

§4102. Closing of a school building

The closing of a school building by a school administrative unit may only occur under the following conditions. [PL 1983, c. 422, §17 (AMD).]

1. Replaced by new building. The school building has been replaced by other school buildings as part of a school construction project that has been approved by the state board or the commissioner in accordance with chapter 609.

[PL 1999, c. 206, §3 (AMD).]

2. Condemned. The school building has been condemned and ordered closed by local or state officials for health and safety reasons.

[PL 1983, c. 422, §17 (AMD).]

3. Lack of need. The building has been deemed to be unnecessary or unprofitable to maintain by the governing body of the administrative unit. Before a building may be closed under this subsection, a report shall be filed with the commissioner. The report shall contain, at a minimum, the following:

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; [PL 1983, c. 422, §17 (NEW).]

B. Manner in which the continuation of the educational programs for the affected students will be provided; [PL 1983, c. 422, §17 (NEW).]

C. Effective date on which the closing will take place; [PL 1983, c. 422, §17 (NEW).]

D. Projection of additional transportation or other related services; [PL 1983, c. 422, §17 (NEW).]

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; [PL 1983, c. 422, §17 (NEW).]

F. Proposed disposition of the school building; [PL 1983, c. 422, §17 (NEW).]

G. Financial impact of closing the school building; and [PL 1983, c. 422, §17 (NEW).]

H. Statement of reasons why the school building is being closed. [PL 1983, c. 422, §17 (NEW).]
[PL 1983, c. 422, §17 (NEW).]

4. Voter approval. Before a school board may close a school building pursuant to subsection 3, voter approval shall be obtained as follows.

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 section 1512 for regional school units. [PL 2011, c. 171, §7 (AMD).]

B. Secondary schools in school administrative districts, regional school units and community school districts may be closed only if approved by the voters in accordance with the procedures set out in section 1512 for regional school units.

[PL 2011, c. 171, §7 (AMD).]

B-1. Elementary or secondary schools in school administrative units that are not school administrative districts, regional school units or 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, in which case a special referendum must be called pursuant to:

(1) Section 1351 for school administrative districts;

(2) Title 30-A, sections 2528 to 2532, for community school districts, except the school board shall issue a warrant specifying that the municipalities within the district place the petitioned article on the ballot, and shall prepare and furnish the required number of ballots for carrying out the election; and

(3) Title 21-A and Title 30-A, respectively, for cities and towns. [PL 2011, c. 171, §7 (NEW).]

C. The article to be used shall be substantially in the following form:

"Article: Shall the school committee of (name of town) (the board of directors of School Administrative District 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 \$" [PL 1983, c. 422, §17 (NEW).] [PL 2011, c. 171, §7 (AMD).]

SECTION HISTORY

PL 1983, c. 422, §17 (NEW). PL 1985, c. 161, §2 (AMD). PL 1987, c. 737, §§C53,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1999, c. 206, §3 (AMD). PL 2007, c. 240, Pt. XXXX, §23 (AMD). PL 2007, c. 539, Pt. C, §1 (AMD). PL 2007, c. 539, Pt. C, §23 (AFF). PL 2007, c. 599, §1 (AMD). PL 2007, c. 599, §3 (AFF). PL 2011, c. 171, §§7, 8 (AMD).

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