in operations.
- Anticipated increases or decreases in the number of school-age children in the proposed school division.
- Evidence of cost savings from consolidation.
- A plan for the transfer of title to school board property to a resulting combined school board.
- Procedures and a schedule for the consolidation.
- A plan for proportional school board representation.
- Evidence of local support for the proposed consolidation.

The proposed regulations will ensure that all consolidation proposals benefit the school-age population.

**Family impact**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

The need to promulgate new regulations for the consolidation of school divisions is mandated in the *Code of Virginia*. Therefore, no alternative exists to the proposed regulatory action.

**Family impact**

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

This regulation would not negatively affect families. School division consolidations would only be undertaken if it could demonstrated that such consolidations benefited the school-age population.