

# Act 46

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# Pre-Act 46

- “Vicious Act of 1892” required towns (town school districts) to consolidate their 2,500 boards into 279 town and incorporated boards.
- In 1906 supervisory unions were formed.
- Post WWII union school districts created.
- In 2010 and 2012, Acts 153 and 156 provided tax and other incentives for school districts to merge.

# Act 46 Goals

- In 2015, Act 46 expanded on Acts 153 and 156, providing tax and other incentives for school districts to merge and directing the State Board of Education to realign unmerged districts into more sustainable models of governance to the extent necessary to achieve the Act's goals.
- Goals:
  - equity in educational opportunities;
  - increase student achievement;
  - maximize operational efficiencies;
  - promote transparency and accountability; and
  - deliver cost at value.

# Act 46 Structure

- Provided that school districts cannot be forced to give up tuitioning or operating models.
- Stated that its intent was not to close small schools.
- Encouraged a “preferred” governance structure:
  - merger of districts within supervisory union (or with neighboring supervisory district); responsible for K-12; ADM of 900 or more; operates K-12 or K-6 or -8 and tuitions other grades.

# Act 46 Structure

- Recognized that “alternative” governance structures may be acceptable, and required districts seeking an alternative governance structure to:
  - evaluate its current ability to meet or exceed the State goals;
  - meet with other districts in the area to discuss ways to promote improvement in the goals throughout the region; and
  - submit an alternative governance structure proposal to the State Board, individually or with other districts.

# Act 46 Structure

- Act 46 required the Secretary of Education to develop a proposal to realign unmerged districts into more sustainable models of governance.
- This proposal was presented to the State Board of Education by June 1, 2018.
- Act 46 required the State Board to issue a final statewide plan by November 30, 2018 to merge and realign school districts and supervisory unions where deemed necessary to meet State goals.
- Act 46 prohibited the State Board from forcing school districts to give up their tutoring or operating models.

# Results of Act 46

- The State Board's Merger Order:
  - merged 45 districts in 39 towns to:
    - form 11 new union school districts;
    - enlarge 2 existing union school districts; and
    - conditionally require an additional 4 town elementary districts to merge (conditioned on approval by other merging districts);
  - did not change the governance structure of 47 districts; and
  - resulted in net reduction of 34 districts.
- FY16 –Prior to enactment of Act 46 = 267 school districts
- FY20:
  - after voter-approved mergers under Acts 153, 156, and 46 = 154 school districts
  - after State Board mergers = 120 school districts

# Act 46 Divorces (based on news reports)

- Halifax and ReadsBoro voted to merge (voluntary merger) but divorced.
- Newbury (forced merger with Bradford) voted against divorce.
- Westminster (forced merger with Athens and Grafton) voted to divorce—Athens and Grafton would need to approve.
- Ripton voted to leave Addison Central (voluntary merger). Now Shoreham, Cornwall, Middlebury, Bridport, Salisbury and Weybridge will now each vote on whether to allow Ripton to leave.
- Tunbridge and Chelsea voted to merge (voluntary merger) and Tunbridge voted against divorce.
- Brattleboro, Dummerston, Guilford, and Putney were forced to merge (Windham Southeast) and have ballot items to approve divorce.



# Withdrawal (divorce) Laws

- **§ 721a. Withdrawal from district (1967)**
  - (a) A school district that is a member of a union school district may vote to withdraw from the union school district if one year has elapsed since the union school district has become a body politic and corporate as provided in section 706g of this title.
- **§ 724. Withdrawal from or dissolution of a unified union school district (2007)**
  - (a) A town or city corresponding to a preexisting school district that voted to form a unified union school district may vote to withdraw from the district if one year has elapsed since the unified union school district became a body politic and corporate as provided under section 706g of this title.

# Withdrawal (divorce) Laws

- The standards for withdrawal are different:
  - for union school districts, it appears that a district can withdraw whether it voluntarily merged or was forced to merge, but
  - for a unified school district, it appears that a district can withdraw only if it was voluntarily merged.
- In either case, all districts/towns in the union/unified school district would need to approve a member's withdrawal.
- In either case, if the State Board finds that the students in the withdrawing town or city will attend a school that is in compliance with its rules for educational programs, the State Board shall declare the membership of the withdrawing town or city to be at an end.
- The State Board is not required to take into account the goals of Act 46 in approving a withdrawal.