

Memo re H.853 Amendment: Loosening Consolidation Rules
For Senate Education Committee
Rep. Cynthia Browning, Arlington

April 13th, 2016

This amendment would loosen up some of the rules governing consolidation or merger of districts in order to provide greater flexibility for districts as they endeavor to fulfill the requirements of Act 46. The amendment makes several changes, mostly to the "side by side" Regional Education Districts established in Act 153. These changes would especially make it easier for districts with a variety of patterns of tuitioning and operating grades to find consolidation partners with which they have historic connections or geographic proximity. I have sent the amendment to the committee separately.

The amendment does the following:

- 1) loosens up the rules about the "side by side" combinations under the Regional Education Districts so that --
 - a) it does not have to be two districts and two districts -- it could be 1 and 3;
 - b) the single district could be pre-existing, not newly merged, but such a pre-existing district will not receive any property tax reduction incentive from merging;
 - c) it is no longer required that one of the side by sides be pre K through 12, which would mean that it could be side by sides with varying levels of choice.
- 2) lowers the number of students needed for all the possible consolidation structures of Act 46 and Act 153 by 300 so that REDs go from 1,250 to 950, the 'preferred' structure goes from 900 to 600, and the 'alternative' structure goes from 1,100 to 800.

Altogether these changes would allow for more flexible combinations and make it easier for some districts to better meet the goals of Act 46, without giving up degrees of choice or entering into combinations that make little geographic or historical sense. This is particularly important given that statute prohibits mergers among districts with different patterns of tuitioning and operating grades. The State Board of Education will therefore not be accepting such mergers. There are parts of the state where it can be hard for a district to find other districts with similar choice patterns with whom to merge, or to find enough districts to accumulate the required number of students.

I think that we should provide this flexibility up front, rather than expecting districts to ask for waivers of the rules before the unelected State Board of Education. That creates too much uncertainty.

The kind of loosening of the consolidation rules has support from a number of House members, but not from House Education or from leadership. When it was offered it was declared non-germane. My understanding is that this was one of those judgement calls that could go either way, and the call went against the amendment. I think that an argument could be made that H.853 as a whole is about the implementation of Act 46, and even though the rules governing mergers are not mentioned, such rules are part of that implementation and therefore the amendment could be considered germane.