

Findings of the ACSD Board Ad Hoc Charter Research Committee

October 2022

General Information

- A total of 48 unified districts have been created under Act 46 (It was originally supposed to be 50, but the proposed Cabot-Danville-Twinfield merger never happened, and the Southern Valley Unified Union School District including Halifax and Readsboro dissolved in 2020).
 - 37 of these districts were voluntary voter-approved mergers.
 - 11 districts were forced-mergers created by the State Board of Education.
 - Note: 2 of the 48 unified districts do not operate any schools and were excluded from this research.
- Unless a district has specific requirements for school closure provided in its articles of agreement, the district's Board of Directors has the authority to close a school per 16 V.S.A. § 563(2). This is the default, per Donna Russo-Savage with the Agency of Education.
- 43 of the 46 unified districts that operate schools have provisions for school closure in their articles of agreement. These provisions generally identify 1) who decides whether a school should close (e.g., **Board Decision**, **Board + District Decision**, or **Board + Town Decision**), and 2) the procedural requirements for school closure to occur. These requirements may include:
 - Town vote (binding or referendum, temporary or permanent)
 - District vote (binding majority)
 - Board vote (ranging from majority to supermajority and unanimous)
 - Public meeting(s)
 - Other requirements, such as impact assessments, and enrollment and/or fiscal criteria (only a few districts have these additional measures)
 - Combinations of these requirements
- Access to a copy of the Committee's unified district spreadsheet can be found [here](#).

Decision-Making Authority

- For 15 of the 46 unified districts operating schools, the decision to close a school is a **Board decision**.
 - 3 do not have provisions for school closure in their articles of agreement, so the decision is the Board's per 16 V.S.A. § 563(2).
 - 10 had town vote requirements within the first 2-4 years of operation (depending on whether they were voluntary or forced mergers) but these temporary protections have sunsetted, so the decision reverts back to the Board.
 - 2 had provisions for school closure that specified the Board as the sole decision-maker.
 - Note: only 7 of the 15 Board-decision districts had specific procedures for school closure in their articles that remained beyond the 2-4 year temporary protection period – these are the ones included in the attached table.
- 12 of the 46 unified districts operating schools have binding **district vote requirements** in their articles of agreement, making school closure a **Board + District decision**.

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- 39 of the 46 unified districts have **town vote requirements** featured in their articles of agreement:
 - 20 districts only required town votes within the first 2-4 years of operation – these temporary protections have all sunsetted.
 - 18 districts still require binding town votes prior to school closure, even after the temporary protection period – making school closure a Board + Town decision for these districts.
 - 1 district requires a town vote prior to school closure, but it is a non-binding referendum, leaving final decision-making authority with the Board.
- 1 district –Windsor Central Unified Union District– has complex procedures for school closure that include both district and town vote requirements, depending on the circumstances. This district is not included in the other tallies, and is separated on the following table.

Other Notable Stats

- 21 districts require a **supermajority of the board** to approve a school closure.
 - 3 districts require a $\frac{2}{3}$ supermajority
 - 1 district requires a 70% supermajority
 - 10 districts require a 75% supermajority (1 of whom requires duplicate results w/a year between board votes on school closure)
 - 2 districts require >75% supermajority (including ACSD)
 - 5 districts require unanimous Board approval
- 10 districts require both a **binding town vote** and a **supermajority of the board**.
- 5 districts require both a **binding district vote** and a **supermajority of the board**.
- 8 districts currently require only a majority board vote to close a school.

Requirements for School Closure in Articles of Agreement

The following pages provide excerpts from articles of agreement for those unified districts that have specified requirements for school closure.¹ The information is organized by:

1) school closure decision-making authority (Board Decision, Board + District Decision, or Board + Town Decision), and 2) the layers of procedural requirements *above and beyond the default majority Board approval*. These may include town or district vote, public hearings, supermajority board approval, or any combination of measures. The higher the number, the more requirements beyond majority Board approval.

¹ Only 38 of the total 48 unified districts are included in the table because 2 do not operate schools, and 8 districts either did not have provisions for school closure in their articles of agreement, or had temporary provisions that have sunsetted and are no longer active.

Requirements for School Closure in Unified District Articles of Agreement

COLOR KEY: GREEN = BOARD DECISION; YELLOW = DISTRICT & BOARD DECISION; RED = TOWN & BOARD DECISION

Layers of Requirements	Type(s) of Requirements	Article Language Excerpt	District
1	Public Hearings [and Majority Board Approval]	“Prior to holding a vote on whether to close a school, the board shall hold at least three (3) public informational meetings regarding the proposed school closure. At least one (1) of the public informational meetings shall be held in the municipality in which the school is located. If after conducting public informational meetings, the Board of Directors intends to vote on whether to close a school, at least ten (10) days prior to the vote, it shall give public notice of its intent to hold a vote on whether to close a school, stating the reason for the closure.”	Addison Northwest USD
1	Supermajority Board Approval	“An affirmative vote to close a school after July 1, 2017 shall require a 75% majority of the School Board in 2 consecutive votes with at least 1 year between votes.”	Lamoille North Modified UUSD
1	Supermajority Board Approval	“During this four (4) year period, the Unified District may not close any of these schools without first obtaining approval of a majority of the electorate of the town in which the school is located. Upon expiration of this four (4) year period, the Unified District’s Board of Directors may vote to close any of these schools provided the board so votes by a two-thirds ($\frac{2}{3}$) majority.”	Otter Valley UUSD
2	Public Hearings and Supermajority Board Approval	“An affirmative vote of ten members of the Addison Central School District Board of Directors shall be required to approve the closure of a school. Prior to holding a vote on whether to close a school, the Board shall hold public hearings regarding the proposed school closure, at least one of which must be held in the town in which the school is located. Following the public hearings, the Addison Central School District Board of Directors shall give public notice of its intent to hold a vote on whether to close a school, stating the	Addison Central SD

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		reason for the closure, at least ten days prior to the vote.”	
2	Public Hearings and Supermajority Board Approval	“Closure of K-8 Schools. The Unified District shall not close any schools within its boundaries during the first four years it is fully operational and providing educational services, unless the electorate of the town in which the school is located consents to closure. Thereafter, an affirmative vote of two-thirds of the Board of Directors shall be required to close a school. Prior to holding a vote on whether to close a school, the Board shall hold at least three public hearings regarding the proposed school closure. At least one of the public hearings shall be held in the community in which the school is located. If after conducting public hearings, the Board of Directors intends to vote on whether to close a school, it shall give public notice of its intent to hold a vote on whether to close a school, stating the reason for the closure, at least ten days prior to the vote. In the event of closure, students living in the town in which said school has been closed shall be afforded the option to attend the Unified District school closest to the place of residence unless parental choice indicates alternate preference. In determining relocation, the following will also be taken into account: space in the receiving school, classroom needs, and student to teacher ratios.”	Harwood UUSD

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3	Non-Binding Town Vote, Public Hearings, and Supermajority Board Approval	“Decisions regarding the use of schools after the fourth year will be determined by policies adopted by the OSUD Board and applicable state law. Prior to any OSUD Board vote to close a school: the OSUD Board will hold a minimum of two public hearings, one of which will be held in the school under consideration for closure. Prior to a vote by the OSUD Board, an advisory vote from the community in which a school closure is contemplated is required. A school can only be closed upon a 3/4 majority of the OSUD Board (6 of the 8 directors).”	Orange Southwest UUSD
3	Non-Binding Town Vote, Public Hearing, and Supermajority Board Approval	“After four (4) years of operation, the Union School District may close a school conveyed to the Union School District by a forming district only upon an affirmative vote of 75% of the entire school board. Prior to taking such a vote, the school board must hold a public hearing in the town where the school is located, and give the electorate of the town the opportunity to advise the school board through a non-binding referendum on the issue.”	Taconic and Green Regional School District

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1	Binding District Vote [and Majority Board Approval]	“Any proposal by the board of the New Union District to restructure the district’s current elementary school configuration into one elementary and one middle school may not be implemented without the approval of the electorate of the Barre Unified Union School District. Any proposal by the board of the New Union District to close any school in the district may not be implemented without the approval of the electorate of the Barre Unified Union School District.”	Barre UUSD
1	Binding District Vote [and Majority Board Approval]	“In academic year 2021-2022 and after, the New Union District Board shall not close any school building or cease using the building to provide direct instruction in at least one grade, prekindergarten through grade 12, unless first approved by the electorate of the New Union District.”	Enosburgh-Richford UUSD
1	Binding District Vote [and Majority Board Approval]	“In academic year 2021-2022 and after, the New Union District Board shall not close any school building or cease using the building to provide direct instruction in at least one grade, prekindergarten through grade 8, unless first approved by the electorate of the New Union District.”	Lake Region Union Elementary-Middle SD (formerly Orleans)
1	Binding District Vote [and Majority Board Approval]	“In academic year 2021-2022 and after, the New Union District Board shall not close any school building or cease using the building to provide direct instruction in at least one grade, prekindergarten through grade 12, unless first approved by the electorate of the New Union District.”	Lamoille South UUSD

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1	Binding District Vote [and Majority Board Approval]	“In academic year 2021-2022 and after, the New Union District Board shall not close any school building or cease using the building to provide direct instruction in at least one grade, prekindergarten through grade 6, unless first approved by the electorate of the New Union District.”	Orleans Southwest Union Elementary SD
1	Binding District Vote [and Majority Board Approval]	“In academic year 2021-2022 and after, the New Union District Board shall not close any school building or cease using the building to provide direct instruction in at least one grade, prekindergarten through grade 12, unless first approved by the electorate of the New Union District.”	Oxbow UUSD
1	Binding District Vote [and Majority Board Approval]	“In academic year 2021-2022 and after, the New Union District Board shall not close any school building or cease using the building to provide direct instruction in at least one grade, prekindergarten through grade 6, unless first approved by the electorate of the New Union District.”	Southwest Vermont Union Elementary SD
1	Binding District Vote [and Majority Board Approval]	“In academic year 2021-2022 and after, the New Union District Board shall not close any school building or cease using the building to provide direct instruction in at least one grade, prekindergarten through grade 8, unless first approved by the electorate of the New Union District.”	Windham Northeast Union Elementary SD

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3	Binding District Vote, Public Hearings, and Supermajority Board Approval	<p>“During the first four years of operation of the new unified district, no elementary school shall be closed without a majority vote of the new unified board and the consent of the electorate of the town in which the school is located. Thereafter, an affirmative vote of two-thirds of the Board of Directors shall be required to close a school.</p> <p>Prior to holding a vote on whether to close a school, the Board shall hold at least three public hearings regarding the proposed school closure. At least one of the public hearings shall be held in the community in which the school is located. If after conducting public hearings, the Board of Directors intends to vote on whether to close a school, it shall give public notice of its intent to hold a vote on whether to close a school, stating the reason for the closure, at least ten days prior to the vote.</p> <p>If the Board votes to close a school, a binding referendum to that effect shall be submitted to an annual or special meeting for approval by the voters of the Unified Union District. The closing shall become effective only if approved by a majority of the electorate voting at that meeting. The votes shall be counted and reported by towns, but shall be commingled and approval of the referendum shall require a majority of all those voting.”</p>	Calcedonia Cooperative SD

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3	Binding District Vote, Public Hearings, and Supermajority Board Approval	<p>“The new Central Vermont Unified Union District Board shall not close any school conveyed to the new unified union district by a forming town within the first four (4) years of operation of the new unified union district unless approved by the voters in the town where the school is located. Thereafter, an affirmative vote by 3/4 the Board of Directors shall be required to close a school.</p> <p>Prior to holding a vote on whether to close a school, the Board shall hold at least two public hearings regarding the proposed school closure. At least one of the public hearings shall be held in the community in which the school is located. If after conducting public hearings, the Board of Directors Intends to vote on whether to close a school, it shall give public notice of its intent to hold a vote on whether to close a school, stating the reason for the closure, at least 30 days prior to the vote.</p> <p>If the Board votes to close a school, a binding referendum to that effect shall be submitted to an annual or special meeting for approval by the voters of the Unified Union School District. The closing shall become effective only if approved by a majority of the electorate voting by Australian ballot. The votes shall be commingled and approval of the referendum shall require a majority of all those voting.”</p>	Echo Valley SD

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3	Binding District Vote, Public Hearings, and Supermajority Board Approval	<p>“After four (4) years of operation, the New Unified Union District may close a school conveyed to the New Unified Union District by a Forming District upon an affirmative vote of $\frac{2}{3}$ of the full board of the New Unified Union Board of Directors.</p> <p>Prior to holding a vote on whether to close a school, the Board shall hold at least three public hearings regarding the proposed school closure. At least one of the public hearings shall be held in the community in which the school is located. If after conducting public hearings, the Board of Directors intends to vote on whether to close a school, it shall give public notice of its intent to hold a vote on whether to close a school, stating the reason for the closure, at least 30 days prior to the vote.</p> <p>Among the triggers for initiating a discussion, the new unified board should pay particular attention to educational quality and the viability/sustainability of the district’s existing schools. As in any other major operational decision by a school board – the approval of a bond, the construction of a new school, the closure of a school shall be effective only if approved by a majority of the electorate of the new unified district, voting at a special vote warned for this purpose.”</p>	Mount Ascutney SD

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3	Binding District Vote, Public Hearings, and Supermajority Board Approval	<p>“The new Central Vermont Unified Union District Board shall not close any school conveyed to the new unified union district by a forming town within the first four (4) years of operation of the new unified union district unless approved by the voters in the town where the school is located. Thereafter, an affirmative vote by 3/4 the Board of Directors shall be required to close a school.</p> <p>Prior to holding a vote on whether to close a school, the Board shall hold at least two public hearings regarding the proposed school closure. At least one of the public hearings shall be held in the community in which the school is located. If after conducting public hearings, the Board of Directors Intends to vote on whether to close a school, it shall give public notice of its intent to hold a vote on whether to close a school, stating the reason for the closure, at least 30 days prior to the vote.</p> <p>If the Board votes to close a school, a binding referendum to that effect shall be submitted to an annual or special meeting for approval by the voters of the Unified Union School District. The closing shall become effective only if approved by a majority of the electorate voting by Australian ballot. The votes shall be commingled and approval of the referendum shall require a majority of all those voting.”</p>	Paine Mountain SD

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1	Binding Town Vote [and Majority Board Approval]	<p>“Regardless of whether a union district is formed of three, four, or all five Grand Isle county school districts, consistent with Act 153 or 2010 (Sec. 3(d)), no school within its boundaries will be closed during the first four years after the effective date of the merger.</p> <p>After four years, the standard for determining that a schoolhouse shall cease operations for school purposes or the operation of the district shall require a majority decision of the board and the voted consent of the electorate in which the schoolhouse is located.”</p>	Champlain Islands UUSD
1	Binding Town Vote [and Majority Board Approval]	“No School building shall be closed without a majority vote of the Unified District Board of School Directors and an affirmative vote by Australian ballot of the town in which it is located.”	First Branch UUSD (Chelsea-Turnbridge)
1	Binding Town Vote [and Majority Board Approval]	“School Closure. The New SD Board shall not close any school conveyed to the New SD by a Forming Elementary District within the first four (4) years of operation of the New SD. After four (4) years of operation, the New SD may close a school conveyed to the New SD by a Forming Elementary District upon affirmative votes of the New SD Board of Directors and the voters, voting by Australian ballot, of the Member Town in which the school is located.”	Mt Abraham USD
1	Binding Town Vote [and Majority Board Approval]	“No school shall be closed, or building grade configuration changed without the affirmative vote of the Franklin Northeast PK-8 UUSD Board, and an affirmative vote of the town in which the school is located.”	Northern Mountain Valley SD

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1	Binding Town Vote [and Majority Board Approval]	“No schools will be closed within its boundaries after the effective date of merger unless the electorate of the town in which the school is located consents to closure. Closing a school means the Unified Board will no longer use the facility in the provision of direct educational services to students.”	River Valleys USD
1	Binding Town Vote [and Majority Board Approval]	“In academic year 2021-2022 and after, the New Union District Board shall not close any school building or cease using the building to provide direct instruction in at least one grade, prekindergarten through grade 12, unless first approved by both a majority of the Union District Board and the voters residing in the town in which the school is located.”	Washington Central UUSD
1	Binding Town Vote [and Majority Board Approval]	“No schools will be closed within its boundaries after the effective date of merger unless the electorate of the town in which the school is located consents to closure. Closing a school means the Unified Board will no longer use the facility in the provision of direct educational services to students.”	West River Modified USD
2	Binding Town Vote and Supermajority Board Approval	“Closing a school facility after [Date] takes a positive vote of the electorate in the town in which the school is located and a supermajority (greater than 79%) of the votes cast by the [District’s] Board of Directors.”	Kingdom East UUSD

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2	Binding Town Vote and Supermajority Board Approval	“The Unified Union District shall not close any school within its boundaries during the first four years after the effective date of merger unless the electorate of the town in which the school is located consents to closure. Closing a school facility after July 1, 2022, takes a vote of the electorate in the town in which the school is located, and a super majority vote (greater than 70%) of the Unified Union District School Board.”	Twin Valley UUSD
2	Binding Town Vote and Supermajority Board Approval	“No elementary school (grades K-5) shall be closed without 75% vote of the Unified District School Board, and an affirmative vote of the town in which it is located.”	White River USD
2	Binding Town Vote and Unanimous Board Approval	“The School Board of the New Unified Union District shall not close or discontinue the use of any elementary school within its boundaries without a unanimous vote of the school board and an affirmative vote of the town in which the elementary school it is located.”	Ludlow-Mount Holly UUSD
2	Binding Town Vote and Unanimous Board Approval	“No elementary school shall be closed without a unanimous vote of the New Union School District Board, and an affirmative vote of the town in which it is located.”	Mill River UUSD

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2	Binding Town Vote and Unanimous Board Approval	“The Unified Union School District shall not close any school within its boundaries during the first four years after the effective date of merger unless the electorate of the town in which the school is located consents to closure. Closing a school facility after July 1, 2022 takes a vote of the electorate in the town in which the school is located, and a unanimous vote of the Unified Union School District School Board.”	Quarry Valley UUSD
2	Binding Town Vote and Unanimous Board Approval	“No elementary school shall be closed without a unanimous vote of the Unified District Board of School Directors, and an affirmative vote of the town in which it is located.”	Rochester Stockbridge USD
2	Binding Town Vote and Unanimous Board Approval	“Closing a school facility after July 1, 2018 takes a unanimous vote of the Union District School Board and a positive vote of the community in which the school is located.”	Wells Springs UUSD
3	Public Hearings, Binding Town Vote, and Supermajority Board Approval	“1. The Missisquoi Valley School District shall not close any school building conveyed to it by a Forming District or cease using the building to provide direct education in at least one grade, prekindergarten through grade 12, unless first approved by a 3/4 vote of the Missisquoi Valley School District Board, and approved by a majority of the voters residing in the town in which the school is located. At least one district-wide informational meeting will be held, followed by two informational meetings held in the town where the school is located.	Missisquoi Valley SD

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		<p>ii. Moving all grades to another school or schools would be considered “closure” and so would be subject to these protections identified in Article 4 Bi., even if the school were to be used for another school related purpose.”</p>	
3	Public Hearings, Town Vote, and Supermajority Board Approval	<p>“Closure of K-8 Schools. The Union School District shall not close any schools within its boundaries during the first four years it is fully operational and providing educational services. Thereafter, a vote of 75% or more of the Board of Directors and a positive vote of the municipality by Australian Ballot in which the school is located, shall be required to approve the closure of a school. Prior to holding a vote on whether to close a school the Board shall hold three (3) public hearings regarding the school’s closure. At least one (1) of the public hearings shall be held in the community in which the school is located. If after conducting public hearings, the Board of Directors intends to vote on whether to close a school, it shall give public notice of its intent to hold a vote on whether to close a school, stating the reason for the closure, at least ten days prior to the vote.</p> <p>A vote of 75% of the Board of Directors of the Unified Union School District Board would be needed to repurpose a school building for educational purposes other than direct student instruction.”</p>	Slate Valley UUSD

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3+	Year of Study w/ Impact Assessment, Binding Town Vote, Public Hearing [and Majority Board Approval]	<p>“The New Unified Union District shall not close any school building conveyed to the New Unified District by a Forming District or cease using the building to provide direct education in at least one grade, Prekindergarten-12 unless all of the following occur:</p> <ul style="list-style-type: none"> • The Unified District undergoes one year of study to determine student impact on the quality of student experiences, particularly regarding travel time and costs and student extracurricular activity participation. The board will especially consider the impact on the most vulnerable students and any impact on food program participation. Broader community impact will be considered. The board will work to mitigate any negative effects of school closure. This study must include at least one public forum to be conducted in the first six (6) months to receive community input on the impact of school closure. This study will include a report compiled within three (3) months after the forum with impact assessments and may include proposals to mitigate any possible negative effects. This report will be presented to the electorate at least thirty (30) days prior to warning a vote to close a school. • Be supported by a Unified Union District Board majority. • The closure is supported by a majority of the voters residing in the Town(s) in which the school is located and each town impacted by the school closure.” 	Windham Southeast SD

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3+	Sustainability criteria, Binding Town or District Vote, and Supermajority Board Approval	<p>“No school shall be closed except in accordance with the New Unified District “Annual Report”, “Campus Sustainability”, and “School Closure” policies. Each campus will be reviewed annually to assess and report on their educational, fiscal and enrollment conditions. If a campus fails to meet optimum targets in these categories, measured on a three consecutive year average and as described in the policies, closure may be formally contemplated.</p> <p>“If a campus has met the thresholds defined in the Campus Sustainability Policy including a per-pupil cost of 120%; and a subsequent recommendation for closure has been made by the Superintendent in the Annual Report, a formal Board conversation on the subject shall commence. If the Board decides to move forward with the question of the closure of a campus, the Board will vote on whether to bring the question to the voters. If there is an affirmative Board vote of at least 75% to move forward with possible closure, a vote will be held in the affected town. A campus shall not be closed without a supermajority of 60%.</p> <p>“In cases where the per-pupil cost has exceeded 130% at the campus in question over three years, the Board is still required to have a vote with a supermajority of 75% to move forward. A vote will be held in all towns within the district by Australian ballot and a combined supermajority of 60% shall be required. Votes shall be reported by each town.</p> <p>A town meeting will be held in the affected town preceding a vote if the per-pupil cost at the campus is 120-129%. When 130% or greater, a town meeting will be held in each of the district’s towns preceding a vote.”</p>	Windsor Central UUSD