

GETTING STARTED: PURSUING OPTIONS AND OPPORTUNITIES UNDER ACT 46

STATED GOAL

To establish a study committee charged with developing a proposal to create a union school district under Act 46 that achieves the goals laid out in Section 2 of the Act:

- } Provide **equity** in the quality and variety of educational opportunities
- } Lead students to **meet or exceed the Education Quality Standards**
- } **Maximize operational efficiencies** through greater flexibility to manage, share, and transfer resources, with a goal of increasing district-level student-to-staff ratios and lowering costs
- } Promote **transparency and accountability**

The study committee's objective is to prepare a proposal for submission to voters in all participating districts with an eye toward achieving incentives under the Act.

INITIAL STEPS

The creation of a "preferred structure" under Act 46 that would result in a unified union school district involves following the process outlined in Title 16, section 706 *et seq.*

1. Establish a Study Committee. If boards want to pursue the "accelerated" incentives, all member district boards of the supervisory union must agree to join the study committee. To have a chance of completing the process for a spring 2016 vote all boards should act to approve the motion *as soon as possible*.

If you are pursuing some other form of merger, any participating member district boards must vote to form the committee. **Supervisory Union boards cannot vote to form a study committee on behalf of member districts.**

SAMPLE MOTION: *Move to form a study committee with (the other member districts of the _____ supervisory union, e.g.) to analyze the advisability of forming a union school district under Act 46.*

2. Appoint Representatives to the Committee. Representation on the committee shall be "in that proportion which the equalized pupils of the district bear to the total **equalized pupils** of all school districts intending to participate in the committee's study." (16 VSA §706) The number of representatives does not need to be precisely proportional—but should be reasonably aligned with the proportional number of equalized pupils.

Note: Where the study committee is forming a proposal to form a unified union school district, only town school districts and incorporated districts may participate in the joint study and vote on its formation. (16 VSA §701b(b)(1)) Where a union high school exists, the students from that school should be counted as part of the number of equalized pupils for their respective towns. An option is to include up to X members of the union high school board as ex-officio members of the committee with full participation rights, but no voting rights. When considering representation on the study committee, boards may also consider appointing members from the union high school board as representatives of the town/incorporated school district board.

SAMPLE MOTION: *Move to appoint X members to the study committee in order to be compliant with 16 VSA §706. The members shall be ___ and ____.*

Ideally, each board will appoint members to the committee from each district as soon as the study committee motion is approved. Boards should be strategic about the committee make-up and may include union high school board members (where applicable) or community members. Statute specifies that at least one school director from each participating district shall be on the committee, but that a “district board may appoint residents who are not school directors . . .” (16 VSA §706a(b)). It is not recommended to have the committee larger than 12-15. Other vehicles need to be created to achieve broader community participation.

3. Set a Budget for the Committee. “With the advice of the Superintendent, the boards shall establish a budget, and shall fix the number of persons to serve on the study committee that prepares the report required . . .” (16 VSA §706). *Note: A proposed budget exceeding \$25,000 must be voted on by the electorate. (§706a(a)(1))*

SAMPLE MOTION: *Move to authorize a budget up to \$25,000 for legal, consulting and other expenses needed for the committee and to share in the cost proportionally with the other member districts on the study committee.*

4. Give the Committee a Specific Charge. If applicable, the executive committee of the supervisory union may be best positioned to draft a charge to the study committee.

SAMPLE STUDY COMMITTEE CHARGE:

- I. In accordance with Title 16 §706b, Act 46, and Acts 153/156, study the benefits and challenges of forming a union district comprising the towns of x, y, and z.
- II. Contract with outside person(s) to support the work of the committee within the established budget. This may include but is not limited to: process facilitation, data

analysis, facilitation of committee discussions, legal counsel and community forum support.

- III. Consider if there is a benefit to our communities to invite other districts as advisable members of the committee. As outlined in Title 16 §706b(2) the committee has the final determination of what districts, if any, are deemed advisable.
- IV. Engage the communities with at least one public forum held in each of the participating necessary towns to hear community hopes and concerns prior to commencing the study.
- V. Make a determination as to whether the formation of a union district is advisable and should be taken to the voters.
- VI. Prepare a report for the State Board of Education including all elements required by Title 16 §706b and Act 46 in the formation of a union district. The report should be submitted in a timely fashion to allow for a community vote, if held, to occur on [date].
- VII. The Articles of Agreement required in Title 16 §706b should be written to provide maximum flexibility for the newly created Board to govern the district to best represent the community and serve educational needs of the students into the future.
- VIII. Keep the SU Board regularly apprised of the committee's progress.

5. Elect a Chair. The members of the study committee shall elect a chair who shall notify the Secretary of Education of the appointment. (16 VSA §706b)

6. Apply for a Reimbursement Grant from the AOE. Complete the [AOE application form](#) in order to obtain a \$20,000 grant “to reimburse districts participating in a merger study committee, as defined in 16 V.S.A. §706b, for the legal and consulting fees necessary to produce the analysis and report required under 16 V.S.A. §706b.” Submit all grant requests to Vaughn Altemus at the AOE at vaughn.altemus@state.vt.us.

7. Prepare a Report. The study committee, upon completion of its work, shall prepare a report that includes the articles of agreement required by 16 VSA §706b(b). The report must be submitted to member district boards for *review and comment* prior to submission to the State Board of Education. Sample articles can be found on the AOE website [here](#). Additional guidance surrounding the details of the report will be forthcoming.

To learn more about the services of the Act 46 Implementation Project, please contact Nikki South, Act 46 Implementation Project Director: nsouth@vtsba.org