05-071 DEPARTMENT OF EDUCATION

071 DIVISION OF MANAGEMENT INFORMATION

Chapter 26: RULES RELATING TO REORGANIZATION OF SCHOOL ADMINISTRATIVE DISTRICTS.

SUMMARY: These rules specify the types of data to be used in determining school closing issues and identify responsibilities for implementing 20-A MRSA 1512.

Section 1. Definitions

A. Base Year is as defined in 20-A MRSA § 15672(1-B). For clarification, the term "base year" in these rules shall be considered to be the most recent such base year.

B. Elementary School is as defined in 20-A, MRSA § 1(10).

C. Elementary School closing is any action or actions by the S.A.D. that have the effect of providing no instruction for any students at an elementary school.

D. Member Municipality is that member municipality of an S.A.D. in which is located an elementary school which the S.A.D. is considering, or has voted to, close.

E. S.A.D., is that school administrative district which is considering, or has voted to, close one of its elementary schools in accordance with 20-A MRSA § 1512 and these rules.

Section 2. Required Actions to Close an Elementary School

A. Before an elementary school may be closed in accordance with Title 20-A MRSA § 1512 and these rules, each of the required actions in paragraphs B - E below must be implemented, in the sequences indicated.

B. The first requirement is for the S.A.D. to submit to the Department and to the member municipality all of the cost data and explanations that are described in Section 3, paragraph A of these rules.

C. If the member municipality wishes to comment on the compliance of the cost data in paragraph B with Title 20-A MRSA § 1512 and these rules,

then it must deliver written comments to the Department within 10 days of the receipt of the cost data from the SAD.

D. Within 20 days of the receipt of the cost data from the S.A.D. or within 10 days of the receipt of comments from the member municipality, whichever comes later, the Department will complete a review of the cost data and explanations submitted by the S.A.D. and any comments that may be submitted by the member municipality, and advise the S.A.D. and the member municipality of one of the following:

(1) a statement that the cost data submitted by the S.A.D. in accordance with paragraph B are considered to be in compliance with 20-A MRSA § 1512 and these rules, and the cost that will be incurred by the member municipality; or

(2) a statement that the cost data submitted by the S.A.D. in accordance with paragraph B are not in compliance with 20-A MRSA § 1512 and/or these rules, and must be resubmitted in accordance with paragraph B.

E. If a majority of those voting in the member municipality referendum vote to keep the elementary school open for a school year, then that elementary school will remain open and the member municipality will assume the obligation of paying to the SAD., for that school year, the additional funds as specified in paragraph 3.C.(3).

Section 3. Computation of Costs Associated With Closing An Elementary School

A. The following cost and related data shall be prepared and submitted by the SAD. to the Department, as prescribed in Section 2, paragraph B.

(1) All costs shall be calculated from actual base year operating costs, transportation costs, and minor capital costs that satisfy the following criteria:

a. the costs are associated only with the elementary school that the S.A.D. Board of Directors is considering dosing, or which may be reasonably pro-rated to that school, and

b. the costs would be expected to have been different in the base year if this elementary school had been closed during the base year.

(2) Costs to be considered will include, but are not necessarily limited to:

a. building costs such as heating and maintenance expenses, base costs of telephones and other utilities;

b. school staff salaries and the S.A.D. share of benefit costs, for school staff who directly work with the pupils attending that elementary school or who serve the elementary school building; and

c. transportation operating costs if bus routes would change as a result of a closing.

(3) Costs that are not considered include, but are not necessarily limited to:

a. salaries and benefits for central office staff and staff of other schools in the S.A.D.;

b. text books, furniture, instructional equipment, supplies, and other materials that would be required regardless of where the students were taught.

(4) Two sets of cost data will be computed:

a. actual and/or prorated base year costs for the elementary school during the base year, and

b. estimated costs of educating those students who attended the elementary school during, the base year, if those students had attended other schools of the S.A.D. during the base year.

(5) In determining the amount of the costs in paragraph A.4.b., the following applies:

a. The S.A.D. must justify any reduction in the cost of salaries and benefits of any classroom teachers by demonstrating that all pupils of the elementary school could have been reassigned to the classrooms of other teachers without making any class larger than whatever maximum class size statutes, Department of Education rules, or S.A.D. policy were in effect during that base year. A written account of, his justification must be provided with the cost data.

b. If the principal of the elementary school is a teaching principal then the policy in paragraph A.5.a. also applies to that teaching principal.

c. The amount of the reduction in salaries and benefits shall be computed as the number Of reduced teaching positions times the average salary and benefit cost for elementary teachers in the S.A.D.

(6) The S.A.D. will also provide:

a. the amount, and nature, of each type of source data that is used by the S.A.D in these calculations and the basis for each pro-rating that is performed, in sufficient detail to permit an independent verification of the accuracy of the cost data and its validity for use with 20-A MRSA § 1512 and these rules.

b. the proposed closing date of the elementary school, the number of days in the S.A.D. school year which the elementary school will be closed, and the number of days in the school year for which the elementary school will be closed if the school closing plan is implemented.

Sections B. and C. are no longer applicable due to a change in statutory law in 1999 – pursuant to 20-A M.R.S.A. Section 1512(2)

B.

AUTHORITY: 20-A MRSA § 1409

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