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This report has been made possible through the generous support of the Maine Department of Education, the Davis Family Foundation, and other funders.

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Introduction

July 2008

THIS IS OUR SECOND REPORT on education reform, and a great deal has happened since *A Case for Cooperation* was published in the summer of 2006.

Our call for reform has been decisively answered, and in 2007 the Legislature passed a sweeping school consolidation law that has since been the focus of intensive statewide debate.

A Case for Cooperation II reviews events since the new law was passed, analyzes its strong and weak points, and makes suggestions for how the process can best move forward in the years ahead.

The Maine Children's Alliance is committed to planning and working for the long-term. The particular issues and problems in Maine public education did not occur overnight, and they will not be solved in a single legislative session.

Instead, a process that involves all parties – including the public – has the best chance of succeeding. For the benefit of all Maine students, those now in school and the thousands enrolling every year, we must keep our eye on the main goals of improved education for all in more efficient and effective public schools.

ELINOR GOLDBERG President/CEO

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Graphic Design: Sharon Pieniak, www.bluecatmedia.com

Chapter

Where We've Been *and* Where We Need to Go

The Legislature passed a sweeping school consolidation law as part of the state budget in June 2007. Over the past year, the law has proven to be less stable, and less helpful, in promoting the kind of partnerships advocated in the first *A Case for Cooperation* (Maine Children's Alliance, 2006) than many had hoped. LD 499 was certainly the most significant change in school organization authorized since the Sinclair Act of 1957 created the first regional school districts. But it did not represent a comparable consensus about what state policy should be.

Passage of LD 499 came exactly 50 years after Maine's first attempt to promote regional cooperation. The two-generation interval suggests how rare such attempts are, and how difficult it is to effect change in public education.

It is still difficult. Opposition to the approach represented by LD 499, whose principal goal is to create 80 school districts where there are now 290, has taken two different forms. One was a signature-gathering effort aimed at repealing the law through a ballot initiative. Not enough signatures were collected to put the measure on the ballot in 2008, though organizers have now resumed their efforts and intend to put the measure out to the voters in November 2009.

The second attempt to remake the legislation came in this year's legislative session through floor amendments in the House and Senate that sought to preserve the decentralized administrative structure, known as school unions, used mostly in rural areas. Since the whole point of the consolidation law was to create centralized administration, the amendments, if successful, would have thwarted the aims of the original law.

Seeds of conflict

Some of the seeds of these conflicts were sown during deliberations on the original law. When the Legislature convened in January 2007, the joint Education Committee was given the task of reviewing the school reorganization portion of the Governor's budget proposal. It met for nearly two months and heard enormous amounts of testimony about different ways for the 290 districts to work together. Unfortunately, the committee was unable to agree on a single slate of recommendations to the Appropriations Committee by the deadline set by legislative leadership. Instead, it presented three different reports that differed widely in their methods and aims.

Faced with this impasse, the Appropriations Committee essentially wrote its own plan, taking the Governor's 26-district proposal, which would not have required local approval, only as a starting point. In the final version, the Commissioner of Education was given responsibility for overseeing a process that would lead to 80 or fewer school districts across the state. All districts were required to budget savings for administration, transportation and special education in the fiscal year beginning July 2008, with the expectation that many districts would reorganize by that time.

Districts with fewer than 2,500 students were asked to seek consolidation with nearby districts to attain that size, and in no case except geographic isolation – chiefly island schools – were the new districts to have fewer than 1,200 students. Districts that made good faith efforts to find partners but were unable to secure agreements could also be

granted exemptions to these minimum sizes – so-called "doughnut hole" districts. Just before enactment, another exemption was added for "high performing districts" that were also smaller than 2,500 students.

Districts interested in joining together were to form locally chosen reorganization planning committees (RPCs) – some of which ended up overlapping – and complete their plans by December 1, 2007. Voters in each municipality would then have to approve joining a new regional district, with referendum votes taking place by January 2008, and in no case later than November 2008. As events unfolded, the RPC process has taken far longer, and produced fewer agreements, than originally expected.

No consensus for committee

The particular route legislative opposition took in the 2008 session occurred after the Education Committee, as it had the previous year, failed to reach consensus about what changes should be made to LD 499.

A strong majority of the committee agreed that a limited slate of amendments, proposed by the Department of Education in LD 1932, would be acceptable. These would prevent initial shifting of financial burdens between member towns in the new school districts, known as RSUs (regional school units), by allowing local cost-sharing agreements. It would also prevent those municipalities receiving only minimum state subsidies from losing those payments as part of a merger. And it eliminated a requirement that any member town in an RSU raise at least \$2 per thousand for school costs.

This bill could have been passed in January. Instead, it stayed on the legislative table until April, as repeated attempts were made to include amendments friendly to school unions. Those efforts eventually included a majority of both House and Senate, but not the two-thirds needed to override a veto from Governor John Baldacci, who made it clear early on that he opposed reviving school unions. After his veto was sustained, the Legislature adopted a new bill title, LD 2323, which essentially incorporated the original elements of LD 1932, as amended by a majority of the Education Committee. A final element came from a separate bill, LD 2280, which allowed towns to keep municipal school committees as part of an Alternative Organizational Structure, subject to approval of the Department of Education. The RSUs using these structures, however, will still function as a single unit for the purpose of state oversight and subsidy payments.

In addition to mandating fewer school districts, there were many significant legal changes in LD 499 that will continue to have an impact far into the future. Erased from the law books are the statutes that authorized school unions in the 1930s, school administrative districts (SADs) in the 1950s and '60s, and community school districts (CSDs) in the 1970s. As of 2009, the only forms of recognized school administration will be the municipal school department and the new regional school unit, or RSU.

The results of the recent legislative session, and continued attempts to repeal the original legislation, leave education reform in an uncertain state. It is the purpose of this report to show how the consolidation law can be revised to create greater cooperation for schools and improve education for children, and how additional methods can also be employed to

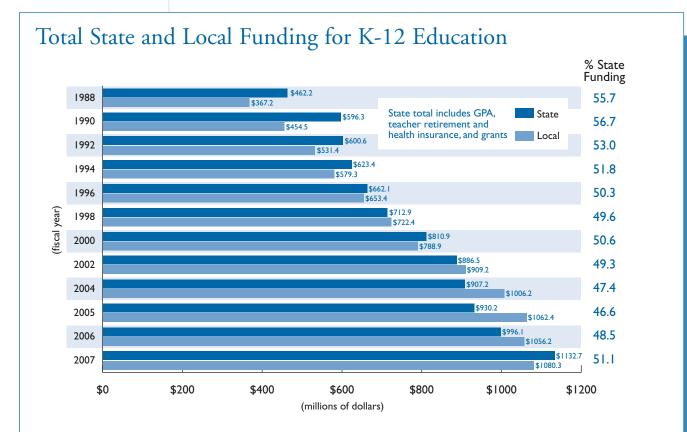
meet these goals. It is important to understand the differences between the Sinclair Act era, and the one in which we live today, to see why reform has not yet taken hold, but how it can do so in the years ahead.

Reform and resistance

Very different forces created the Sinclair Act and the school consolidation law 50 years later, reflecting the changed circumstances both of government and the people it serves. The 1950s were an era of major expansion in public education. Many states launched public university systems (Maine's came later, in the 1960s), and expectations for public school students were rising.

Less than half of all Maine students graduated from high school when the Sinclair Act was passed. Today, virtually every good job requires a high school diploma, and most require college training as well.

In the 1950s, the population of Maine was growing, and school-aged children were arriving in astonishing numbers, thanks to the baby boom. Many towns didn't know how they would handle the influx. Today, overall enrollment of K-12 schools is shrinking at an accelerating pace. Enrollment of students peaked in the 1970s at 250,000 and has now declined to less than 200,000.



This chart shows that over time, the proportion of state funding for K-12 education has remained relatively constant. Recent attempts to raise the state share have also been blunted by reductions in the 2008 supplemental budget. The path to the Sinclair Act was deliberate and methodical. It was preceded by a twoyear study, known as the Jacobs Report, which documented the inadequacies of Maine schools, particularly secondary schools. Sponsored by Senator Roy Sinclair, a Republican, the measure was enthusiastically backed by Democratic Governor Edmund Muskie, then serving his second two-year term before departing the following year for the U.S. Senate.

Governor Baldacci first mentioned the possibility of revamping school districts in his 2007 inaugural address, and provided details in his subsequent budget address. No official state study preceded the proposal, and the plan clearly caught local school officials by surprise.

While a number of independent reports, including the first *A Case for Cooperation*, called for more efficient school administration, they did not envision the scale of mandated changes originally proposed by the Governor. His plan would have created 26 regional school districts instead of the existing 290 districts, on the pattern of the vocational-technical centers created to provide regional services in the 1950s.

Rising tide vs. tax anxiety

The political environments surrounding the two laws were also sharply different. The 1950s were a time of rising expectations, with the public willing to expand state revenues, first through a general sales tax and then an income tax, in large part to support schools.

Today, the tax burden is a continuing issue at the State House, and the Legislature has enacted a host of programs aimed at containing or reducing property taxes. At the municipal level, school budgets still consume a majority of property tax revenue, despite increasing state support.

Another major factor in the current reform effort was the school funding referendum – proposed by the Maine Municipal Association in 2003, and enacted in a second election in 2004 – aimed at requiring the state to pay 55 percent of school budgets and reimburse special education costs as a minimum subsidy. The referendum, phased in by the LD1 enabling legislation passed in 2005, has dramatically increased state aid to education. It reached a total of \$978 million, nearly one-third of the General Fund budget, in the 2008-09 fiscal year. Over four years, state aid to levels specified by the EPS (Essential Programs and Services) system has risen from 44 percent to 53 percent of the total. Because of recent revenue shortfalls, the 55 percent goal has not yet been reached, but the requirement remains in law.

It is not surprising, then, that the state, now paying a majority of school operating costs plus the full cost of teacher retirement, would seek a greater degree of control over school spending. Falling enrollments have created sharply rising per student costs in most Maine school districts. Schools that were already small have gotten smaller, to the point where one former education commissioner has described many high schools as plagued by an "empty classroom syndrome." School boards have been faced with the unwelcome alternatives of cutting course offerings and staff, or raising taxes to cover shortfalls. Often, they have done both.

Maine needs to pursue the opposite course of action. The state needs to moderate schools' financial demands on property taxes, and it needs to increase programs and opportunity for students, who face a much more demanding world following graduation from high school and college. What worked in 1908, or 1958, will not work in 2008. Change is necessary, and simply advocating for the status quo provides no answers.

Finding the right priorities

So far, the landscape for discussion has unnecessarily focused on budgets rather than on educational priorities. If financial issues could be quickly solved, this might not matter. But the evidence to date is that financial issues have prevented consolidation that might other-

"Every time we got away from education, there was trouble. Whenever we got back to educational excellence, we could agree."

- James Omo, Bath City Councilor

wise take place, and that the emphasis on money tends to drive negotiators apart rather than bring them together.

The situation is nicely summed up by a city councilor who observed a local regionalization process that began before LD 499 was passed – and is so far the only completed regional district to meet the state's new standards. James Omo, an elected councilor in Bath who is also a voting member of the school board, had a unique perspective on negotiations between Bath and the towns of School Union 47 that led to creation of the Lower Kennebec Regional School District, designated RSU 1.

Discussions of finances for the new district were always divisive, Omo said. "Every time we got away from education, there was trouble. Whenever we got back to educational excellence, we could agree."

And so it has proven to be in many reorganization planning committees across the state. In the sections of LD 499 dealing with RPCs, they are required to consider governance, voting methods, disposition of property, personnel contracts, and cost savings. There is no mention of educational planning. Those RPCs that have formally included educational offerings in their discussions are usually those making the most rapid progress toward agreement.

In presenting its plan for school district regionalization, the Baldacci administration emphasized that it was targeting only administration and non-classroom services, and that it would not require closing or reconfiguring schools. While intended to reassure parents who feared a wave of school closings as a result of consolidation, these statements provide an incomplete picture of what school districts are being asked to do.

The RSU model is quite clear: The new districts will have one superintendent, one regional school board, and one budget. More than reconfiguration of the central office will result from such changes. We can see this already in the SADs, which resemble RSUs in most respects but are often smaller than 2,500 students.

One school board is to make most decisions, coordinating schools throughout the district, hiring staff, and providing centralized services. This is an essential part of achieving both the financial and educational benefits of consolidation.

Several RPCs, however, have become fixated on the difficulties of coordinating teacher salaries among districts with varying pay scales. The assumption is that all current members paying less will then have to pay more under consolidation, overwhelming any savings from administrative efficiencies.

The premises of this discussion are flawed, however. A consolidated school district will have far more flexibility in assigning teachers where they are needed. Class sizes have shrunk significantly in Maine in just the last 10 years. This is not the result of policy changes calling for smaller classes, but the state's shrinking number of students. Some smaller schools are faced with the difficult decision of laying off teachers simply because there are too few children in a particular grade. Conversely, keeping a teacher to instruct a handful of students drives up per-student costs to unsustainable levels.

A necessary tradeoff

The result of reorganized districts should be, in short, better paid teachers but fewer of them, statewide. This is a necessary tradeoff. Maine has high per-student costs and poorly paid teachers. Before a recent minimum salary bill was enacted, Maine had the lowest starting salaries of any state.

This is not a formula for success, or for attracting well-trained teachers in the future. Even if new districts adopt no-layoff policies, they will still be able to staff classrooms more efficiently within a short period, due to the normal level of retirements and resignations. The riddle of coordinating teacher salaries in a new district without raising costs can be solved, but only if planning committees examine the long-term picture, and not the status quo.

Resistance to the mandates of LD 499 remains, and is deeply rooted in some communities. Justifying the new law to the people of Maine cannot be accomplished without a frank discussion of local control. Many towns, however small, seem to feel most comfortable in running their local schools by themselves. A regional school board, they argue, will diminish local control and remove the closeness between school boards and the students they serve.

Regionalization does diminish local control defined strictly in this way. Changing living patterns have already transformed Maine communities, however, and these changes call for new responses by government. Most Mainers no longer work in the communities where they live. "Neighborhood schools" once meant that kids could walk to school. Now, virtually all students arrive on school buses, and teaching has changed markedly since the days of the one-room schoolhouse. Most educators prefer schools grouped by grade. Where towns have more than one elementary school, they are most often configured as grade K-2 or 3-5. Kids, and teachers, benefit from the sharing of knowledge this permits.

The complicated overlapping of school board and jurisdictions has been swept away by LD 499. This permits a new definition of local control, one based on kids and schools, rather than solely by municipal boundaries. Children do not look to their town for their identity, but rather to their place in the classroom, and who their teachers are. Adults need to realize this basic truth about schools. New structures that respond to children's educational needs should be embraced, and not feared.

An important concern, though, is that the current law will not make the kind of advances that could be achieved through a emphasis on incentives to cooperate, rather than the penalty-based system now employed. The focus on consolidation has also obscured the potential of regional school cooperatives, which will languish without state support. The state also needs to focus on a pressing need for new or renovated school buildings in many areas. State-supported school construction has long been a powerful magnet for cooperation, and should be used again for that purpose. More detailed discussion of these points, and the hope they bring for educational improvements, follows in the remaining chapters.

The Pioneers

ON JULY 1, the Lower Kennebec Regional School District, also known as RSU1, became Maine's first new consolidated district in 40 years. The long period of negotiations that led to its formation illustrates many of the difficulties, and much of the promise, that awaits other districts throughout the state as they attempt to comply with the school consolidation law enacted in 2007.

The City of Bath and the five towns in Union 47 – Arrowsic, Georgetown, Phippsburg, West Bath and Woolwich – had been meeting for more than a year when Gov. Baldacci announced his school consolidation plan as part of the state's biennial budget in 2007. The state initiative gave new impetus to the Bath-Union 47 talks; if the six communities were to consider consolidating on their own, they would have to act quickly. The result was a private and special law, LD 910, that effectively formed a charter for the new district, if it were ratified by the voters.

Balloting in November 2007 provided overwhelming support for consolidation in five of the six municipalities. Approval rates ranged from 58 percent in Woolwich to 75 percent in Bath and Arrowsic. The only town voting no was Georgetown. The school board there had unanimously opposed consolidation, and had repeatedly raised concerns about the future of their small K-8 school, which doubles as the town office, and currently has fewer than 100 students. Georgetown lost its administrative services from Union 47 when the union dissolved and the Lower Kennebec district began operations on July 1. The Augusta School Department will provide contracted services to Georgetown.



Members of the transition team that designed LD 910 had expressed doubts, right up to the election, whether the voters would approve. But consolidation wound up making sense for various reasons to the different communities, which vary widely in size, from Bath (pop. 9,382) to Arrowsic (pop. 512). Arrowsic has no public schools, and tuitions all its students to other towns.

There were a number of tradeoffs between the different partners. Bath's city council and school board had concerns about operating the central high school and middle school under the city's spending cap, and the fact that a near-majority of students at Morse High School and the Bath Middle School were now coming from the other towns under tuition agreements. In the Union 47

communities, the lack of input into decision-making for the middle and high schools was a long-term concern, since there were only two non-voting members from Union 47 on the Bath School Committee.

There were additional issues – school choice, which meant that some students were tuitioned outside the boundaries of the six towns, and cost-sharing in the proposed new district. In addition, the minimum subsidies for three towns could potentially have been lost under existing state rules. And no one was quite sure how to construct a school board that would provide fair representation for rural communities that contained as little as 5% of Bath's population.

The resulting agreement contained many compromises, and collectively made up a package that won overwhelming public support. The success of one group of municipalities in

Julie Rice and Frances Tolan, members of the Lower Kennebec Regional school board, vote on a motion at RSU1's first meeting on Feb. 5. Rice was also a member of the Bath-Union 47 transition team. Superintendent William Shuttleworth is at right. creating a true regional district shows that consolidation can work, but has to contain key elements to overcome the inevitable resistance to any change in the status quo of local overnment in Maine.

CHARLES DURFEE is the first chairman of the Lower Kennebec school board. He had served for nearly a decade on the Woolwich school board, and helped bring a new elementarymiddle school project to fruition. He was not on the town school board when he decided to run for the regional board, and after the election was asked by several board members to consider the chairmanship. "They thought it was a good idea to have someone who hadn't been actively involved in the transition, to have a fresh start," he said.

So far, he said, meetings have gone "remarkably smoothly." The main concerns are those that exist everywhere in Maine – whether the state will provide promised levels of school funding, and how programs can be maintained without overburdening the taxpayers.

The Lower Kennebec district operates under voting wards unique in Maine. Most reorganizing districts are considering versions of the "weighted vote" system common in existing school administrative districts (SADs) and school unions. The existing systems preserve the concept of allocating representatives to each member town, but then "weighting" the votes according to population. In some cases, one member's vote counts four or five times as much as another member's.

The Lower Kennebec district took quite a different approach to representation. It created seven districts of equal population that deliberately cross municipal boundary lines. Since

Bath has a majority of the new district's residents, it has voters in all seven wards. When the wards were being devised, there were concerns that Bath could potentially elect all seven members of the new board. In fact, the results of the first school board election on Jan. 29 were quite different. While the ratification of LD 910 in November produced a large voter turnout, the board elections were lightly attended in Bath. Arrowsic voters were more committed, and ended up electing two representatives, while Bath also saw two successful candidates. Each of the remaining three towns saw one of its residents elected to the new board.

"I've heard nothing about what town the board members come from. We have so much work to do."

- Charles Durfee, Chair, RSU I

So far, the regional idea has prevailed. "I've heard nothing about what town the board members come from," said Charles Durfee. "We have so much work to do that we've had to have a unified focus."

IN THE YEAR BEFORE the consolidation vote, there were several events that made a merger more likely. One was certainly the prospect of a state-mandated consolidation process. The regional task force that the individual school boards had formed, and the transition team then charged with developing a consolidation plan, both saw key advantages in a locally developed plan. It removed Bath's school budget from the city spending cap, for instance, and came up with a compromise over out-of-district tuition students. On the latter issue, all current students and their siblings will be able to continue attending out-of-district schools, but no new placements will be allowed. All students in the new district have the choice of attending any of its elementary, middle, or high schools.

Another important provision was a unification of superintendents' offices. Ten years earlier, Bath had withdrawn from Union 47 and hired its own superintendent, but the

arrangement proved unsatisfactory. Tension within the city government led to rapid turnover of superintendents, and when another vacancy occurred in late 2006, Bath decided to hire William Shuttleworth as superintendent, who had already been serving in the Union 47 post for three years. After the new district was formed, Shuttleworth was offered, and accepted, a five-year contract.

While the new district initially projected a \$900,000 savings from combining the two central offices, cost reductions were never a key part of the plan, said Shuttleworth. He prepared a lengthy and ambitious list of educational improvements that could be offered in a consolidated district. Foreign languages had been taught at the elementary school level only in Bath; now, languages will be offered in all five elementary schools. Art and music offerings will be expanded, and guidance counseling will be offered at all of the district's schools.

In one of its first meetings, the regional board made commitments for the next school year to beef up the gifted and talented program, add to advanced placement courses at

"It was always about excellence in education. Deciding to emphasize what it would do for kids was the smartest thing we did."

- Chet Garrison, Chair Bath-Union 47 Transition Team Morse High School, add health and physical education courses in West Bath, provide elementary guidance services in Bath, and implement the "Everyday Math" program in all elementary schools.

"It was always about excellence in education," said Chet Garrison, who chaired the transition team and the joint Union 47 board, and who serves on the new regional board as well. "Deciding to emphasize what it would do for kids was the smartest thing we did, and it was also the right thing."

Garrison said that, from the first task force meeting, "We decided to leave our egos at the door. If we hadn't done that, we never would have drawn up the plan we did."

Shuttleworth said that any school reorganization planning committee will have to deal with "constant naysayers." He observed, "You have to recognize that some people will not support the plan no matter what it does." In retrospect, he said, there was a long period in which negotiations made little headway, and he wishes now he had stepped in more force-fully. "I learned not to let the wake drive the boat," he said. "If you let a few critics move you off course, you've given them far more power than they deserve. I tried to be the consummate politician, and we lost six months," he said.

A finance committee led by Bill Haggett, former president of Bath Iron Works, worked out a complex arrangement that encompassed a new cost-sharing formula, relief from the spending cap for Bath, and assumption of local debt by the new district. The latter item encompassed projects at the middle school and high school that benefitted the outlying towns, Haggett noted. In the cost-sharing element, Bath was willing to distribute some of its state subsidy in compensation to towns that did not have any local debt. The cost-sharing formula assesses the budget one-third each for school enrollment, municipal population, and assessed valuation.

* * * * *

WILLIAM SHUTTLEWORTH was chosen as the educational leader of Maine's first new consolidated district since the end of the regionalization campaign prompted by the Sinclair Act of 1957. He said that, while the LD 910 merger was unique, it is highly relevant to other districts considering consolidation.

"The provisions we have on school choice are highly exportable," Shuttleworth said. "It was the clear consensus that we didn't want to disrupt the lives of families already committed to certain schools." But the taxpayers deserve consideration, too, he added. "These are expensive arrangements. Our goal is to offer the same, or better, educational opportunities within the new district."

Chet Garrison said, "We want to be a magnet for young families who choose to live and work here. They can send their kids anywhere within the district, which means that all of our schools have to be good schools."

Shuttleworth is already looking well beyond the current budget to achieve those aims, and says that he'd like to see a new high school under construction within five years. While some parts of Morse High School may be suitable for continued use, such as a community theater, classrooms could be moved to the nearby site of the former Huse school, now serving as

"If you let a few critics move you off course, you've given them far more power than they deserve."

- William Shuttleworth, Superintendent, RSU I

the superintendent's office. As the first regionalizing district in Maine, Shuttleworth believes, Morse also should be first in line for consideration when state construction funding resumes after a two-year moratorium.

The lessons of the 10-year struggle to resolve educational concerns in the Lower Kennebec area, Garrison said, is that leadership is the most crucial element. "If you have leaders who want this to happen, it can," he said. "But unless people are willing to step forward, spend the time, and keep it on course, it won't."

Chapter

On Reorganization, Many Chefs Still in the Kitchen

The Reorganization Planning Committee (RPC) forms the heart of implementation of the school district consolidation directive issued by the Legislature in LD 499, the state budget bill enacted by a two-thirds vote in June 2007. While it was clear that all school districts with fewer than 2,500 students, or were not otherwise exempt from the process, were supposed to meet and prepare a consolidation plan for the voters, that process has so far been completed in only a few places.

As envisioned by the Appropriations Committee, which put most of the consolidation language in the budget bill, the RPC process was supposed to be quick and relatively painless. A substantial number of districts were expected to reorganize by July 1, 2008, which would have been the impetus for an estimated savings in the next budget year of \$36 million in both the state and local share of EPS-approved spending. The remaining districts were considered likely to vote by June of this year and begin operations by July 1, 2009. In no case were the referendum votes to take place later than November 2008.

These expectations have not been realized. The only prospective district to hold a referendum for a 2008 startup was in the Bath area, acting under a private and special law reflecting local negotiations begun before Gov. Baldacci announced his consolidation initiative (See "The Pioneers" Chapter 3). A largely inconclusive legislative session this year delayed most RPC decision-making another four months, and only three further consolidation plans are expected to be voted on by June. Others will meet the original November deadline, but under amendments passed this year, final votes can take place as late as Jan. 30, 2009, leaving new districts only five months to elect a school board, hire a superintendent, and pass a combined budget.

What has happened to an RPC process from which much was expected, but whose results have been much slower than arriving that anticipated?

As occurred elsewhere in the state effort, legislation that provided only general guidance to the RPCs left a great many decisions to be made in a short time. It also became clear that a substantial number, though certainly not a majority, of RPC members had doubts about the state effort itself. They repeatedly and publicly criticized the legislation as unclear and unworkable. For a reorganization process that necessarily involves a high degree of trust between people who have not worked together before, this inevitably had a chilling effect.

Short-term savings vs. long-term efficiency

The emphasis on savings in the short term was also problematic. In reorganization of public institutions or private companies, there is little evidence that substantial savings can be realized immediately. Transitional or startup costs must be paid in the initial budgets, and the administrative costs that were the primary focus of LD 499 represent only about 5 percent of total school budgets.

Both public and private reorganizations that consolidate functions can show substantial savings when properly designed. But without major job cuts at the outset, which was not supposed to be part of the RPC effort, changes in staffing and facilities occur only over time. This could be as much as three to five years where personnel are concerned, and longer where new or substantially renovated school buildings are needed.

The focus on immediate savings also led to contentious debates in the early response to the law among local districts. It was clear from the beginning that, if many neighboring school districts simply merged their existing budgets, some municipalities would pay more and others would pay less.

Since the premise was that savings would occur quickly, it was understandable that any existing district paying more through such an alliance would be unlikely to support a merger plan. And since all existing districts would have to approve it for a plan to take effect, this seemed an insurmountable obstacle. The difficulty was exacerbated because, under the EPS distribution of state aid, districts spending less per pupil would usually see their costs rise, while those spending more per pupil would get a break. This appeared to be the opposite of the state's emphasis on creating more efficiency in school budgets.

A long time coming to the table

It took four and a half months of debate before the Legislature finally authorized local cost sharing agreements that still may be a source of prolonged negotiation. It is thus not surprising that so many RPCs have made relatively little progress, or that so many claims have been made that savings can't be found.

Critics of the state law have also made the argument that costs would increase through consolidation agreements, not decrease. This criticism seems to arise from misreadings of the law. The contention is that as soon as a new district is formed, the new school board must pay staff at the highest rates existing in any of the pre-existing districts. In fact, the law specifies that all contracts then in existence will be honored for their full term – in the case of teachers, up to three years. The legislation does specify that new bargaining units will be formed as soon as practicable, mirroring the consolidated school board and super-intendent's office in the RSU. But any re-negotiation or early termination of existing contracts can occur only with the consent of both union and management representatives. Over time, staffing efficiencies in larger units can be expected to offset increased costs for higher salaries.

While the charges of increased costs were incorrect, it is easy to see how they occurred. Given the emphasis on short-term savings, many RPCs focused only on first-year financial factors, when actual savings will likely take longer to produce – as staff vacancies occur, as superintendents and school boards get used to managing larger organizations, and as opportunities to create efficiencies in non-classroom services arise.

The virtual absence of educational planning from many RPCs, which were instructed to concentrate on budgets, administrative functions, and governance, has also proved to be a major handicap. The greatest interest in consolidation from parents and educators comes not from budget concerns, but from the prospect of improved and diversified programs.

This has been a major benefit in school districts that have chosen to join together in the past, and with the serious decline in enrollment statewide, the consolidation debate is again timely. Simply to prevent the loss of advanced placement courses, art and music, guidance services, foreign languages, and electives in the core disciplines of English, math and science, school districts will have to cooperate across regions or face unsustainable budget increases.

Educational planning proved the keystone of success for discussions in the Bath area, and produced overwhelming support for a consolidated district in five of the six municipalities that voted on the RSU 1 plan. Similar efforts will be necessary to win over financial skeptics, but also those who are more concerned about educational outcomes.

Defining expectations downward

It is difficult to generalize about the RPC process since, so much of it remains unfinished. Yet certain features have been clear from the beginning, and are likely to remain important over the next eight months.

Existing regional districts are more likely to quickly embrace consolidation than municipalities that have never shared school governance with a neighbor. The chair of the Falmouth school board, Beppie Cerf, refers to her community as the "only child" in a proposed merger with SAD 51 (North Yarmouth and Cumberland) that is the first stateapproved RPC plan, though a referendum vote has been postponed from June to November. *(See "A New Day, a New District," Chapter 3).* Her point is that the two-town SAD was already used to combined governance, shared schools, and joint budgeting. Falmouth citizens, meanwhile, were more skeptical on all these points, even though the RPC planners concluded that there are major educational advantages in the merger; financial concerns played a relatively negligible role in negotiations in this RPC, except for cost-sharing.

Another notable feature in the reorganization process is the non-participation of districts that already meet the state's proposed size standard for "efficiency" – that is, 2,500 pupils. This target, if it becomes a statewide average, would result in the desired number of 80 school districts. It should be noted, however, that this target was adopted more as a pragmatic consolidation benchmark than because it necessarily represents an educationally efficient school district.

A study by University of Maine researcher Phil Trostel found that 3,700 students was the size at which districts were most efficient; this also happens to be the national average for district size. (University of Maine, 2005) Other researchers have reached different conclusions, though 2,500 appears to be at the low end of possibilities. But because only a handful of existing school districts in Maine even approach an enrollment of 3,700, lawmakers set their sights lower.

Nevertheless, it is telling that of all school districts that now have 2,500 pupils, only three – SAD 9, based in Farmington, SAD 47, based in Oakland, and the city of Saco – are even discussing merging with a neighboring district. All the others have filed "alternative plans," which in practice means pledging to save money through cuts in existing budgets. Both SAD 9 and SAD 47 have previously practiced cooperation and regionalization. Despite its large geographical extent, with eight rural towns clustered around Farmington, SAD 9 has only five elementary schools, with one in Weld, with only 22 students, likely to close next year. SAD 47 has pioneered a number of cooperative, non-classroom services with neighboring districts.

School districts that have fewer than 2,500 students were supposed to make a least a good-faith effort to negotiate with neighboring towns. Many, instead, are filing alternative plans that in some cases have already been approved by the Commissioner of Education.

Augusta, for example, now has 2,361 students and enrollment continues to fall despite construction of a new Cony High School. The capital city has refused to discuss possible consolidation with neighboring towns. Most recently, it rejected talks with Chelsea, which

has sent tuition students to Cony for decades. Instead, Chelsea, with no other partners, is talking with a rural group of eight towns to the east of the Kennebec River.

Merger talks have failed even when preliminary steps had been taken earlier. In the Oxford Hills area, SAD 17, with 3,600 students the second largest regional district in Maine, had taken cooperative steps with the much smaller SAD 39, centered in Buckfield. The SAD 39 superintendent already works part-time for the Oxford Hills district, and the two superintendents had discussed possible use of Buckfield High School as a middle school for a new district. That would have relieved overcrowding in an aging Oxford Hills middle school, while permitting all SAD 39 students to attend Oxford Hills Comprehensive High School; SAD 39's vocational students already do.

When discussions opened between Oxford Hills and SAD 39 as an RPC, however, they quickly broke down on the issue of cost sharing. Not surprisingly, per-pupil costs in SAD 39 are much higher, which would have shifted nearly \$1 million in costs to Oxford Hills. The Oxford Hills board ended the talks even though it was clear that the Legislature was likely to allow local cost-sharing agreements, as has now occurred. Instead, SAD 39 is talking with two smaller SADs well to the north, based around Rumford and Dixfield.

The difficulty of convincing an "exempt" district to consolidate with a smaller neighbor is apparently formidable. That scenario recently played out with Lisbon and SAD 75. Lisbon, with 1,400 students, was required to attempt consolidation while SAD 75 (Topsham, Harpswell, Bowdoin, and Bowdoinham), a district that leapfrogs over Brunswick, was exempt, with 2,900 students.

When the RPC was put before the school boards for possible submission to the voters, Lisbon favored it. Yet the school board chair urged a yes vote, as she put it, primarily to demonstrate to the state that the town was working on a plan. The SAD 75 board voted against it, citing about \$330,000 in transitional costs it believed would have to be included in next year's budget even before any reorganization takes place.

The strategy worked -- at least as far as avoiding penalties is concerned. The state has approved Lisbon's plan as a stand-alone district referred to in the legislation as a "doughnut hole," since its offers to talk with other neighboring districts were also declined.

More choices, more issues

At least on paper, the consolidation process envisioned by LD 499 appears to be roughly on track. Although the numbers are approximate because some districts are talking to several different groups of prospective partners, they now line up as follows:

- 35 districts have filed for alternative plans
- 32 consolidation plans are in some form of discussion among roughly 170 existing districts
- 4 districts, including two SADs, have been ruled non-compliant by the Department of Education.

While these numbers appear to indicate that the original 80-district goal can be achieved by next year, there are many uncertainties. Some RPC members are still openly predicting that their plans will be rejected, even before they have been completed and presented at public hearings. Other configurations have proven difficult to bring together, and groupings continue to be unstable.

The difficulties practically all districts are experiencing are illustrated by an ambitious single

attempt to form a single new district that, with 7,300 pupils, would be the largest in Maine, surpassing even Portland. An RPC that extends from SAD 47 (Oakland, Belgrade, Sidney, and a new member, Rome) to the three municipal districts of Union 52 (China, Vassalboro and Winslow) and would also include Waterville, has logged hundreds of hours of meetings over the past year. Educational subcommittee sessions produced considerable enthusiasm for offerings that could be provided in the existing schools, including four high schools.

Yet the prospective members continue to move in different directions. Waterville has now withdrawn from discussions and filed for an alternative plan, even though, with 1,900 students and declining enrollment, it is well below the 2,500 threshold. The Union 52 towns have also begun discussions among themselves; only SAD 47 – which is exempt from the consolidation requirement – has remained fully committed to the partnership. Discussions with the larger group, with the exception of Waterville, continue, but it is not yet clear what the outcome will be. The prospective partners have thus far been unable to agree, for instance, on how to reduce administrative positions in a larger district. At the moment, short-term financial concerns are in the forefront, obscuring the outline of a school system that could ultimately result from a merger.

Clearing away obstacles

New provisions enacted in the 2008 session, incorporated in LD 2323, addressed some of the obstacles that DOE recommended be cleared away, but other provisions have further complicated RPC discussions that already lacked focus. Two proposed mergers in Kennebec County illustrate some of the effects of both the original and the revised legislation.

All the towns in Union 42, which also operates as CSD 10, comprising Readfield, Manchester, Wayne and Mount Vernon, originally tuitioned pupils to Winthrop High School. These towns later formed the Maranacook CSD for secondary schools, and each retains an elementary school. They have been joined by Fayette, just to the north, which withdrew in 1989 from SAD 36 (Livermore and Livermore Falls) following a dispute over retaining Fayette's elementary school. These six districts would seem to form a natural partnership, with sharing of school and other municipal services, including mutual aid for firefighting. Leadership concerns were simplified because, of the three superintendents involved, one had taken a job out of state, and another is due to retire.

Yet agreement on an RSU plan remains elusive. Some RPC members want to investigate an Alternative Organizational Structure (AOS) that is permitted under LD 2323, and would in some respect continue the role of existing municipal school boards, though the RSU would still function as a single unit. Some towns are apparently also interested in retaining ownership of their school buildings, as is also permitted by LD 2323. By contrast, SADs own all the school buildings within their districts, though many schools in SADs are also intensively used for municipal and community activities.

One plan that worked

Four districts and five towns joining in the southern Kennebec County area, though widely separated by geography, have had an easier time reaching agreement and have followed the original LD 499 script. What drew SAD 16 (Hallowell and Farmingdale), Richmond, Monmouth, and Dresden together was a perception of shared educational outlook and practices, as well as similar demographics and an absence of conflict with neighbors. Going

back to the Sinclair Act era, Richmond has resisted overtures to join SAD 11, which includes its immediate neighbor, Gardiner, while Monmouth has turned down numerous suggestions of alliances with Winthrop, a few miles away along Route 202.

Even though their proposed school district is far less compact than Winthrop-Maranacook-Fayette, there was little hesitation among the RPC members in putting their plan to a vote for what is being called the Kennebec Intra-District Schools, or KIDS. This new collaboration appears to be the least contiguous regional district in Maine. KIDS will be separated by both SAD 11 and the Oak Hill CSD, which proposes reorganizing as its own RSU, and it would initially be unique in Maine for having three high schools – Hall-Dale, Monmouth and Richmond. The three school range in enrollment from 180 students in Richmond to 400 at Hall-Dale. Dresden students now attend Hall-Dale under a tuition agreement written a decade ago, after Wiscasset terminated a long-standing tuition arrangement with Dresden.

While the physical sharing of resources within the new district would be limited by geography, the authors of the KIDS plan are optimistic that administrative centralization can be matched by cooperative programming, particularly for electives and specialized courses. The RPC estimates no immediate savings from consolidation, and projects that the \$483,000 in annual state penalties avoided through the merger will be needed for transition costs and, later, for educational improvements.

Voters in all four districts approved the KIDS plan on June 10, and the new district will begin operating on July 1, 2009. A second RPC plan involving SAD 53 (Pittsfield area) and SAD 53 (Madison) was rejected the same day, leaving KIDS as the only new district created under LD 499 to date.

These proposed configurations of districts in southern and central Kennebec County may be typical results of a process that prescribes 2,500-pupil districts as the norm and does not offer incentives for cooperation among neighboring communities that might be more likely to offer efficient educational services.

All of these new and existing districts – KIDS, Augusta, SAD 11 and Oak Hill, which extends into Androscoggin County – have fewer than 2,500 students; in the case of Oak Hill markedly fewer. Unless other cooperative structures are put into place in the region, the state-directed consolidation effort in one of Maine's most populous counties will achieve considerably less than its full potential.

High-Performing Schools

Finally, some of the provisions in the original legislation have prevented discussions that might normally have occurred between neighboring districts. A prominent example is the much-discussed exemption provided for "high performing" districts, one that has puzzled many observers ever since it was included in the budget bill at virtually the last minute.

Maine does not have any official definition for what a "high-performing" district is, but the Legislature's Education Committee did commission research in 2005 on what a highperforming school might look like. In its original conception, cost efficiency was not part of the model. The following year, the committee released the names of "high performing schools," which still did not include financial efficiency as a benchmark.

When the Appropriations Committee was considering a final version of LD 499, several legislators sought an exemption based on the idea that their local districts were "high performing." It is still unclear why this factor should be seen as especially significant where consolidation is concerned, since the key goals were to provide broader educational

opportunities while containing costs. Districts smaller than 2,500 should be able to make significant long-term gains in both areas, whether "high performing" or not. Excluding these districts from RPC talks has had an effect both on perceptions of the state consolidation plan, and on some of the specific regional consolidation talks that did, and did not, take place.

David Silvernail, the University of Southern Maine professor who did the original research on high-performing schools, says that the extension of his school-based research to entire districts is not consistent with the evidence. A high-performing district, he said, is a creation of the legislation and not based on his original work. The Education Committee decided that districts that spent less than 4 percent of their budgets and had three schools rated "high performing" would be considered "High Performing, Highly Efficienct" districts. The Appropriations Committee then exempted these districts from the consolidation requirement.

Silvernail is adamant that the "high performing, highly efficient" concept is not based on research. He added, "There are several flaws is using this legislative definition. My analysis was misused for political purposes."

Under the definition of "high-performing district" adopted in LD 499 were enacted, only a handful of districts qualify. One of them, SAD 22, based in Hampden in Penobscot County, is slightly smaller than 2,500 students, but was open to discussions with possible partners. None have emerged.

Two other exempt districts, Cape Elizabeth and Yarmouth have used their waivers to submit alternative, stand-alone plans that have been approved. Cape Elizabeth is close to the 2,500-pupil standard, but Yarmouth has fewer than 1,400 students.

There were other consequences to Yarmouth's decision not to talk with neighboring districts. It has been a member of the Casco Bay Alliance, one of the state's oldest educational cooperatives, which focuses on curriculum improvement and literacy. Other members include Freeport and Pownal to the north and SAD 51 (Cumberland-North Yarmouth) and Falmouth to the south; Gorham is also a member. When Gov. Baldacci originally proposed his 26-district plan to the Legislature, discussions began in the Casco Bay Alliance about organizing as a district which, even without Gorham, which enrolls 2,700 students and is exempt, would have included at least 7,000 students.

Yarmouth's decision to stand alone made a larger district unfeasible, proponents believe, and SAD 51 and Falmouth plan to reorganize separately *(See "A New Day, Chapter 3)*, as are Freeport, Pownal, and Durham. Even with the additional partner of Durham, this northern RSU would have only 1,900 students. The name proposed for the RSU to be formed by SAD 51 and Falmouth, the New Casco Bay School District, reflects the original ambition, but not the current reality.

The high-performing district exemption lacks any apparent educational rationale, and even its financial component is uncertain. As critics point out, administrative costs may be a smaller percentage of costs in a district like Yarmouth, but its actual per-pupil costs at the secondary level are among the highest in the state. Such exemptions tend to undermine the rationale for the consolidation law, and offer material for skeptics on whether it is being applied consistently.

Savings before students

In practice, openness to considering school consolidation in many areas has been limited by the original legislation's nearly exclusive focus on administrative centralization and cost savings. These immediate cost savings have been hard to find, and the focus on superintendent's offices tended to overlook the problem of consolidating school boards, which are far more numerous than superintendents. Reducing 290 school boards into 80 meant that large numbers of elected officials would be leaving their current posts, yet almost no attention was devoted in the legislation to this reality.

It is thus not surprising that the Maine School Boards Association has actively opposed consolidation, and passed a resolution supporting the citizen initiative aimed at repealing the law. The Maine Superintendents Association has remained neutral.

The emphasis on 2,500-pupil districts as a flexible concept has also limited participation. Lawmakers approved lowering the minimum size for any RSU from 1,200 to 1,000 students in LD 2323 to facilitate mergers in what the Department of Education termed the most rural areas of the state. But even in the more densely populated regions, many districts have opted not to consolidate even though they have fewer than 2,500 students and several neighboring municipalities only a short bus ride away. Of the 35 alternative plans submitted to date, fully half of them involve districts smaller than 2,500 students.

It can be argued that before Maine can effectively reorganize its schools – many of which are too small to teach a comprehensive curriculum and meet Learning Results – it is necessary to reshape administrative boundaries. But the lack of emphasis on schools, the basic educational unit, and the preoccupation with municipal prerogatives, has subtly undermined the cohesion of many proposed RPCs.

An example is in the Sheepscot Valley RPC, which includes eight mostly rural towns centered along a narrow band of one of Maine's smaller rivers. The proposed RSU runs from Westport Island and Wiscasset on the coast to Windsor and Palermo to the north. The grouping includes six towns that once comprised School Union 51 before dividing into two unions. The only high school in the unit is Wiscasset, whose K-12 enrollment has dropped from 1,200 to 700, including the loss of tuition students, since the closing of the Maine Yankee plant. This high school is inaccessible to much of the proposed RSU, and the Wiscasset school board is considering closing one of the town's three schools.

Wrangling and rivalries

Overall, the process of choosing partners through RPCs has been dominated by concerns other than providing the best education for students, ranging from financial wrangling to local rivalries. It is notable that RPCs were not required by the consolidation law to form educational subcommittees, though those that did were generally more successful in coming to agreement than those that remained fixated on short-term financial changes.

Consolidation has been the sole focus of education reform as represented by current legislation and is, at best, only one technique toward the goal of greater regional cooperation. Even that single technique has been less effectively deployed than it might have been. The inherent limits of legislation relying on a broad, even vague state mandate, with financial penalties looming for those districts that do not comply, are all too clear.

A New Day, a New District

AT FIRST GLANCE, Falmouth and the adjacent school administrative district comprising Cumberland and North Yarmouth would not seem the most likely candidates for consolidation. Falmouth and SAD 51 both have high property valuations, and respected schools led by experienced administrators.

With 2,200 pupils for Falmouth and 2,300 in SAD 51, both districts are slightly below the 2,500-student threshold the Appropriations Committee set as the minimum size for new consolidated districts. Elsewhere in Maine, many municipal school departments and SADs of similar size are seeking waivers from the merger requirement, and some have been granted.

Yet Falmouth and SAD 51 are pushing ahead toward what will be called the New Casco Bay School District. In January, they became the first districts in Maine facing consolidation requirements to submit a completed merger plan to the state Department of Education. They originally planned to vote in June on setting up the first new district created under LD499, the state budget bill that promotes consolidation. Due to delays in legislative approval for local cost-sharing agreements, however, they now plan a November referendum.

Beppie Cerf, who chairs both the Falmouth School Board and the RPC that wrote the merger plan, admits that change was not the first thing on her mind before school consolidation was proposed by Gov. John Baldacci. In Baldacci's original plan for just 26 districts, Falmouth would have been part of a 20,000-pupil merger.

As George Entwistle, Falmouth's superintendent, puts it, most Falmouth residents like their school system the way it is. "They see the schools as of adequate size, with excellent quality." The middle and high schools, on a central campus, are relatively new and wellequipped, and may soon be joined by a new elementary school; Falmouth is on the state's most recent approved list for a fully-funded new school.

The original RPC negotiations for a district less than half the size of Baldacci's plan did not go well. Originally, Falmouth and SAD 51 were talking to neighboring Yarmouth, and, further to the north, Freeport, Durham, and Pownal. All had been members of the Casco Bay Alliance, a cooperative venture aimed at improving and coordinating curriculums.

But Yarmouth soon decided not to join the RPC. Although of almost identical size to Falmouth, it had received an exemption to the consolidation requirement as a "high-performing school district," a feature of the law that has roused controversy but has excused five districts from talks with their neighbors. *(See Chapter3, High Performing Schools)* With Yarmouth out of the picture, the three northern towns decided to meet separately, so there were only two partners left in the Casco Bay RPC. "Yarmouth told us they were interested in consolidation, but they weren't going to proceed according to our timetable," said Entwistle.

Beppie Cerf admits that many people in Falmouth don't see a strong need for consolidation, yet in the process that produced the merger plan she became a believer. "We can't offer all the things people want on our own," she said. The school board "is always being asked for more AP (advanced placement) courses and gifted and talented offerings." The cost of special education has also increased. "As a 4,500-student district, we could do a lot more than we can alone," she said.

The reorganization plan lists numerous improvements to programs, including "traveling teacher" positions shared by schools in the three towns, and new extra-curricular programs. All students in the district would be able to use Falmouth's performing arts center and Cumberland's swimming pool. All-day kindergarten classes would be expanded to Falmouth, which offers only a half-day program.

The plan also envisions the possibility of reconfiguring K-Grade 5 programs as "magnet schools." There would be more foreign languages taught, and school choice would be provided at the middle and high schools while maintaining "neighborhood schools" for elementary grades. Enhanced professional development for teachers is also high on the agenda.

There is little doubt that educational concerns, rather than financial ones, are driving the proposal. There will, however, be savings of at least \$250,000 from administrative consolidation. "That may not seem like a lot in a \$25 million budget, but it's significant," said Cerf. "This year, everything is significant."

While the RPC has been strongly supportive of the merger, some doubts remain, based on comments at the public hearing, Cerf said. There seems to be more support in the SAD 51 towns than in Falmouth. "It's like being an only child," she said. "We've never partnered with anyone before, and that's hard to get some people to accept."

The main elements of the plan seem to be occasioning little controversy. The new district will assume local debt obligations, and there would be no cost shifting between the towns in the first year, which all parties consider essential. Falmouth will reserve a portion of its central school property not needed for education. There would be a nine-member regional school board, with four members from Falmouth, three from Cumberland, and two from North Yarmouth, with votes slightly weighted to Falmouth, which would have nearly half the new district's population of 21,716.

Yet if there is a nagging sense of doubt, it concerns who will be leading the new school board and administration. Under the state consolidation law, neither of the two superintendents, George Entwistle in Falmouth and Robert Hasson in SAD 51, would necessarily be at the helm. And the school board that would hire a new superintendent won't be elected until November, leaving the existing school districts "in limbo" in terms of planning, Cerf said.

"There's no way you would be planning a merger this way in the private sector," Entwistle said. "One of the biggest factors for success is the continuity of strong leadership. This process leaves everyone in the dark."

Beppie Cerf would prefer a change in the current plan to create that continuity. A transition committee has already been formed, including the school board chairs, superintendents, business managers, and transportation directors from the two districts. To increase the comfort level for a merger, Cerf has proposed that the election for a regional school board take place at the same time, in November, that voters are asked to create the new district. Current state law, however, does not appear to allow such a feature. In RSU 1 in the Bath area, the school board election occurred two months after ratification.

In other respects, the situation of the three towns represents the contrasting directions taken in Maine's local governments. The same year these communities began talking about school cooperation, Cumberland parted ways with Chebeague Island, which had been part of the town since the 1790s but is now its own municipality. The islanders were concerned about the future of their small elementary school, which has just 20 students, and believed the SAD 51 board might eventually move to close it. Cumberland agreed to negotiate separation, and the Legislature ratified the locally produced agreement.

The school district was not an active player, Bob Hasson said. "You wondered why a town would want to lose a \$200 million asset," he said. The island, which has no bridge to the mainland, has supported fewer and fewer year-round families. High school students will continue to attend Greeley High School in SAD 51 for seven years, and after that will become tuition students. As an island district, Chebeague is "geographically isolated" under the consolidation law, and not subject to reorganization requirements. Withdrawals from regional districts, chiefly SADs, have totaled more than 20 over the past two decades. There were no new SAD members until Rome voted to join SAD 47 in Oakland last year.

If schools can take the first steps toward regionalization, Beppie Cerf thinks that there could be a wave of municipal cooperation to provide other services jointly, everything from fire-fighting to property assessing. "Someone has to go first," she said. "That's the hard part."

"It's like being an only child. We've never partnered with anyone before."

- Beppie Cerf, Chair, Falmouth School Committee Chapter

Building in the Present and for the Future

A aine actually does have a successful school consolidation program, though it does not go by that name. This may seem surprising, given the inconclusive nature of debate during the 2008 session concerning the state law requiring Maine's 290 existing school districts to merge into 80. Where current district boundaries are the major focus, consolidation has been an arduous and often unrewarding process. But when the discussion has been about schools themselves, it is often far more productive.

In 2005, the Department of Education unveiled its most recent list of state-supported school construction projects, one of the most ambitious to date. Because of widespread interest in new facilities, and increasing awareness of aging and substandard buildings, DOE and the State Board of Education pushed to find additional money to support the construction program. The Legislature in 2004 increased the debt ceiling within the General Purpose Aid program to accommodate additional projects. In all, 20 school districts were offered funding, nearly double the dollars allowed for the previous approved list, from 2001-02, which funded 13 projects.

Construction prices have been growing rapidly in all sectors, and school construction is no exception. Yet the cost of operating aging and inefficient buildings is considerable, and educators point out that expectations for student learning are increasing, requiring technology and classroom space that is unavailable in the 40- to 50-year-old buildings that are commonplace in much of the state. And even with declining enrollment overall, many schools continue to use portable classrooms that provide, at best, a stopgap response to enrollment shifts.

As part of the previous two rounds of school construction funding, there has been significant consolidation of existing schools, with some two to three schools, on average, being replaced by one new building. This is notable, because the fear of losing schools is a key factor in resistance to school district consolidation throughout rural areas. It turns out that parents and taxpayers are willing to consolidate schools, even in some instances closing the last remaining school in town, when tangible improvements to education can be offered for students across the board.

It takes up to seven years for school projects that appear on the state's priority list to complete planning, design and construction, so the final numbers are not in, but the 20 projects on the current list will replace at least 50 existing schools. This chapter looks at the overall approach taken by the state and local school districts, and considers examples of districts that chose to consolidate facilities, why they did so, and what expectations they have for their new schools.

In the process, the State Board of Education has rethought its approach to school construction, and a viable alternative to the "neighborhood school" concept has emerged with support from parents, teachers, and administrators. Finally, the state has begun to realize how large a task remains if all Maine students are to learn in safe, adequate and up-to-date school buildings.

Setting a new course

The State Board, after a period in the 1980s when it approved construction of some very small schools for as few as 25 pupils, has changed course and emphasized the need for schools larger

than those now typical of Maine. Fifty years after the Sinclair Act, which set a minimum size of 300 students for high schools, nearly 40 percent of public high schools are smaller than that, and many are losing enrollment. The State Board would like to see enrollments at new schools considerably higher – at least 350 for elementary schools and 450 for high schools. Yet none of Maine's school districts, except Portland, has more than one high school, so any consolidation of small high schools would have to take place across existing district boundaries.

While the State Board has required smaller districts seeking new secondary schools to talk with neighboring districts about possible consolidation, such talks have so far been unavailing. The failure of cooperation between neighboring districts was a key factor in denial of new construction at Penobscot Valley High School in Howland, which was placed on the priority list in 1999, and was subsequently renovated with state support.

It is not hard to see why such cooperation has been difficult to obtain. The district applying for construction funding is the one that has identified facilities needs, and neighboring districts have generally not been involved in a similar process. Planning for new schools is complicated enough when there are clear existing district structures. Trying to get several school boards with no previous history of collaboration to build a school is not likely to be successful.

Exploring alternatives

So the State Board has explored alternatives within existing districts. Maine had never before built a kindergarten through 12th grade school when that emerged as the best option for the Mount View regional district (SAD 3) that includes 11 sparsely populated towns in northern Waldo County, and whose application was approved in the 2001-02 construction cycle. State law was amended to permit such a school, and the new Mount View school has been designed to create three separate facilities on a central campus in Thorndike, adjacent to the existing regional high school, built in 1963. SAD 3 has other elementary schools in Brooks, Liberty, Monroe, Troy and Unity, which were not considered for consolidation because of the distances within the large, rural SAD, which covers 342 square miles. The new K-12 school complex, to open in September 2009, will serve 1,100 of the district's 1,600 students, about two-thirds of the district's enrollment.

Mount View currently has 107,000 square feet of space that includes 12 portable units housing 24 classrooms. The new \$40 million school will have 192,000 square feet. While the pricetag may seem high, it compares favorably with the cost of other institutional construction across the state, and should serve the needs of most of the district's students for years to come.

The Mount View example has proven influential in other projects that have since come before the State Board. The school district surrounding Ashland, SAD 32, which includes Masardis, Portage Lake, and two plantations, was approved for a new K-5 school. Even though there are only 350 pupils in the district, the State Board was willing to accept a combined K-12 school to replace the two existing schools in Ashland, finding potential busing times and distances to the Presque Isle area too great.

Some ambitious regional projects have also been spawned from the current state priority list.

Brewer merges projects

Brewer had applied to replace all five of its schools serving grades K-8, but only one, the State Street School, scored high enough to make it onto the priority list. Unlike some municipal districts, Brewer had abandoned the neighborhood school concept and placed separate grades in each school. The Capri Street School served pre-school and kindergarten

"Most kids arrive at school on the bus, or their parents drive them. It doesn't matter where in the city they live."

- Daniel Lee, Superintendent, Brewer

classes, the Pendleton Street School grades 1 and 2, the Washington Street School grades 1-3, and State Street grades 4 and 5; the Brewer Middle School included grades 6-8.

Since all the schools were structurally deficient, the new superintendent, Daniel Lee, in 2005 proposed that the city consolidate all five schools onto a single campus, with three separate wings, serving 1,100 students in all. He said that the plan received widespread local support, in part because Brewer no longer had neighborhood-specific schools. Lee had

earlier supervised the early stages of the SAD 3 building project as superintendent there. "Most kids arrive at school on the bus, or their parents drive them," he said. "It doesn't matter where in the city they live. They were used to traveling already."

The price of the new school, \$39.5 million, subject to construction bids this fall, is considerably less than the cost of replacing and then operating the existing schools individually. Lee said that there will be numerous efficiencies to a single campus, including foregoing one principal position and one secretary. He also anticipates that the "itinerant staff," speech therapists, art and music teachers, and other specialists, "will spend a lot less time in their cars and more time teaching."

Betsy Webb, recently chosen as Bangor's new superintendent, had the same position in Brewer in the early stages of facilities planning. She said that the impetus for a larger school among staff members always focused on educational concerns. Brewer, she said, "had done a wonderful job of taking care of its schools, but they had outlived their purpose." Since teachers were already used to working in schools by grade, and worked with colleagues teaching similar ages, they were used to a collaborative approach, which extended to students. "We had a reading buddies program where the middle school students helped younger children," she said. "We had to bus them from school to school, but now they'll be able to walk next door." Consolidation was easier in Brewer, she said, because the city is relatively compact geographically, about 25 square miles. "I'm not sure it would work even in Bangor," she said.

"Each school has a unique culture. There's actually a grieving process when a school closes."

- Betsy Webb, former Superintendent, Brewer

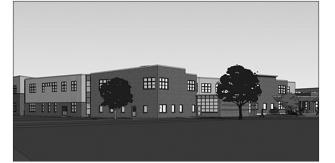
Even so, Brewer came to the idea of a central K-8 school only gradually. The city applied in 2001 for state construction funding for the high school, only to finish well down the list. The high school has since received state renovation funding, and Brewer was advised by DOE to concentrate on K-8 needs. One school, Pendleton Street, has already closed before the new school opens in 2010, and Webb said that the school is missed. "Each school has a unique culture and history that can't be replaced. There's actually a grieving process when a

school closes, and the staff just needs to hang on until they can be settled in a new building."

Dan Lee has no doubt that the city made the right choice for what, in Maine, is considered a large school. "This is the school we need for the new century. We wouldn't have been doing our jobs if we didn't advocate for this solution."



The new SAD 46 regional K-8 school is now under construction, as depicted in these artist's renderings. It will serve students in all four towns – Dexter, Exeter, Garland and Ripley – and will replace existing schools in three towns.



A regional elementary school

In SAD 46, comprising Dexter, Exeter, Garland, and Ripley, four towns northwest of Bangor, a regional K-8 school is under construction that will serve all four towns as well as combining the current middle and elementary schools in Dexter. In doing so, it will close the only schools in Exeter and Garland, something that is often difficult for communities to accept. John Parola, the school board chair, says that it wasn't easy, and the route to acceptance was long and circuitous.

In the mid-1990s, SAD 46 received state approval for a new middle school, but the proposal proved unpopular with the voters, who defeated it in all four communities. When the district returned to seek funding in 1999, it was told by DOE that its 300-pupil middle school was now too small to receive approval as a replacement and was required, as provided by State Board rules, to seek cooperation with neighboring districts.

"We went everywhere," Parola recalls. "We talked to Newport and Corinna [SAD 47] and Guilford [SAD 4] and Charleston [SAD 68]. No one was interested in joining us." This was a time-consuming process, he notes. "After a year and a half, we had gotten

"No one was interested in joining us...We decided to fall back on our own resources, and see what we could do."

- John Parola, Chair, SAD 46 School Board

nowhere," he said. Concerned about losing state funding a second time, "We decided to fall back on our own resources, and see what we could do."

By combining the elementary and middle schools in Dexter, and adding the Exeter and Garland schools, which between them had just over 100 students, the district had a plan to serve just over 700 students and won state approval. The Ripley school had been closed years earlier, with students traveling to Dexter. Because of the district's willingness to

consider consolidation, the State Board was willing to fund a somewhat larger school, for up to 900 pupils, to accommodate future growth in the outlying towns.

Answering objections

Back home, however, there were objections. At the eastern end of the district, Exeter and Garland, while small, represented most of the district's student growth, due to in-migration from the Bangor area. Parents seemed reluctant to part with their school, particularly in Garland.

"If we'd had the vote six months earlier, I think it would have lost 2-1," Parola said. "We just kept having meetings and providing information, and in the end it made a difference."

Parola said the school board never attempted to argue that a consolidated elementary school was better, or that there was anything wrong with a small community school. "We said, 'We agree with you. It's great to be able to drop by the school and read to your kid.'" But he also said that he knew, from first-hand experience, that children in the smaller schools lacked opportunities available in Dexter.

"I was a gym teacher for 36 years before I retired and was elected to the school board," he said. "I knew I couldn't provide the same program in half of the multi-purpose room as I could in a real gym." As a board member, he said, "I know how important it is to provide equity in education. It's my job to make sure that all of our students receive the best programs we can offer."

When the project went to referendum this time, it was approved overwhelmingly, by 70 percent or more in three towns – and by six votes in Garland. "That was one of my proudest moments," Parola said. "We were finally able to make the case with both parents and taxpayers."

The new school finally received the state's site approval in 2006, saw its groundbreaking in December 2007, and will open in September 2009. It includes two pre-school classrooms, a first for the district, and two-story wings comprising 109,000 square feet. Space that might have been surplus will instead be incorporated as multi-use classrooms. "We'll be using the whole building right away," Parola said.

While the operating budget has yet to be set, Parola said the building represents huge savings in energy costs, including sophisticated lighting and heating controls. It will also feature a wood-fired boiler that was projected to save \$90,000 annually – a figure set a year ago, before the price of oil skyrocketed.

As it turns out, SAD 46 wasn't the only district willing to close schools in order to achieve a state- and locally-approved plan. SAD 54, whose largest town is Skowhegan, consolidated schools in Norridgewock, replacing the existing K-6 school and adding students from Cornville and Mercer, both of whose schools have fewer than 100 students.

Successes and failures

At the Department of Education, Scott Brown continues to direct state planning and approval efforts, something he's done since 1997. There are numerous success stories, and there is a different tone to comments from local school officials about the construction program than one hears about other aspects of the Department of Education. "We enjoyed working with Scott and other members of the DOE team," said John Parola. "They were always very helpful and professional."

Why is it that consolidating schools, when that seems to be an appropriate solution – as it can be in cities, as well as small towns in rural areas – can be conducted successfully, while consolidating districts has produced more heat than light?

Opinions naturally vary, but the tangible nature of schools, rather than the abstraction of improved or more efficient administration, seems to play a big part. "People can see what they're getting," said Dan Lee. "They can weigh the alternatives one way or the other."

And there may be another factor. Consolidation of schools within a district is a lot more feasible than trying to interest other school boards in the prospect, as John Parola found in SAD 46. And until larger districts are formed in other parts of Maine, it may be difficult to repeat the stories elaborated above.

Not every school plan is successful, Scott Brown points out, and occasionally even state funding approval does not produce a new school. Machias Memorial High School finished 12th on the priority list in 2005, well within the 20 projects that eventually were offered funding. The high school itself was not the priority; it is structurally adequate and houses 130 students in a building designed for at least twice that many. High schools throughout Washington County have been particularly hard-hit by enrollment declines.

Rather, it was the lack of a central vocational school in the county that led to the designation. Machias, in the end, decided not to conduct the regional talks that would have led to a successful application. Despite several visits from the Education Commissioner and other DOE officials, the school district decided not to proceed. Discussions about possible participation initiated by SAD 37, a six-town regional district centered in Cherryfield, also produced no results. This spring, the State Board removed Machias from the priority list, and no funding will be provided. The Machias School Board is instead proceeding with a \$700,000 bond issue, paid by local taxpayers, that will fix the roof and make other minor improvements.

Scott Brown said that this was only the second time he could recall when a school district passed up a state-approved facility. The other occurred in the 1990s when the town school districts of the old Union 51, comprising Jefferson, Whitefield, Chelsea, Palermo, Windsor, and Somerville, were offered the opportunity for a regional middle school, contingent on forming a community school district (CSD). Four of the towns approved, but two rejected the referendum, so it failed. The union later broke in half, and currently employs two superintendents for a total K-8 enrollment of 1,150. None of the six towns has a high school, though Chelsea and Jefferson have been on the priority list for K-8 schools.

Key role for superintendents

Brown and Dale Doughty, a former superintendent who is a DOE consultant for construction projects, shy away from generalizations about how new schools should be built, and where they should be located. Every case is different, they say. But one important factor is the role played by superintendents, who report to school boards but also guide them. In the current project for SAD 54, Doughty credits Superintendent Brent Colbry with "an outstanding job" in presenting the case that led to consolidation of the three elementary schools in Norridgewock, Mercer, and Cornville. "He had the per-student costs, the educational offerings, and the facilities specs at his fingertips, and he presented them well at all the public meetings," Doughty said. Although the school board and voters might eventually have come to the same conclusion themselves, "real leadership" by administrators is important to ensuring that the process runs smoothly, he added.

Some of the most protracted discussions do not occur in small towns but in big cities,

"We still have dozens of portable classrooms. We see hazardous wiring and fire traps of all kinds."

- Scott Brown, Department of Education

Brown said. Portland has been approved for two new elementary schools in recent cycles, with one completed, but the city is still pondering whether to close any existing schools despite surplus capacity. Doughty said that at Portland meetings he got the sense that "people were looking to us to see how forceful the state would be," but in the end school closings and consolidations have to be local decisions.

While consolidation has become a prominent theme of education debates, Brown said that the state's principal charge is to help provide safe, secure school buildings. "We

still have dozens of portable classrooms around the state," he said. "We see hazardous wiring and fire traps of all kinds. That's what concerns us most, not just whether schools have access to the latest technology."

Out of money

The future of state-funded school construction is in some doubt at the moment. Despite the increase in the construction debt ceiling to \$124 million by fiscal 2012, it remains unclear when the next round of applications can occur. Funding allocated to construction represents about 12 percent of all General Purpose Aid to local districts. The King administration, after a slump in state-supported building, committed itself to soliciting proposals and building between 10 and 12 projects every two years. New rounds of projects occurred in 1999, 2001, and 2003. Combined with the larger state share of costs brought in by EPS, the 20 projects approved in 2005 have proven to be so large and complex that DOE may not recommend a further round of applications to the State Board for several years. This may be one of the most important educational questions for the Legislature to resolve when it reconvenes in 2009.

This year the Legislature did pass a bill, LD 2175, that establishes a pilot project for a regional high school that includes participation by a vocational high school and community college. The bill is tailored to the aims of the Many Flags project in the Thomaston-Rockland area (described in the first *Case for Cooperation,* "Schools as an Economic Magnet.") State funding is required, beginning in 2012.

The opportunity to create new schools, both to correct existing deficiencies and to provide learning opportunities in effective and adequately sized classrooms, will clearly be an important part of the regionalization debate for years to come. Without the opportunity to build new schools, it is unlikely that municipal and other school districts will be enthusiastic or even supportive of requirements to consolidate.

The high school question

High schools provide particularly critical questions, not only because so many have outlived their useful life, but because so many of them are below the optimal size to offer a comprehensive curriculum. The state has approved only half a dozen high school projects in the last two construction cycles, and referendums to provide local funding for secondary school projects in Scarborough and South Portland, two municipalities with high per-pupil valuations, have recently failed. Meanwhile, there are 120 public high schools, about half of which could be described as having significant needs for replacement.

Neither local districts nor DOE can ultimately provide the physical and capital investments necessary to maintain and improve educational quality. For that goal, the Governor and Legislature will need to act, with the involvement and consent of Maine's citizens.

Finding the Right Match

NEARLY ALL OF the Reorganization Planning Committees formed around the state have had obstacles to creating a consolidation plan, but Saco, Old Orchard Beach and Dayton have had more than most. Nevertheless, the partners have persevered, and they intend to bring forward a plan that can be voted on in November.

Part of the cohesion that helps the RPC was created through earlier cooperative ventures, including one called the Southern Alliance, formed in 2006. It used a state regionalization grant to explore an educational vision for communities in the Saco-Biddeford area. Biddeford did not ultimately join the Southern Alliance, and also decided to file an alternative plan and not discuss consolidation with its neighbors after state legislation was enacted the following year.

While Saco also has more than 2,500 students, and is exempt from consolidation requirements, it has stuck with the RPC process – one of the few school districts of its size to do so, and the only one not already a member of an SAD. Existing educational arrangements in the Saco area are flexible and overlapping between public and private institutions, making the process of reorganizing unusually challenging.

Saco is the largest municipality in Maine not to have its own public high school. Instead, the area relies on Thornton Academy, a private institution that is one of the "Big 11" high schools. These schools, scattered around the state, have their own board of directors but rely primarily on tuitioned public school students. Thornton enrolls more than 1,200 students,



Thornton Academy is the largest private school, and the sixth largest secondary school in Maine, with more than 1,200 students. all but a handful of them public students from Saco, Dayton, and Arundel. It would be the sixth largest high school in Maine if ranked among public schools.

Others in the "Big 11" enrolling at least 400 students are Erskine Academy in China, Lincoln Academy in Newcastle, Fryeburg Academy, Maine Central Institute in Pittsfield, John Bapst in Bangor, and Foxcroft Academy in Dover-Foxcroft. Unlike some of these private schools, Thornton accepts all students from sending communities, and has only a handful of private-pay students outside its municipal tuition agreements.

Under the leadership of its current headmaster, Carl Stasio, Thornton Academy has also reached out to public schools in the area to offer joint programs. Students from the much smaller Old Orchard Beach High School, which has 281

students, can take calculus and AP history at Thornton. In return, Thornton, which does not have a marching band, has several students who play in the OOB band. The various school districts have also looked into offering joint business office, transportation, special education, and food service operations.

Thornton Academy recently built a middle school on its downtown campus in Saco that was originally intended for two towns tuitioning students to Thornton: Dayton and Arundel. Dayton shares a school union with Saco, while Arundel splits its high school students both to Thornton and to Kennebunk High School. Dayton ultimately decided not to participate in the middle school project, while citing its "disappointment" over two conditions Thornton had sought – a 10-year tuition agreement, instead of the previous five-year agreements; and participation in debt service for the new school. Arundel students now make up the whole of the middle school, since Saco maintains a middle school for grades 6-8.

When the time came to establish RPCs in the area, however, Dayton elected to join with

Saco and Old Orchard Beach. The Arundel School Board, on a 3-2 vote, decided to join Kennebunk and Kennebunkport (SAD 71). Whatever the outcome of those plans, Arundel will continue to send it middle school students to Thornton for another eight years; its high school agreement expires earlier.

If the Saco-OOB-Dayton district is formed, it will be among the larger RSUs now contemplated. At 4,100 students it is comparable to the proposed SAD 51-Falmouth merger.

One of the key backers of the initiative is the superintendent in Old Orchard Beach, Eric Matthews. Matthews faces a dilemma similar to his counterparts in coastal communities such as Freeport and Wiscasset – though property values have been rising and the population growing, the number of families with school-aged children has been dropping, and enrollment is shrinking in the town's three schools. Matthews is concerned about the long-term trend, and so welcomed the chance to work more closely with neighbors. "We've already benefited from the joint programs we've been able to establish," he said. "We want to be able to maintain and expand them when we have the opportunity."

Matthews knows that OOB residents and parents like the "small-town feel" of the current superintendent's office and have qualms about joining with a larger neighbor like Saco.

But, he said, these concerns must be balanced against longterm trends indicating that the town may not be able to offer a competitive curriculum if it doesn't cooperate with other communities.

The RPC originally had hoped to have referendum votes on its plan by June, but the Legislature's failure to adopt local cost-sharing provisions until April scuttled that idea. A costsharing agreement is the main portion of the plan still incomplete.

Another question mark is the makeup of the school board for the proposed RSU, as yet unnamed. In the original plan, the board was to be made up of cross-border voting districts.

There would be Saco voters in all six wards, Old Orchard Beach voters in four, and Dayton voters in two. Such an arrangement is now in use in the Bath-area Lower Kennebec Regional School District (RSU 1).

Saco Council member Ron Morton, who serves on the RPC, said he doubts the council will accept a regional board assembled in this manner. Saco would prefer a more conventional arrangement, he said, with a designated number of seats for each municipality and the votes weighted, where necessary, to comply with one-person, one-vote requirements.

Despite these difficulties, the RPC members agree than consolidation is in their communities' interests, even while recognizing the complexities of bringing together several public and private institutions.

At Thornton, Carl Stasio says regional cooperation is something his school is already practicing, and something that communities should embrace, too. "We want to be able to offer world-class programs here, to continue teaching Chinese and Japanese, as well as the traditional languages," he said. "That's not going to be possible unless we learn how to work together. Every day, we think about what it means to be a private school that serves the public."

"We want to be able to offer world-class programs here... That's not going to be possible unless we learn how to work together."

- Carl Stasio, Headmaster, Thornton Academy

Learning Standards Still Lagging

Ten years ago, Maine lawmakers adopted ambitious new standards for educational outcomes known as the Learning Results. In doing so, they ratified a statewide consensus among educators of what students should know.

Ten years later, the Learning Results remain incomplete, and the assessments used to measure them are also unfinished. There have been numerous and lengthy delays and proposed revisions, included possible reductions in their scope and impact.

Most recently, the Department of Education's request this year for legislative rulemaking authority to establish new high school graduation standards was withdrawn. DOE told the Legislature's Education Committee that the ongoing process of school district reorganization would make it difficult to establish new rules until new districts are in place.

Ten years is a long time in the life of a student. Children who were in second grade when the Learning Results were first laid out will be graduating from high school without benefit of effective statewide standards. In a sense, the state seems no closer to completing this education reform than it did at the original deadline of 2003, and cumulative delays have created the impression that the standards may never be implemented.

Theories vary about why the Learning Results, unveiled with such fanfare and optimism, have been so difficult to implement. Many schools were ready to proceed at various points, and their teachers and principals have expressed disappointment that the standards remain on the shelf. Across the state, teachers and administrators spent countless hours trying to adapt to the state's goals, only to find deadlines for compliance repeatedly delayed. While school size is not the only variable in the equation, it is hard to escape the reality that the Learning Results' focus on eight core subject areas – including not only language, math, and science, but also art, music, and geography – will be particularly difficult to achieve in a state that has so many small schools. High schools with fewer than 200 students – of which we have at least 24 among 120 public secondary schools – are going to have a difficult time meeting eight comprehensive subject-area standards.

There are important clues in the relevant texts as early as the original legislation and rulemaking which established the Learning Results in 1997, which are themselves based on the Common Core of Learning put forward in 1990.

The Learning Results are codified in state law and in DOE regulations. Some parts of the comprehensive system of which they are a part have been implemented. The Maine Education Assessment, comprehensive statewide tests that now include essays as well as multiple choice questions, were introduced in the 1980s for 4th, 8th, and 11th grade students, and have since expanded to other grades. The most recent change occurred when DOE substituted the national SAT college entrance test for the final MEA assessment.

The Essential Programs and Services (EPS) system of financial benchmarks was established to meet Learning Results standards and approved by the Legislature in April 2004. The benchmarks became de facto local spending targets as well with passage of LD 1, implementing the June 2004 referendum calling for 55 percent state funding. But it should be remembered that EPS was designed using educational standards.

Learning Results, according to DOE rules "are not a curriculum," but instead "describe a new literacy for all students in terms of knowledge and skills." Individual school districts remain responsible for establishing their own curriculum designed to meet the state goals.

The initial obstacle to implementation was teacher training. "Aware that meeting the standards is neither easy nor without expense, the Legislature has stated that implementation is conditioned on added state funding for professional development," states a DOE rule. Opinions also vary on whether such funding has ever been achieved.

Allowances for high school size are emphasized in the next portion of the rules: "[D]istricts may delay meeting the standards for career preparation, modern and classical languages, and visual and performing arts if they cannot be achieved within existing local resources."

Yet a decade later, and despite considerable efforts to increase state funding, which now covers 53 percent of EPS-approved spending, the delays continue.

The problem is certainly not class size. In the "comprehensive assessment" provisions included in state law, Chapter 125, that are supposed to measure Learning Results in each district – and which have also been suspended – there are guidelines for the number of students in each classroom.

For beginning students, "No kindergarten class shall exceed a 20 to 1 ratio," and if pre-school programs are offered, the ratio is 15 students to one teacher.

For grades 1-8, the rules say that "the average class size shall not exceed 25-1, and in no instance shall a class exceed 30-1" except in unusual circumstances. Rules for high schools, grades 9-12, also specify a maximum of 30-1. AT THE DEPARTMENT OF EDUCATION, Deputy Commissioner Angela Faherty oversees much of the state's curriculum-related efforts. Despite the gaps and delays in implementing Learning Results, she says the program has had a significant effect on education.

The national standards movement, of which No Child Left Behind is a part, has presented certain challenges to Maine, which opted for a more nuanced approach to learning that does not rely exclusively on standardized tests. Yet she does not see standards per se as conflicting with what Maine has been trying to do over the last two decades.

"The goal is still supposed to be what proficiency will be achieved," she said. "You can't measure that with a single test." To succeed amid the demanding challenges that now face public education, schools must do more to involve those outside the classroom, she said. The value of a program like Learning Results is that, properly applied, outcomes "are visible to kids and parents. They're based on standards, but they also produce concrete results."

She said that results on the writing portions of the MEA have improved in large part "because teachers understand what good writing looks like, and can communicate that to their kids."

Textbook publishers are paying attention to programs like Learning Results in designing new approaches, Faherty said. While admitting that the state has struggled to put them into effect, she said the Learning Results are "highly acclaimed" among educators nationally. "Until they get articulated in teaching standards and into the classrooms," she added, that promise will not be fully realized.

In Maine's public schools, few classes even approach these sizes, and the number of students per teacher has steadily dropped as enrollment has decreased. When EPS standards were devised, the class sizes they employed were slightly smaller than the statewide statewide. By the time they were implemented in 2005, class sizes had dropped below EPS recommendations, and have declined further since then.

The portion of Chapter 125 that governs Learning Results compliance that may be most relevant are the provisions on "School Size," which reads as follows:

"Where a school administrative unit operates a secondary school of fewer than 100 students or an elementary school of fewer than 10 students, it shall annually evaluate, as part of the Comprehensive Education Plan adopted by the school board, whether it is necessary or profitable to maintain the school buildings, and whether the enrollment of the school is sufficient for students to meet the content standards of the system of Learning Results."

At the moment, there are 13 secondary schools with fewer than 100 students. If Maine is truly serious about achieving broad-based learning for all its students, it will have to pay attention not only to school district size, but to school size as well.

A Tale of Two Superintendents





WILLIAM WEBSTER Union 96 Superintendent

NEITHER DON LAPLANTE nor Bill Webster had been a public school superintendent before they took the helm at Union 96, which comprises six towns on the Schoodic Peninsula, just east of Ellsworth. During their years overseeing a complex of various town and CSD school boards, they have gotten quite an education.

LaPlante was a teacher and principal in New Hampshire when he was hired in 2003 to his first superintendency, in Union 96. He knew that, unlike New Hampshire, Maine provides majority state funding to rural school districts with lower property valuation, like the Union 96 towns. He didn't know much about the school union structure, however.

"There were six towns and five school boards, all for a little over 800 students," he said. Attending school board meetings throughout the week, including preparing agendas, taking minutes, and publishing the results, was a daunting task.

"I don't think anybody outside the central office realizes what the job entails," he said. "You have union superintendents who work from 7 a.m. to 11 p.m., and are on the road every night of the week."

Because school unions generally have separate boards for each town, and the superintendent is required to be present for each meeting, most of his or her time is spent on tasks that have little direct effect on education, said LaPlante. In the case of Union 96, there are two separate CSDs (community school districts) for two of the district's three elementary schools – one of them created during LaPlante's tenure. Steuben retains its own board, and Franklin – which has no school – withdrew from the Mountain View and Flanders Bay CSD several years ago over budget issues. The Flanders Bay board oversees Sumner High School in Sullivan, with pupils from all six towns.

Bill Webster had been the principal at the private Waldorf School in Freeport when he succeeded LaPlante in 2006, and is now completing his second year as superintendent. He says he sees advantages and disadvantages in the union structure. "If you want the most direct possible connection between the local school and the school board, the union structure provides that," he said.

But he agrees with LaPlante about the complexity of the job. "The union requires the superintendent and each school board to be much more involved in the administrative aspects than in educational issues," he said. Comparing notes with his colleagues who are in municipal school departments or SADs, which have a single school board and budget, he said, "Those school boards tend to be much more involved in educational issues. They can have subcommittees devoted to curriculum, personnel, and finance that develop expertise in those issues." Webster said board members in regional districts "can become more knowledgeable" about specific issues.

The small towns that are most commonly members of school unions are highly sensitive about maintaining local schools, many of them quite small. "In the end, people feel there's a greater likelihood the school can remain open," though Webster added that such schools have significantly higher costs per student. That's particularly important since Maine now bases state aid on the EPS model that more closely tracks average per-pupil costs. The state is also cutting back sharply on allocations for administrative costs, which are also significantly higher in school unions. The combination of state funding changes and falling enrollments has the potential, Webster said, to send local property taxes "through the roof."

Union 96 is now having discussions with a large number of other towns about a new consolidated district as part of the RPC process. The task has been a difficult one, Webster said. While the flow of commerce from the Schoodic Peninsula is mainly toward Ellsworth, a 6-4 majority of the Union 96 board preferred the educational philosophy of the six-town SAD 37, centered in Cherryfield, and shifted its discussions there. Four small municipal school districts in western Washington County are also included, making 16 towns in all. More recently, the towns have also resumed talks with Ellsworth, which has no formal merger partners at the moment.

The length of the RPC process has meant changing membership, Webster said. The chairman of the SAD 37 board, who had been leading the effort, was not re-elected, and left the RPC. Combined with the prolonged uncertainty over state policy during by the recent legislative session, and "It's been a bit discouraging, frankly," Webster said.

DON LAPLANTE left Union 96 to become superintendent in the Hartford School District in Vermont. It is a consolidated district on the eastern edge of the state; White River Junction is the largest village. There are 2,200 students, one five-member school board, and a single budget, contract and policy manual, he said.

"There were people who asked me whether I was biting off more than I could chew, coming from such a small school union. There were a lot more students and staff members here, and a \$30 million budget as opposed to an \$8 million budget," he said.

The reality was that the job "was a lot simpler and a lot clearer. I have a life now. I get to play golf occasionally, and I get to see my wife in the evening."

LaPlante said that in Vermont, as in Maine, consolidated rural districts are the exception, not the rule. There are only 12 superintendents with single school boards, and unions predominate in many parts of the state. The Vermont Commissioner of Education proposed a consolidation initiative two years ago, which began with a listening tour, and has so far not moved forward. Opposition in many small towns was intense, he said. "I don't think people have a clear picture of what they could have, versus what they think they're giving up."

He's happy to have a job where his primary focus is on schools and leading his staff. "I hope to be here for several more years, and I wouldn't mind staying until retirement," he said. While personal reasons played a part in his decision to leave Maine, he added, "If they'd had this kind of structure, I might still be there."

LaPlante said that superintendents in Maine tend to see the unions as a place to start a career in administration before moving on to consolidated or larger municipal districts, as he did. "It's hard to keep someone in one of these jobs for more than three years," he said. "The hours and the stress are just too demanding."

He doesn't see the Maine consolidation process, however, as well-balanced and attractive to districts or voters. "They haven't built any incentives in. There are penalties for not acting, but no rewards for forming a new district."

Although planning for consolidation in Union 96 is a struggle, the current system is also difficult to navigate. Bill Webster said implementing new educational programs can be a

very involved process. "We're trying to start a pre-school program at the Mountain View School, and we had to determine whether it needed to be approved by Franklin," which had earlier left the CSD. "We've spent many hours on this with the state, and I'm still not sure we have the answer."

Webster wonders whether the consolidation effort, beset by mixed messages from Augusta, will still produce the expected results. "There's so much uncertainty about what's going to happen next. If we had known in advance what this would be like, we might have taken a very different course."

- "They haven't built any incentives in. There are penalties, but no rewards for forming a new district."
- Don LaPlante, former Superintendent, Union 96



DONALD LAPLANTE Former Union 96 Superintendent

Cementing an Agenda for Change

The system Maine has devised over the past two years for consolidating school districts has not yet achieved its goals. Nor is it likely to enlist the full potential for regional cooperation to improve schooling for the thousands of students who each year graduate from high school and then face daunting challenges their parents never knew.

This should not be surprising. It took eight years for the Legislature to construct an effective system to require liability insurance for drivers. It took nearly as many tries to protect public safety through an enforceable seat belt law. Change comes slowly in Maine. That is not necessarily a bad thing. Getting it right – balancing competing interests, finding effective policies, insisting on efficient programs – is all-important to ensuring long-lasting public support.

There is still work to be done in the 2009 legislative session to improve and broaden reform efforts. This chapter presents a short list of proposals that the Maine Children's Alliance believes to be essential. While there are doubtless other issues that can be dealt with, and other recommendations to be made, it is important to get the big picture right before moving on to other matters. The Sinclair Act took five years to implement, and it appears that Maine's new reform effort may take at least that long.

Bringing incentives to the fore

The current method for convincing school districts to merge through the RPC process uses a fixed number of students as a goal, with stiff financial penalties applied to those districts that fail to consolidate. To date, the penalty-based process has been as likely to rouse local resistance as it has been to promote regional cooperation.

Along the way, it has become clear that some of the premises behind the original legislation were flawed, and that relying solely on penalties may be counter-productive. Reconstructing school districts along regional lines is not an easy task. Reorganizing any level of government is challenging, particularly so when one level of government (the state) is requiring another level (municipalities) to carry out the plan. From the point of view of local school boards, the state's mandate was neither expected nor welcome. That being the case, after-the-fact penalties are not likely to be an effective means of overcoming this predictable resistance.

Financial incentives can be effective, however. That was the method employed by the Sinclair Act, and it can be brought back to solve a similar problem. If the RPC process plays out in its current form, it will produce a significant number of non-complying districts. Even if plans that meet consolidation requirements go to the voters, not all will be approved. Without further changes, those districts would then receive reduced state aid payments in perpetuity, or until they comply. This is bound to create additional friction if there are more than a small number of non-complying districts.

The practical effect of penalty payments is that they will be redistributed to all complying districts, since the state share of GPA remains the same. Instead of levying penalties, the state could instead offer financial incentives up front to encourage cooperation. Such a system would have other important advantages.

If properly structured, it could encourage consolidation of districts both smaller and larger than the 2,500-student model that represents more a pragmatic target than an optimum

educational system. Only two districts larger than 2,500 students have attempted mergers with neighbors, and many districts smaller than 2,500 are seeking exemptions. It is easier for an existing regional district to accept new member towns than to form a new district entirely from scratch. But there is nothing in the existing law to encourage larger school systems to cooperate with smaller neighbors, as the discussion in Chapter 3 illustrates. An incentive system could quickly change that.

Putting magnets in the mix

If consolidation beyond the 2,500-student target is encouraged, a whole new range of educational possibilities comes into play. The difficulties experienced in one RPC's attempts to create a 7,000-pupil district among existing districts in Oakland, Waterville, Winslow, and China have again focused on short-term financial considerations. All four

high schools in these communities are of adequate size, and none would be a likely candidate for closure. Yet with four schools in a single district, an experiment in magnet high schools, so successful in many major cities, could also be attempted in Maine. Emphasizing math and science, the arts, foreign languages and literature have made school choice an important contribution to educational excellence elsewhere.

Maine now has only one specialized public high school – the Maine School of Mathematics and Science in Limestone. While it is a highly successful school, it is accessible to only a small number of students. Bringing such opportunities to families close to home would represent a major educational advance, and a change that only regional districts can provide in a small state.

Financial incentives should be tailored to what the state determines are the greatest needs. Preferences can be given both for the number of districts joining together, as well as



the size of the resulting collaboration. Larger consolidated districts would likely receive a smaller percentage of additional subsidies than smaller ones, but providing opportunities for all districts to consider merging would be money well spent.

Concerns about property taxes remain prominent in many communities. While finances have become an excessive focus in the current RPC process, these concerns cannot be dismissed as irrelevant or trivial.

Another issue is the additional costs incurred to set up a new district. Most RPCs have not found any short-term savings; even more problematic, they have identified transitional costs to create a new district while the existing one is still providing services. Properly structured, incentives could pay those transitional costs, and provide funding for improved programs or tax relief in the second and third years. The Maine School of Mathematics and Science in Limestone, established in 1995, is the state's only magnet school, and serves 10th through 12th grade students on the same campus as Limestone High School.

A legislative prototype

One look at how incentives could work is provided in an amendment offered by Senator Richard Rosen at the end of the last session. The amendment, which was not formally considered, would have provided incentives of up to 10 percent of each consolidating district's annual state subsidy by lowering the property tax rate paid for schools.

The Sinclair Act also provided additional state aid of 10 percent for three years to cooperating districts. It was highly effective, and ultimately created more than 60 multi-town SADs. Without otherwise changing the law, incentives could provide a jump-start to cooperation in parts of the state where it is now languishing.

Incentives also blunt the charge that local districts are being forced to do something by the state. It has always been true that you catch more flies with honey than with vinegar. This homely New England saying provides an apt analogy for the change in attitudes that incentives could create.

Paying for incentives

How would incentives be paid for? The same way the state does now – by redistributing costs within General Purpose Aid, this time to encourage regional cooperation. Essentially, the state would shift its emphasis from collecting penalties from non-cooperating districts to putting rewards up front for those districts that are willing to consolidate.

This would require a commitment to cooperative concepts that the Legislature has not yet embraced. Regionalization funds previously provided as discretionary grants have been eliminated from the budget. This was another requirement of the 2004 school referendum that has been quietly shelved.

These incentives for cooperation would fit within the existing budget. And by employing financial incentives at the front end of reorganization discussions, the state could convince districts that have not yet considered consolidation to take another look. There is nothing magical about the 2,500-student threshold. By focusing so narrowly on a single number, opportunities for cooperation are doubtless being lost that an incentive-based system would promote.

There is a recent precedent that supports the idea of providing financial incentives that would benefit the state, local school districts, and children. In the current budget, the state commitment for special education costs was cut from 84 percent to 50 percent. This was done to buffer the effects of an additional cut of \$37 million in fiscal 2008-09 from the amount budgeted a year earlier. Leaving minimum subsidies unchanged would have imposed harsher cuts on the districts most dependent on state aid.

As it stands, the minimum subsidy, as represented by special education costs, is much higher than it was under the old school funding system, which was replaced by the EPS system in 2005. Reducing minimum subsidies this year was justified because state aid is supposed to allow each school to provide an adequate education for students. In essence, it compensates for an inadequate property tax base, permitting all Maine schools to offer reasonably comparable services without excessively burdening property taxpayers. EPS requires a minimum tax effort from each municipality, and then provides funding for the balance of state-approved costs.

The role of General Purpose Aid

Committing a significant portion of GPA to incentives for regionalization makes even more sense than this year's decision about minimum subsidies. In many cases, the same districts that depend heavily on state aid also have high per-pupil costs. They must now pay all costs above EPS levels through local property taxes, so they would create greater benefits by forming larger districts that create long-term efficiencies. Ultimately, such cooperation saves money both for the state and for local districts. Lawmakers would not be taking any risks, and may realize substantial benefits, by converting a penalty-based system into one emphasizing incentives.

The Legislature should take a similar approach to the promising educational cooperatives that were formed over the last 10 years but are now lagging. Most school districts do not have the time or financial resources to maintain or expand cooperatives at the same time they are attempting to carry out the state's consolidation mandate. Yet the advantages to cooperative services, particularly non-classroom services, on a scale larger than single districts is obvious and compelling. Many rural states use voluntary cooperatives to great advantage.

While the state can't provide incentives for every kind of promising venture, it should be able to provide seed money for at least two cooperatives, in different parts of the states, through a competitive process. This would allow pilot projects to demonstrate the potential of cooperatives as an alternative to the sole focus on consolidation.

Reviving school construction

Annual incentives will get the attention of school and municipal officials across the state, but more is needed. It will not help students if new RSUs have schools that are outdated, outmoded, or dotted by portable classrooms. It won't help if secondary schools are inadequate to serve a new RSU's students, either because of capacity or location within the district. And it won't help if RSU boards feel compelled to close schools without offering adequate replacements.

To create schools that will operate efficiently, and provide the kind of services needed to increase student achievement, Maine will have to provide a new facilities program that is comparable to what was achieved through the Sinclair Act. As detailed in Chapter 4, the current state construction program does not have enough funding for another round of applications until 2010 at the earliest. Even then, it may not be adequate to the needs of what could be many new regional districts.

It's the job of the Legislature and the Governor to find adequate funding for priority needs. By 2012, the state will commit \$124 million to school construction through GPA, and might be able to provide more, though this money would be diverted from annual operating support. Many states facing similar building needs have used general fund or revenue bonds for the purpose. Maine should consider doing this, too.

There is a significant payoff to new or redesigned schools. Just as RSUs can provide more efficient staffing than the current 290-district system, better designed and sited schools can provide significant cost efficiencies for plant operations and transportation.

A new school facilities program should be different from the existing one, which added a renovation loan fund in the 1990s to state support for new construction, which dates from

the 1950s. A truly regional program would emphasize and reward cooperation more than the current system does. And the state should also reconsider the funding changes in the 2004-05 round of new construction that resulted in the state paying nearly 100 percent of the costs.

New customers for state aid

Under the old, valuation-based system, school districts with above-average tax bases rarely qualified for state aid, and often didn't apply. This all changed when the EPS system was also applied to school construction. In the new system, any district providing the minimum tax rate for operating costs received full funding for new schools, which resulted in some dramatic changes. Portland, which had not received any state construction money for decades, has now been approved for two new elementary schools with full state funding.

Districts that were once accustomed to building their own schools have noticed these changes, and their voters are more skeptical of local bond issues. Scarborough, which had recently renovated its high school with local funding, in 2006 rejected a total of \$54.8 million to replace an elementary school and renovate the middle school. South Portland voters turned down a \$56 million bond issue in 2007 to renovate its high school, even though the increase in the tax rate there would have been far less than in most towns.

The state program has been highly effective in providing good schools for thousands of students over the years. And the state's role in providing these facilities is equally important as its support of annual operating costs. But the time has come to restore balance to the system, providing funding to a larger number of districts by making state dollars go farther. Even with additional revenue, it will be difficult for the state to meet overall school facility needs if it continues to pay all the costs.

Establishing a minimum local share for new construction and renovations, while still directing more aid to communities with high debt burdens, will be essential in devising a new program that can encourage continued cooperation and provide adequate buildings in the new regional districts.

Results in the classroom

While the purpose and details of state funding and building programs are important, one must not lose sight of the ultimate objective, which is to support and enhance learning. Maine's most ambitious effort in this area has been the Learning Results (See Chapter 5) which are still unrealized 10 years after their inception.

Schools too small to teach a comprehensive curriculum are hardly the only obstacle to fulfilling Learning Results, but they are a major one. As part of the adjustments to school reform that will be considered in 2009, the Legislature should set a firm deadline for bringing the Learning Results to completion, with any revisions that are necessary resulting from the lengthy delay in implementation.

Educators often talk about school-based reform when focusing on the improvements needed in public education, and they are right to do so. The existing legislation for education reform, and most of the suggestions in this report, can be regarded as setting the stage for the changes that can only take place within a community of learning – in our society, the school.

None of the changes in organization proposed or contemplated here will diminish Maine's support for local, community-based schools. Our districts will remain below average in size, and so will schools. But we have failed to recognize how small many of our schools and districts have become, and how inadequate they are to the realities of 21st century education. These are only the first steps toward providing the education Maine's children need and deserve, but it is essential that we take them now.

Recommendations

For a fuller account of these suggestions, to be authorized by the state for use by local school districts, see Chapter 5.

Improving School Organization:

- Establish a program of financial incentives to encourage formation of regional school districts, as required by LD 499. Additional annual state support can pay for transition costs, and provide a down payment for efficiencies the new districts will devise in future budgets. Incentives should be available for any districts willing to consolidate, including those with more than 2,500 students.
- Provide state support for at least two school cooperative organizations to offer services on a voluntary, regional basis. Cooperatives can provide a significant role in special education, transportation, food services, purchasing, legal services, and collective bargaining. They can also offer specialized courses in art, music, mathematics, science and foreign languages.
- Reinvigorate the state school construction and renovation program with new guidelines to promote regional cooperation. Emphasize the need for adequate facilities for all students, including replacement of portable classrooms and compliance with life safety codes. Employ technology for enhanced learning as well as energy efficiency. Require a local share for all state-approved projects. Consider a statewide bond issue to jumpstart new program.

Enhancing Educational Quality:

- Ensure that all school districts meet Learning Results standards by a date certain. Standards, which are now 10 years old, must be reviewed and updated.
- Promote recognition of schools, rather than political boundaries, as the basic unit for educational planning and improvement. Advisory committees permitted under LD 499 should be created for schools, not municipalities.
- Promote school choice within regional districts, including elementary schools. Support designation of magnet high schools with diverse curriculums. Include transportation services for equitable student access.



AOS: Alternative Organization Structure. This is a permitted variation, enacted this year, of the LD 499 consolidation law creating Regional School Units (RSUs). Under its terms, participating municipalities may keep municipal school committees provided that specified central services are provided through the RSU board, and inter-local agreements are signed by all member municipalities.

CSD: Community School District. This element of school law, which permitted towns to operate a joint secondary school while retaining municipal school boards, came into use in the 1960s. There are currently 11 CSDs. This form of organization was discontinued by LD 499 and replaced by the RSU.

EPS: Essential Programs and Services. The state program that calculates what financial resources are needed to offer an adequate education in each school district, based on class size, teacher salaries, administrative spending, and other factors. Used since 2005 as a basis for distributing annual state subsidies and providing school construction funding.

GPA: General Purpose Aid. The basic annual state subsidy to local districts. Does not include state funding for teacher retirement and retiree health care.

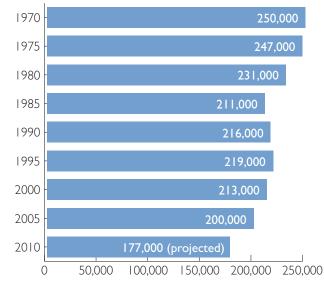
Learning Results: The state program, enacted in 1997, setting curriculum goals in eight subject areas. While much work has been done to adjust local programs to these standards, implementation is incomplete and they are not being used as requirements for high school diplomas.

MEA: Maine Educational Assessment. Standardized statewide tests to monitor teaching and student performance. Originally taken by 4th, 8th, and 11th graders, they have since been expanded to other grades. The 11th grade assessment was replaced by the SAT college entrance exam in 2007.

RPC: Reorganization Planning Committee. Authorized by LD 499, these locally formed groups are composed of school, municipal and community members. They are charged with creating plans for new regional districts, on which referendum voting is due to be completed by January 30, 2009, after a recent extension approved by the Legislature.

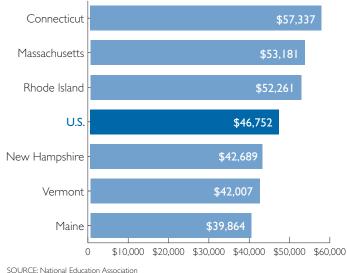
Data from A Case for Cooperation (2006)

Statewide K-12 Enrollment 1970-2010

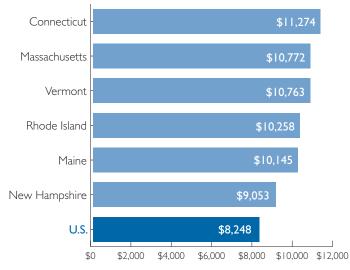


SOURCE: Maine Department of Education

Average Teacher Salaries New England States 2004-05



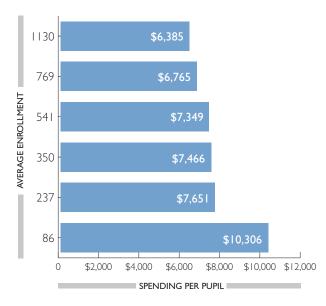
Per Pupil Spending, K-12 New England States 2004-05



SOURCE: National Education Association

High School Spending Per Pupil

Maine 2004-05



SOURCE: College of Education and Development, University of Southern Maine

