

Lack of Need Report Requirements for RSUs, SADs, and CSDs

The following steps must be taken to close a school in a Regional School Unit, School Administrative Unit, or Community School District.

Download an [internal Checklist](#) ([/doe/sites/maine.gov.doe/files/inline-files/ElemSchClosingChecklist_forRSU_SAD_CSD.xls](#)) for your use as you proceed

Download [General Directions for Submitting](#) ([/doe/sites/maine.gov.doe/files/inline-files/Directionsforsubmitting_Updated13Apr2018.doc](#)) Cost Data and Lack of Need Report

Download [Cover Sheet for Municipality Comments](#) ([/doe/sites/maine.gov.doe/files/inline-files/CoverSheetForComments_Updated13Apr2018.doc](#))

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Steps

Before a school board may close a school building pursuant to "Lack of Need", voter approval shall be obtained as follows:

1. Combined School Board votes to close the school.

- For Regional School Units (RSUs) only pursuant to [Title 20-A MRS §1511](#) ([http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1511.html](#)) as amended by P.L. 2011 Chapter 171 Subchapter 4: A school operated within the regional school unit may not be closed unless closure of the school is approved at a regular or special meeting of the regional school unit board by an affirmative vote of 2/3 of the elected membership or voting power of the regional school unit board.
- A regional school unit must proceed in accordance with [Title 20-A MRS §1512](#) ([http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1512.html](#)) for elementary schools or for secondary schools if the regional school unit has more than one secondary school. For regional school units with only one member municipality, section 1512 does not apply and the regional school unit must proceed in accordance with section 4102, subsection 4, paragraph B-1.

2. Elementary or Secondary School?

- Elementary Schools may only be closed if approved by the voters in accordance with the procedures set out in [Title 20-A MRS §1512](#) ([http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1512.html](#)) for combined school units. Prior to the referendum the SAU must complete the:
 - Cost Analysis Report** per Department of Education [Rule](#) ([http://www.maine.gov/sos/cec/rules/05/071/071c026.doc](#)) [Chapter 26](#) ([http://www.maine.gov/sos/cec/rules/05/071/071c026.doc](#)) must be submitted to the Commissioner for approval and to the Town(s) that have students attending the school that is being recommended for closure; and the
 - [Click here to go to Cost Analysis Report Instructions](#) ([/doe/schools/structure/schoolclosure/lack-of-need-RSU/cost-analysis-instructions](#))
 - Needed Documents:
 - [Cost Analysis Expenditure Detail Report Template & Sample](#) ([/doe/sites/maine.gov.doe/files/inline-files/CostAnalysisExpenditureDetailReportTemplateandSample_April2018.xlsx](#)) (Excel)
 - [Sample & Template Cost Analysis Summary](#) ([/doe/sites/maine.gov.doe/files/inline-files/Sample%20Cost%20Analysis%20Summary.xls](#)) (Excel)
 - Lack of Need Report** (see below).
- Secondary Schools in School Administrative Units where there is more than one Secondary School - must follow the same requirements as an Elementary School.

1. **Cost Analysis Report** per Department of Education [Rule Chapter 26](#) (<http://www.maine.gov/sos/cec/rules/05/071/071c026.doc>) must be submitted to the Commissioner for approval and to the Town(s) that have students attending the school that is being recommended for closure; and the

- [Click here to go to Cost Analysis Report Instructions](#) (<http://doe/schools/structure/schoolclosure/lack-of-need-RSU/cost-analysis-instructions>)
- **Needed Documents:**
 - [Cost Analysis Expenditure Detail Report Template & Sample](#) ([/doe/sites/maine.gov/doe/files/inline-files/CostAnalysisExpenditureDetailReportTemplateandSample_April2018_0.xlsx](http://doe/sites/maine.gov/doe/files/inline-files/CostAnalysisExpenditureDetailReportTemplateandSample_April2018_0.xlsx)) (Excel)
 - [Sample & Template Cost Analysis Summary](#) ([/doe/sites/maine.gov/doe/files/inline-files/Sample%20Cost%20Analysis%20Summary_0.xls](http://doe/sites/maine.gov/doe/files/inline-files/Sample%20Cost%20Analysis%20Summary_0.xls)) (Excel)

2. **Lack of Need Report** (see below).

- c. Secondary Schools in School Administrative Units where there is only one Secondary School must wait 30 days after the school board vote as required by [Title 20-A MRS §4102](#) (<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec4102.html>) to allow for a written petition by 10% of the number of voters in the school administrative unit who voted at the last gubernatorial election requesting a special referendum. If a petition is received, a special referendum must be held before the school may be closed.
- a. ▪ If no petition is received, submit a letter to the Commissioner containing:
1. ▪ Date and results of School Board vote to close school
 - Name and location of school to be closed
 - Lack of need report - all required information must be included (see below)
3. **The Commissioner** will notify the SAU if the documentation is in compliance with the statute.

Lack of Need Report must be filed with the Commissioner containing the following information:

- A. Projection of the number of students in the affected area over the next 5 school years, including a projection of the educational programs which they will need;
- B. Manner in which the continuation of the educational programs for the affected students will be provided;
- C. Effective date on which the closing will take place;
- D. Projection of additional transportation or other related services;
- E. Existence of any other outstanding financial commitments, including debt service, related to the school building along with a retirement schedule of payments to meet the commitments;
- F. Proposed disposition of the school building;
- G. Financial impact of closing the school building;
- H. Statement of reasons why the school building is being closed.

Voter Approval:

- A. Elementary Schools in school administrative districts, regional school units, and community school districts may only be closed if approved by the voters in accordance with the procedures set out in [Title 20-A MRS §1512](#) (<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1512.html>) for regional school units.
- B. Secondary Schools in school administrative districts, regional school units, and community school districts may be closed without voter approval, unless the school board is presented with a written petition, within 30 days of the board's decision to close the school, by 10% of the number of voters in the school administrative unit who voted at the last gubernatorial election, then a special referendum shall be called.
- C. The article to be used shall be substantially in the following form:
- "Article: Shall the school committee of(the board of directors of SAD, RSU, or CSD No.) be authorized to close(name of school)?

Yes..... No

The additional cost of keeping the school open has been estimated by the school committee (board of directors) to be \$....."

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