

Outline - Process to Form a Union School District (including a RED)

School districts that decide to explore the possibility of merger into a RED in a more formal, comprehensive manner follow the process for formation of a union school district per Title 16, chapter 11. The following is a general overview:

1. § 706 Proposal to Form Study Committee

With the advice of the pertinent superintendent(s), the school board members:

- a. establish a budget for the study; and
- b. determine the number of members to serve on the study committee, ensuring that representation is proportional to each district's equalized pupil count.

2. § 706a Budget and Appointment of Committee Members

- a. If the study budget exceeds \$25,000, then each district seeks the approval of its voters to appropriate the district's share of the total budget (also determined by equalized pupils).
- b. The boards of the participating districts appoint the pre-determined number of study committee members. Although appointees may be members of the community who are not school board members, at least one school board member from each district must serve on the committee.

3. § 706b

Study Committee

- a. The study committee elects a chair who notifies the Secretary of Ed of the election.
- b. The Agency makes staff available to help the study committee.
- c. The study committee is a public body.

Study Committee's Analysis and Report (Proposed Plan of Merger)

- a. The study committee conducts extensive analysis and discussion.
- b. The study committee can decide it is not advisable to merge or it can prepare a report (that is essentially a contract) detailing the proposed plan of merger (*e.g.*, identity of *necessary v. advisable* districts; plan for first year of operation; ownership of existing property; responsibility for existing debt; date of vote; date of merger; etc.).
- c. Act 153 also requires a RED's report to:
 - i. include structures and processes for local participation in the creation of policy and development of budgets; and
 - ii. address whether and to what extent students residing in the RED may enroll in any school the RED operates.

4. § 706c Approval by State Board of Education

- a. The study committee submits the final report to the Secretary of Ed
- b. The Secretary of Ed provides the report with his/her recommendations to the State Board.
- c. The Board:
 - i. reviews the report and the Secretary of Ed's recommendations;
 - ii. provides the study committee an opportunity to be heard;
 - iii. requests additional information or investigation as needed;
 - iv. considers other information it believes is pertinent; and
 - v. decides if the proposed merger is in the "best interests of the state, the students, and the school districts proposed to be members of the union."
- d. If the Board approves the report, with amendments, as the final report:
 - i. the Board notifies the study committee of its decision; and
 - ii. the study committee chair files a copy of the final report with the town clerk in each of the involved districts at least 20 days before a final vote.

5. §§ 706d and 706e Vote to Establish Union District (RED)

- a. On the same day, all *necessary* districts shall vote (and all *advisable* districts may vote) on whether to approve the proposed merger pursuant to the plan contained in the final report (*Note:* the vote is by the voters, not just the school board members).
- b. The votes are not commingled.
- c. For merger to occur, each *necessary* district must approve the merger.
- d. At the same meeting, the electorate votes on the members of the new school district board if merger is approved.
- e. *Note:* the General Assembly authorized one exception (MUUSD), which can be discussed separately

6. § 706g Secretary of Education & Secretary of State

- a. Within 45 days of vote or 15 days after an unsuccessful vote to reconsider / rescind, whichever is later, the clerk of each district certifies the results to the Secretary of Ed.
- b. If merger is approved, the Secretary of Ed designates the districts as a union school district and certifies the designation to the Secretary of State.
- c. The Secretary of State records the certification and files a certified copy of the record with the clerk of each school district within 15 days after receiving the Secretary of Ed's certification.
- d. When the Secretary of State records the certification, the new union school district is "a body politic and corporate with the powers incident to a municipal corporation."

Note: Organizational meetings, etc. follow

Once the union school district is formed, votes of the electorate are comingled except to authorize one member to withdraw (§§ 721a and 724) from the union district.

Once the union school district is formed, electorate amends some items per § 706n(a) (commingled votes) and Board decides/amends others per § 706n(c)