Clarification of Act 46 Size Requirements

Does Act 46 require districts to form larger educational units with 900 or more students?

No.
- Act 46 does not require school districts to have 900 or more students.
- Act 46 does not require any supervisory union (with multiple member districts) to have 1,100 students.
- Act 46 does not require that any educational governance unit has a minimum number of students.
- Act 46 states that the State's educational goals are best served by a school district that has 900 or more students, that is its own SU, and that has other characteristics (a "preferred structure").
- Act 46 acknowledges that a preferred structure may not be possible or the best model to meet the goals in all regions. It states that a multi-district supervisory union (an "alternative structure") can be the best way to meet the goals in some regions, particularly if the SU has 1,100 or more students.
- Act 46 provides transitional assistance and incentives to districts that voluntarily merge into preferred structures within stated time periods (accelerated mergers in Sec. 6 and later mergers in Sec. 7).
- Act 46 also provides transitional assistance and incentives to districts that voluntarily create alternative structures through the Act 153 (2010) and Act 156 (2012) processes: REDs, "side-by -side mergers," etc.
  o Note that it is possible to obtain a waiver to the size criteria under which incentives are available in Acts 153 and 156.
- The final State plan issued by the State Board of Education in 2018 will merge previously unmerged districts only to the extent necessary to achieve the goals and only if it can do so while maintaining each district's operating/tuition-paying structure. Act 46 does not require that the districts created in the final State plan be of any particular size.

Note: This document is provided for guidance only and does not have the force of law. See the underlying statutes and/or Acts for more detail.